



**muswellbrook
shire council**

Muswellbrook Shire Council

**DEVELOPMENT ASSESSMENT
COMMITTEE MEETING**

BUSINESS PAPER

24 FEBRUARY 2020



Development Assessment Committee

Aim

The aim of the Development Assessment Committee is to:

- To determine development applications;
- To monitor the progress of development applications not yet determined;
- To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.

Associated Principal Activities:

Development Assessment & Regulation

Specific Tasks & Parameters

1. The determination of development applications under the *Environmental Planning and Assessment Act* 1979 not otherwise delegated to the General Manager except where: the development application is for, or in any way related to:
 - (a) (i) food and drink premises used for, or proposed to be used for, the sale of alcohol;
 - (ii) electricity generating works;
 - (iii) mines and extractive industries;
 - (iv) a waste disposal facility; or
 - (v) subdivisions into more than ten lots; or
 - (b) where the capital investment value of the development specified in the development application exceeds \$2,000,000; or
2. The Development Assessment Committee the determination of any development applications under the *Environmental Planning and Assessment Act* 1979 otherwise delegated to the General Manager, which the Development Assessment Committee by resolution elects to determine.
 3. The Development Assessment Committee be constituted as follows:
 - (i) the Councillor Spokesperson for Planning (as Chair);
 - (ii) the Councillor Spokesperson for Infrastructure;
 - (iii) the Councillor Spokesperson for Utilities; andin the absence of any of the councillors set out in (i) to (iii) any other councillor nominated by the Committee Chair or Acting Chair (as the case may be).

Committee functions:

- (i) To determine development applications;
- (ii) To delegate the determination of certain development application to the General Manager;
- (iii) To monitor the progress of development applications not yet determined;
- (iv) To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.

Recommendations

- Make recommendations Council;

Staff Support:

Director – Environment & Community Services
Assistant Director – Environment & Community Services
Senior Development Co-Ordinator
Project Engineer – Water & Waste
Manager – Roads, Drainage & Technical Services
Ecologist & Sustainability Team Leader

DEVELOPMENT ASSESSMENT COMMITTEE MEETING, 24 FEBRUARY 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

20 February, 2020

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

You are hereby requested to attend the Development Assessment Committee Meeting to be held in the COUNCILLORS ROOM, Administration Centre, Muswellbrook on **24 February, 2020** commencing at 4.00pm.

Joshua Brown
MANAGER - INTEGRATED PLANNING & GOVERNANCE

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	5
2	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
3	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	8
4	PUBLIC PARTICIPATION	8
5	BUSINESS ARISING	8
6	BUSINESS	9
6.1	DA 25/2015 S4.55(2) MODIFICATION CHILD CARE CENTRE	9
6.2	DA41/2019 NINE (9) LOT INTO SIX (6) RURAL SUBDIVISION	71
6.3	OUTSTANDING DEVELOPMENT APPLICATIONS	98
7	DATE OF NEXT MEETING 9 March 2020	107
8	CLOSURE	107



**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

AGENDA
MONDAY 24 FEBRUARY 2020

1 APOLOGIES AND LEAVE OF ABSENCE

Moved: _____ **Seconded:** _____

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Development Assessment Committee held on 10 February 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 10 FEBRUARY, 2020 COMMENCING AT 4.00PM.

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

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

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Development Assessment Committee held on 20 January 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

5.1 PRINCE OF WALES

Cr Martin Rush advised the meeting that he had been approached at a recent function regarding the development of the Prince of Wales Tavern.

6 BUSINESS

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

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The matter be considered at the next suitable Development Assessment Committee as determined by the GM, and an inspection by Committee Members be arranged prior to that Development Assessment Meeting.

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

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The matter be considered at the next suitable Development Assessment Committee as determined by the General Manager.

Cr Scholes left the meeting 4:10pm

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 10 FEBRUARY, 2020 COMMENCING AT 4.00PM.

Cr Scholes returned to the meeting at 4:13pm

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

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

7 DATE OF NEXT MEETING

24 February 2020

8 CLOSURE

The meeting was declared closed at 4:15 pm.

.....
Cr M. Rush

Chairperson

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

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

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

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

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

- Significant
- Less than significant

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

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

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

4 PUBLIC PARTICIPATION

5 BUSINESS ARISING

6 BUSINESS

6.1 DA 25/2015 S4.55(2) MODIFICATION CHILD CARE CENTRE

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Retention and expansion of quality and affordable child care services</i>
Community Plan Goal:	<i>Facilitate investment in child care services across the Shire.</i>
Community Plan Strategy:	<i>Support child care development applications to meet requirements under the LEP and DCP.</i>
Attachments:	<p>A. DA 2015-25 S4.55 Modification - Part 2 Assessment - 350419.docx</p> <p>B. DA 2015-025 S4.55 Modification - Recommended Amended Conditions S4.55 2.doc</p> <p>C. DA 2015-25 S4.55 Modification - Plans for Approval S4.55 2.pdf</p> <p>D. DA 2015-25 S.455 Modification Submission</p> <p>E. DA 2015-25 Notice of Determination issued in relation to original application</p> <p>F. DA 2015-25 Previous Approved Plans</p>

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	Beaini Projects Pty Ltd
Owner:	Beaini Passive Investments Pty Ltd
Proposal:	S4.55(2) Modification of the Design and Layout of an Approved Child Care Centre
Location:	38 Woollybutt Way Muswellbrook, Lot 2 DP 1090457
Permissibility:	The proposed development is permissible as centre-based child care facility within the B2 Local Centre
Recommendation:	Approval subject to recommended conditions

PURPOSE

This section 4.55(2) modification has been reported to the Development Assessment Committee for determination as it relates to a S4.55 (2) modification which is outside the delegations of the General Manager.

RECOMMENDATION

That the Development Assessment Committee approve the Section 4.55(2) modification of DA 25/2015, 38 Woollybutt Way Muswellbrook, Lot 2 DP 1090457, subject to the recommended conditions of consent set out in Attachment B.

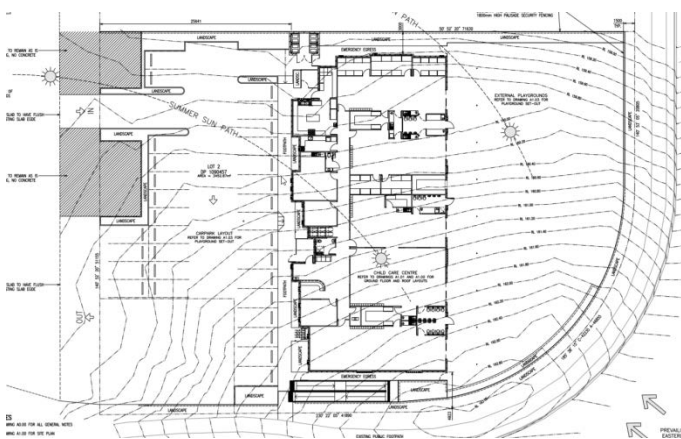
Moved: _____ Seconded: _____

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application is for a S4.55 (2) modification. The proposal involves the modification of Development Application No. 25/2015 in the following manner:

- Redesign of internal and external layout of the child care centre from an L configuration to a rectangular layout;
- Reduce building footprint from 841.3 sq. metres to 785.15 sq. metres GFA;
- Amend external finishes, from weatherboard, matrix cladding and masonry block to face brick and rendered and painted masonry; and
- Reduction in building height from 6400mm to 4893mm.



Proposed S4.55 (2) Layout



Approved Layout 10 August 2015

ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant provisions of Section 4.55(2) and Section 4.15(1) of the Environmental Planning and Assessment Act 1979. A copy of the Section Assessment Report prepared by Council Officers has been included as Attachment A. Based on this assessment, it is recommended that the proposed modification be approved, subject to recommended conditions of consent included in Attachment B.

Key considerations and findings of the Assessment Report include:

- Council Officers are satisfied that the proposed development, as modified, would be substantially the same as the development previously approved by Council, and therefore can be considered as a Section 4.55(2) modification;
- The proposed development complies with the relevant provisions of the *Muswellbrook Local Environmental Plan (LEP) 2009* and the Muswellbrook Development Control Plan (DCP) and State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- The proposed development is considered unlikely to result in any significant environmental impacts that would support a decision to refuse the proposed modification, while the proposed modification is considered to be compatible with the public interest.

OPTIONS

The Development Assessment Committee may:

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

This section 4.55(2) modification has been reported to the Development Assessment Committee for determination as it relates to a S4.55 (2) modification is outside the delegations of the General Manager.

Council Officers have completed an assessment of the modification application against the relevant provisions of Section 4.55(2) and 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and the findings of this assessment have been included in detail in the Assessment Report included as Attachment A. This report recommends that the Development Assessment Committee determine the development application by granting it approval subject to the recommended conditions of consent outlined in Attachment B.

SECTION 4.55 (2) ASSESSMENT REPORT**Attached:****REPORT TO THE GENERAL MANAGER**

ADDRESS: Lot: 2 DP: 1090457, 38 Woollybutt Way Muswellbrook

APPLICATION NO: 25/2015

PROPOSAL: Pursuant to section 4.55(2) of the EP & A Act 1979, to modify a consent for s4.55 (2) modification - modification of the design and layout of an

PLANS REF: Drawings numbered , dated , drawn by , and received by Council on 17-10-2019

OWNER: Beaini Passive Investments Pty Ltd

OWNER ADDRESS: 38/287 Victoria Road
RYDALMERE NSW 2116

APPLICANT: Beaini Projects Pty Ltd

ADDRESS: Po Box 5006
KINGSDENE NSW 2118

AUTHOR: Ms A J Evans

FIRST REPORTED: 10 August 2015

DATE LODGED: 17 October 2019

DATE OF REPORT: 13 February 2020

SUMMARY

ISSUES: No Issues identified.

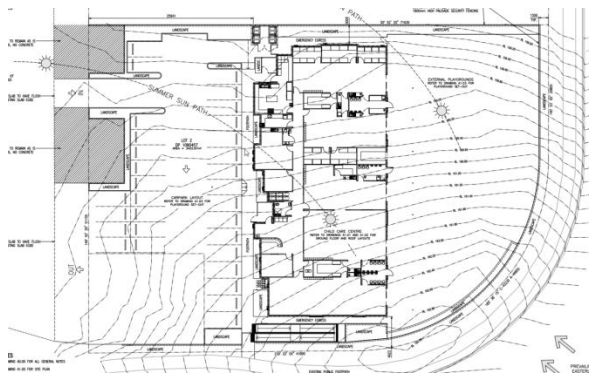
SUBMISSIONS: One (1) Submission, not objecting to the application. Asking for Council to address access from Woollybutt Way by Adjoining Business Premises.

RECOMMENDATION: Approved

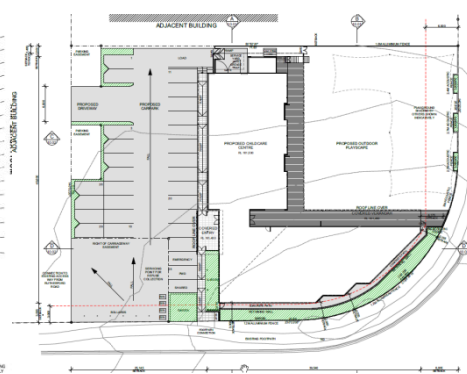
DESCRIPTION OF PROPOSAL

The application is for a S4.55 (2) Other modification. The proposal involves the modification of Development Application No. 25/2015 in the following manner:

- Redesign of internal and external layout of the child care centre from an L configuration to a rectangular layout;
- Reduction in building footprint from 841.3 sq. metres to 785.15 sq. metres GFA;
- Amended external finishes from weatherboard, and matrix cladding and to masonry block, face brick and render; and
- Reduction in building height from 6400mm to 4893mm.



Proposed S4.55 (2) Layout



Approved Layout 10 August 2015

RELEVANT HISTORY

The original application for a for a 110 places Child Care Centre on the site was approved by Council on 10 August 2015, subject to conditions. A S96(1) Modification was approved 8 September 2015 to amend typing errors to Condition 8.

REFERRALS

Internal Referrals

The application was referred to Council's Building Section, Environmental Health Officer, and Community Infrastructure. Each section reviewed the proposal and advised that existing conditions were still relevant and no changes required.

SUBMISSIONS

Surrounding properties were notified of the development proposal between 30 October 2019 and 14 November 2019. An advertisement was placed in the Hunter Valley News on 23 October 2019.

One (1) submission was received, but this submission is raising issues with unauthorised access from Woollybutt Way into the adjoining business premises.

Response

The submission does not object to the child care centre proposal. The submission

requests Council look into the illegal access from Woollybutt Way into the loading dock/car park of the adjoining business premises. This matter was referred to Community Infrastructure for their information and attention.

It is noted that the Child Care Centre's landscaping and fencing treatment, when built, will largely resolve this issue.

CONSIDERATION

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 enables a consent authority to modify a development consent provided that the consent authority is satisfied as to certain matters:

Is the proposed development as modified substantially the same development approved by the Council originally?

The proposed modification is substantially the same development. While the building layout and external playgroup has been reconfigured, the centre will still cater for 110 childcare places with car parking and access arrangements unchanged. The impacts of the development are similar and the changes are to provide a better design for the uses of the centre. The use is still a centre-based child care facility meaning—

- (a) a building or place used for the education and care of children that provides any one or more of the following—*
 - (i) long day care,*
 - (ii) occasional child care,*
 - (iii) out-of-school-hours care (including vacation care),*
 - (iv) preschool care, or*
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

Whether the application required the concurrence of the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval and any comments submitted by these bodies?

No concurrence is required for the application.

The application is consistent with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and relevant Planning Guidelines. While the SEPP was not in force at the date of lodgement and approval of the original application, it is required to be applied. As the proposal is consistent with the Policy, concurrence is not required by the Department of Education.

Whether any submissions were made concerning the proposed modification?

A submission was received during the notification period, however it relates to another land use gaining access from Woollybutt Way. The matter of illegal access is being dealt with separately as it is not a matter of consideration for this proposed modification.

Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979?

The proposed modification has been assessed against these provisions as

follows:

- a) the provisions of any environmental planning instrument that apply to the land?***

The use is permissible within B2 Local Centre zone under Muswellbrook Local Environmental Plan 2009. The proposal is compliant with the relevant provisions of MLEP 2009.

- b) the provisions of any draft environmental planning instruments applying to the land?***

No draft environmental planning instruments applying to the land.

- c) the provisions of any development control plan applying to the land?***

Muswellbrook Development Control Plan 2009 applies to the land. The proposed modification will not affect the development's compliance with the DCP. The building does not address the street, with the outdoor spaces being located toward the street. The proposed landscaping will provide a positive impact to Woollybutt Way.

- d) Is there any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4?***

Not Applicable

- e) Are there any regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates?***

Not applicable.

- f) What are the likely impacts of the modified development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality?***

The proposed modified development does not generate additional impacts. The social and economic impacts are consistent with those of the original approval/assessment.

- g) Is the site suitable for the development as modified?,***

The proposed changes provide a more practical centre for operational purposes. The car park layout and access is unchanged and allows for safe access for users. The proposed changes will result in less cut/fill on the site.

- h) Is the modification in the public interest?***

It is considered that the proposal is not contrary to the public interest. The changes will increase the availability of child care places in Muswellbrook.

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections, however, the following legislation has not been discussed in detail elsewhere in the report.

Council Adopted and Draft Policies

The following policies have been adopted by Council and are required to be considered in the assessment of the application.

D7/1 Development Cost Estimating
D25/1 Rivers and Drainage Channel
S28/1 Street Trading Policy
D6/1 Demolition Policy
C20/1 Contaminated Land Policy
S15/1 Building Over Existing Sewer Policy

The following policies are currently draft policies and are required to be considered in the assessment of the application.

Retaining wall

These issues must be addressed as relevant to the proposed modification in this section of the report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

Statutory Controls	YES
Policy Controls	YES
Design in relation to existing building and natural environment	YES
Landscaping/Open Space Provision	YES
Traffic generation and Car parking provision	YES
Loading and Servicing facilities	YES
Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
Site Management Issues	YES
All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES
Section 89 LGA 93 including Clause 12 Consideration of Local Government (Approvals) Regulation 1993	YES

CONCLUSION

The assessment completed for the modification, against the relevant provisions of Section 4.55(2) and 4.15(1) of the *Environmental Planning and Assessment Act 1979*, concludes that the proposal is consistent with the provisions and the application should be approved subject to amended conditions of consent.

RECOMMENDATION

That the Development Assessment Committee resolve to modify the consent in respect to the proposed to Child Care Centre at Lot 2 DP 1090457, 38 Woollybutt Way Muswellbrook under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

Disclosure of Political Donations and Gifts:

No disclosures of a political donations or gifts have been made in relation to this application.

SOCIAL IMPLICATIONS

The development will increase the availability of child care places in Muswellbrook.

FINANCIAL IMPLICATIONS

This development as presented has no direct financial impact on Council's budget.

POLICY IMPLICATIONS

There are no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

LEGAL IMPLICATIONS

There are no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

IDENTIFICATION OF APPROVED PLANS

1. Amended 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.

Plan Description/Drawing No.	Revision	Drawn by	Drawing Date
Job No. 191210 A0.00, A1.00, A1.01, A1.02, A1.03, A1.04, A1.05	B	Creative Drafting Services	17/01/2020
Project No. 191032	B	Australian Consulting Engineer	20/01/2020
Landscape Concept Plan Drawing No. 19126 DA 1	A	Creative Drafting Services	24/09/2019

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE
--

3. Construction Management Program

A Construction Management Program must be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Program shall include such matters as:

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

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

4. 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

5. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$15,900 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.

6. Food Preparation and Storage Areas

Detailed plans and elevations of the food preparation and food storage areas shall be submitted to and approved by Muswellbrook Shire Council, prior to release of the construction certificate. Plans shall include the finishes to floors, walls, ceilings, benches and shelves, elevation of fixtures and fittings and location of hand wash basins as per:

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) AS4674 (Design, Construction and Fit-Out of Food Premises);

7. Notice of Requirements

A 'Notice of Requirements' under the *Water Management Act 2000* must be obtained detailing water and sewer extensions to be built and charges to be paid by the applicant prior to any Construction Certificate Application.

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

Note:

- The final Compliance Certificate must be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
- Lot 2 DP 1090457 is provided with standard water and sewerage connections. The developer will need to make necessary payments and arrange upsizing of water service to meet the water requirements of the proposed development.
- Water and Sewerage head works charges associated with this development will be based on the following assessment.
- Additional loadings expected to be created by the development on water and sewerage head works have been assessed using ET guidelines of Water Directorate.

Description	ET per person (Water)	Et per person Sewer	No of people	ET- Water	ET-Sewer
Child care	0.06	0.10	134	8.04	13.4
Total				8.04	13.4

- The lot has an entitlement of 1 ET for Water and Sewer respectively. (1 ET per Lot).
- Therefore additional ETs associated with the development are:

Water 7.04 ETs
Sewer 12.40 ETs

8. Amended Items to be Incorporated into the Design of the Building

The Plans submitted for approval with the Construction Certificate Application shall incorporate the following requirements:

- A bell or alarm shall be installed on, or adjacent to, the entry gate to alert staff that someone is entering or leaving the childcare centre.
- Car park lighting shall be installed to ensure that all car parking spaces, including set-down and pick-up areas comply with AS 1157.3.1:2005.
- The proposed landscaped area adjoining car parking spaces 26 to 29, as shown on Plan Sheet DA-02.02 – Proposed Site Plan (Rev. I) and drawn by Elevation Architecture, shall be deleted so as to allow vehicles to enter the proposed spaces directly from the adjoining driveway. In this regard, no stacked parking shall be permitted.
- The southmost driveway, burdened by a right-of-carriageway, shall be signposted with words to the effect: 'out only, with the exception of service and delivery vehicles'.
- The maximum height of the proposed boundary wall adjacent to Woollybutt Way shall not exceed 1.8 metres above existing street level.
- Three (3) 'set down' car parking spaces shall be provided adjacent to the main entry of the building to allow the safe and efficient transfer of children to and from the Child Care Centre. The spaces shall be clearly marked for the intended purpose.
- A childproof self-locking mechanism shall be provided on all gates that provide access to the public domain or car park area.
- 50% of all outdoor open space to be utilised by children shall be shaded during the hours of 10am to 3pm in accordance with guidelines set out in the NSW Cancer Council's *Shade For Child Care Services* publication.

9. Noise from Mechanical Plant Adjacent to Residential Premises

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction

Certificate certifying that all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

10. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area shall be adequately screened from the street and located behind the building line;
- d) garbage enclosures serving residential units are to be located within areas designated for non-residential uses; and
- e) all waste is to be removed weekly from the site by a contractor and disposed of at a site approved for such purposes

Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

11. Sediment Control

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

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

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

12. Access for People with Disabilities

Ramps and access for people with disabilities are to be provided to and within the entire building. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

13. Geotechnical Investigation

A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to the Certifying Authority for approval with the Construction Certificate, certifying that the existing substrate on the site is capable of:

- a) withstanding the proposed loads to be imposed;
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) providing protection and support of adjoining properties;
- d) the provision of appropriate subsoil drainage during and upon completion of construction works.

14. Compliance with the National Construction Code

A full set of construction plans demonstrating compliance with the National Construction Code Series shall be submitted to, and approved by, the certifying authority prior to the release of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

15. Sediment and Erosion Control

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

16. Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of

any soil on the work site.

17. 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.

18. Water Meter

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

19. 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. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

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

20. Compliance with Health and Food Safety Standards

- (a) Hand wash basins in food preparation areas and staff toilets shall be provided with hot and cold water dispensed through a single mix tap.
- (b) A paper towel dispenser and soap dispenser shall be fitted adjacent to the hand wash basin.
- (c) Flooring in the food preparation and food storage areas must be appropriate for the area; able to be effectively cleaned; non-absorbent; laid so there is no ponding of water or harbouring of pests; and coved at the floor/wall junction to a minimum 25mm radius. If using ceramic floor tiles, tiles shall be epoxy grouted and laid in accordance with the requirements of AS 3958.1.
- (d) Walls shall be of solid construction, sealed, of an impervious material, and able to be easily and effectively cleaned.
- (e) The ceiling shall be smooth, sealed and of an impervious material. Drop-in panel ceilings are not acceptable.

- (f) The light fittings in the food preparation and food storage areas, including those that are part of equipment used in the process or display open food, shall be –
 - i. designed and constructed to prevent contamination of food should the globe or tube shatter; and,
 - ii. free from any features that would harbour dirt, dust, or insects or make the fitting difficult to clean.
- (g) Splashbacks shall be minimum height of 450mm behind sinks, hand wash basins, food preparation benches, counters and tables. Splashbacks shall be sealed at all joints, edges and adjacent walls or other vertical surfaces.
- (h) Equipment, shelves, counters and the like, where not located on plinths, shall be supported on approved metal legs not less than 150mm above the floor or on wheels or castors to permit movement for cleaning.
- (i) The surfaces of all food preparation benches are to be smooth, impervious and capable of being effectively cleaned and sanitised.

21. Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

22. Applicant's Cost of Work on Council Property

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

23. 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 5.00pm
 - ii. on a Saturday—7.00am to 4.00pm
- (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.

24. 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.

25. Excavation/Demolition

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

26. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:-
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

27. Hot Water Installations

Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding:-

- (a) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled person;
- (b) 50°C in all other buildings;
- (c) the existing hot water temperature limiting device shall be adequately maintained or replaced when defective; and
- (d) where hot water is being delivered to an outlet of a sanitary fixture, used primarily for personal hygiene purposes on commercial premises

or by the public, at a temperature exceeding 50°C, such fixture shall have a sign, using symbol and red writing on a white background in appropriate languages, displayed adjacent to the sanitary fixture which states, "Warning – this fixture may deliver hot water which will scald".

28. Mandatory Council Inspections

At the following stages of construction, a satisfactory report from Council is to be obtained prior to works proceeding:

- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready to backfill. Suitable backfill material is to be available on site at the time of inspection.
- (b) Connection of stormwater drainage to easement– following installation and bedding of drainage lines and prior to backfilling
- (c) Council infrastructure- at completion of works and prior to an Occupation Certificate inspection.
- (d) Prior to commencement of food business operations, a satisfactory final inspection is to be undertaken of the premises by Council's Environmental Health Officer. Council's Environmental Health Officer is to be given a minimum 72 hours notice to inspect the premises prior to the commencement of trade of the food premises.

To arrange an inspection please contact Council's Environmental Service Department on (02) 6549 3745.

Note: 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.

29. Distance to Sewer Pipes

The development or any footing system of the development shall not be constructed within 1.5m of the sewer main.

Should the sewer main be damaged at any stage during construction, all work is to cease immediately and will not resume until after further consultation with Council.

30. Erosion and Sediment Controls

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

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

31. Food Business Notification

Food Business details shall be notified to Council prior to operation. This can be done free of charge by submitting Council's Food Premises Registration Form.

32. Final Compliance Certificate for Water Supply and Sewerage Works

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

33. Access for People with Disabilities

Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

34. Disabled Access from the Public Realm – Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

35. Identification of Non Potable Water

Signage in accordance with AS3500.1 shall be installed to all taps that are supplied by the rainwater tank where mains reticulated water supply is provided to the site.

36. Liquid Trade Waste

Prior to occupation, an application to discharge trade waste to Council's sewer shall be submitted for approval.

37. Occupation

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

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

38. Ongoing Operation of Childcare Centre

- (a) All food preparation and food storage areas shall comply with the requirements of the Food Safety Standards.
- (b) The development shall not give rise to any offensive odour or noise as defined in the Protection of the Environment Operations Act 1997.

39. Trade Waste

Trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner and Muswellbrook Shire Council.

40. **Obstruction of Parking Areas**

No parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

41. **Ongoing Compliance with Relevant Legislation**

At all times, the operation of the childcare centre shall be carried out in accordance with relevant legislation, including the Work Health and Safety Act 2011, Children and Young Persons (Care and Protection) Regulation 2012, and the Children (Education and Care Services) Supplementary Provisions Regulation 2012.

42. **Delivery Vehicle**

At all times, delivery vehicles shall be of a length that is no greater than 5.2 metres in accordance with the plans submitted with the Development Application.

REASON FOR IMPOSITION OF CONDITIONS:

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

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting “Dial before you Dig” by telephoning 1100.
- The mailbox erected to service the property shall not encroach on Council’s footpath or kerb area.
- The granting of this approval does not override or permit additional water usage beyond that of the current level of water restrictions in force. For further information please contact Muswellbrook Water & Waste on (02) 6549 3840.
- During the occupation and life of the building nominated exits must not be blocked at the point of discharge.
- A balustrade is to be provided on all landings and/or steps where the height of the landing/steps exceeds 1000mm from finished ground level. The design of the balustrade shall comply with the requirements of the Building Code of Australia.
- Full details of the framing, roof trusses, bracing details and tie down connections involved in the construction indicating compliance with the Australian Standard are to be submitted to the Certifying Authority prior to the frame inspection.

NOTE: The frame inspection will not be passed until this information has been submitted.

- The wet areas in the building are to be impervious to water as required by P2.4.1 of the Building Code of Australia (Housing Provisions). On completion of waterproofing a certificate shall be furnished to the Principal Certifying Authority verifying that the waterproofing has been completed in accordance with the manufacturer’s specifications and AS 3740-1994.
- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the ‘Act’) are to be complied with:

- (i) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

GENERAL CONSTRUCTION NOTES

BUILDING MATERIALS

BUILDING CONSTRUCTION IS TO CONSIST OF REINFORCED CONCRETE SLABS, WALLS AND COLUMNS, (TO ENGINEERS DETAILS), WITH BRICK CLADDING. ALL BRICKWORK IS TO BE CONSTRUCTED IN ACCORDANCE WITH N.C.C. AND AS3700. ALL LIGHT WEIGHT CLADDING TO BE CONSTRUCTED IN ACCORDANCE WITH N.C.C. AND AS2908. ALL LIGHT WEIGHT TIMBER WALL FRAMES TO BE CONSTRUCTED IN ACCORDANCE WITH N.C.C. AND AS1684. ALL STRUCTURAL STEEL TO DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH N.C.C. AND AS/NZS4100. ROOF TO BE FABRICATED FRO STRUCTURAL STEEL. ALL LININGS, MATERIALS AND ASSEMBLY TO COMPLY WITH C1.10 OF THE N.C.C. REQUIREMENTS. ALL CONSTRUCTION AND BUILDING MATERIALS TO COMPLY WITH RELEVANT N.C.C. REQUIREMENTS AND AUSTRALIAN STANDARD REGULATIONS

TERMITE RPOTECTION

TO PROTECT THE BUILDING FROM ATTACK BY TERMITES OR OTHER PESTS, TERMITE SHIELDS OR OTHER SUITABLY APPROVED PHYSICAL BARRIER COMPLYING WITH AS3660 ARE TO BE PROVIDED

INSULATION

INSULATION TO BE R3.5 FOR CEILING BATS WITH SARKING BETWEEN ROOF BATTENS AND COLOURBOND ROOF SHEETING. ALL EXTERNAL WALLS TO HAVE R1.5 BATS IN WALL CAVITY. ALL SARKING MATERILA TO COMPLY WITH AS/NZS 4200 PART 1 AND 2

WATERPROOFING REQUIREMENTS

ALL WET AREAS ARE TO HAVE AN APPROVED WATERPROOFING MEMBRANE IN ACCORDANCE WITH N.C.C. REQUIREMENTS AND AS3740 AND AS4854

EXTERNAL FINISHES

EXTERNAL FINISHES ARE TO BE AS NOTED OR SIMILAR: (REFER TO DRAWING A1.04 FOR LOCATIONS). ROOFING TO BE COLORBOND WOODLAND GREY COLOUR. FASCIA BOARDS, GUTTERS AND DOWNPIPES TO BE POWDER COATED/PAINTED COLORBOND WOODLAND GREY COLOUR. BRICK WALLS TO CONSIST OF FACE BRICK 'PGH SMOOTH FACE CHOC TAN' WITH WHITE MORTAR. RENDERED/PAINTED WALLS TO HAVE PAINTED FINISH 'SHELL HAVEN' BY DULUX. EXTERNAL WALL CLADDING TO BE EASYLAP PANEL BY JAMES HARDIE WITH COLOUR FINISH 'ANTIQUE WHITE USA' BY DULUX. ALL WINDOWS, SLIDING DOORS AND DOOR FRAMES TO BE POWDER COATED COLORBOND WINDSPRAY COLOUR. CARPARK CONCRETE SLAB TO HAVE WHITE LINE MARKINGS AND YELLOW CROSSING MARKINGS IF REQUIRED. ALL POOLSTYLE AND PALISADE FENCING TO BE POWDER COATED BLACK. ALL EXTERNAL STRUCTURAL STEELWORK TO HAVE PAINTED FINISH 'COLORBOND WOODLAND GREY' BY DULUX.

DOOR AND HANDLE REQUIREMENTS

ALL EXTERNAL DOORS TO BE 40mm SOLID CORE DOORS WITH RAVEN DOOR SEALS RP1 (FRAMES) AND RP8 (BOTTOM SEAL) AND TO HAVE R28 INSULATION RATING. LATCH OPERATING DEVICES FOR ALL EXIT DOORS AND DOORS IN THE PATH OF TRAVEL TO AN EXIT DOOR TO COMPLY WITH N.C.C. CLAUSE D2.21. ALL EXIT DOORS MUST BE ABLE TO BE OPENED BY A FORCE NO GREATER THAN 110N IN ACCORDANCE WITH N.C.C. CLAUSE 2.19. ALL EXTERNAL AND INTERNAL DOOR FURNITURE TO BE LEVER HANDLES FOR EASY ACCESS THAT ARE DEPRESSED DOWNWARD.

DISABLE ACCESS REQUIREMENTS

PROVIDE DISABLED ACCESS IN ACCORDANCE WITH N.C.C. CLAUSE D3.2 & D3.3 AND AS1428. PROVIDE IDENTIFICATION ACCESSIBLE FACILITIES, SERVICES AND FEATURES IN ACCORDANCE WITH N.C.C. D3.6 & D3.8 AND AS1428. IF HEARING AUGMENTATION SYSTEM IS REQUIRED, DESIGN AND INSTALL SYSTEM TO MEET N.C.C. D3.7 AND AS1428

SYMBOLGY LEGEND

RB	RUBBISH STORAGE
H/W	HOT WATER UNIT
FB	FIRE BLANKET
FE	FIRE EXTINGUISHER
FH	FIRE HOSE REEL
EC	ELECTRICAL CUPBOARD TO HAVE 120/120/120 FIRE RATING
AC	AIR-CONDITIONER UNIT
EXIT	EMERGENCY EXIT SIGNS
DP	DOWN PIPES
FSL	FINISHED SURFACE LEVEL
NGL	NATURAL GROUND LEVEL
FGL	FINISHED GROUND LEVEL

COUNCIL AND DEECD NOTES

SPACE REQUIREMENTS

THIS CENTRE WILL INCLUDE: AN ADMINISTRATION ROOM FOR SERVICE AND PRIVATE CONSULTATION BETWEEN STAFF AND PARENTS – INDICATED ON PLANS AS OFFICE. A RESPITE ROOM FOR STAFF – INDICATED ON PLANS AS STAFF ROOM. ALL INTERNAL PLAY AREAS HAVE BEEN DESIGNED TO EXCEED A CLEAR UNENCUMBERED PLAY SPACE OF 3.25 SQUARE METRES PER CHILD. ALL EXTERNAL PLAY AREAS HAVE BEEN DESIGNED TO EXCEED A CLEAR USABLE PLAY SPACE OF 7 SQUARE METRES PER CHILD. SHADED AREAS FOR THE OUTDOOR PLAY AREAS HAVE BEEN PROVIDED AND EXCEED THE REQUIREMENTS PUBLISHED BY THE NEW SOUTH WALES CANCER COUNCIL UNDER THE TITLE "THE SHADE HANDBOOK".

LAUNDRY

THIS CENTRE HAS A LAUNDRY ROOM ON THE PREMISES FOR THE PURPOSE OF CLEANING SOILED CLOTHES AND THE LIKE. ALSO PROVIDED ARE SAFE, SANITARY FACILITIES FOR THE STORAGE OF ITEMS BEFORE LAUNDERING. THE WASHING MACHINE AND TUBS IN THE LAUNDRY ARE BOTH CONNECTED TO THE HOT AND COLD WATER.

CRAFT PREPARATION FACILITIES

CRAFT AREAS WHICH INCLUDE A 45 LITRE DROP TUB INTO THE BENCH TOP OF CUPBOARDS WITH CHILD PROOF LOCKS HAVE BEEN PROVIDED IN EVERY PLAY ROOM. THESE HAVE BEEN LOCATED AWAY FROM ANY FOOD PREPARATION AREAS AND NAPPY CHANGING FACILITIES.

FOOD PREPARATION FACILITIES

A KITCHEN AND PANTRY FACILITY, SEPARATE TO ALL CHILD PLAY AREAS HAS BEEN PROVIDED FOR FOOD PREPARATION. INCLUSIONS ARE: STOVE, MICROWAVE, SINKS (HOT AND COLD WATER), REFRIGERATOR, FREEZER AND PANTRY. THE KITCHEN HAS A CHILD PROOF DOOR AND HANDLE INSTALLED TO PREVENT ACCESS TO ANY HARMFUL SUBSTANCE EQUIPMENT OR AMENITY BY THE CHILDREN. BOTTLE PREPARATION AREAS HAVE BEEN PROVIDED WITH A CHILD PROOF DOOR AND HANDLE TO PREVENT ACCESS BY CHILDREN, THESE AREAS ARE AWAY FROM THE NAPPY-CHANGING FACILITIES.

TOILET AND WASHING FACILITIES

ALL SANITARY FACILITIES WILL COMPLY WITH THE REQUIREMENTS FOR A CLASS 9b BUILDING (EARLY CHILDHOOD CENTRE) OF THE N.C.C. CLAUSE F2.3. ALL DISABLED W.C. AREAS TO COMPLY WITH AS1428 PARTS 1-3

NAPPY CHANGE FACILITIES

NAPPY CHANGING FACILITIES WILL BE PROVIDED IN A SEPARATE AREA NOT ACCESSIBLE TO CHILDREN UNLESS SUPERVISED AND WILL INCLUDE SOLID BENCHES (900mm WIDE), IMPERVIOUS WASHABEL MATS (1 PER 10 CHILDREN), HADN WASHING FOR STAFF, SANITARY FACILITIES FOR SOILED ANPPIES, STORAGE FOR CLEAN NAPPIES, AND A CONTAMINATED WASTE DISPOSAL UNIT. ALSO PROVIDED IS AN AGE APPROPRIATE WASHING FACILITY WITH TEMPERATURE REGULATED HOT AND COLD RUNNING WATER IN THE NAPPY CHANGE AREA.

SLEEPING FACILITIES

THE DEDICATED COT ROOMS ARE DESIGNED TO ALLOW EASY ACCESS BETWEEN EACH COT. ALL COTS TO COMPLY WITH AS/NZS2172 OR AS/NZS2195. THERE WILL BE ADEQUATE NUMBERS OF COTS/SLEEPING MATS FOR EACH CHILD AND CLEAN BEDDING FOR EACH CHILD EACH TIME. NO CHILD OVER THE AGE OF 2 (EXCEPT WITH WRITTEN CONSENT FROM PARENTS) SLEEPS IN A ROOM WITH AN ADULT SLEEPING. NO CHILD OVER THE AGE OF 7 WILL SLEEP IN THE SAME ROOM AS ANOTHER CHILD OF THE OPPOSITE SEX WHO IS NOT A RELATIVE.

DEVELOPMENT AND PLAY EQUIPMENT

ALL PLAY EQUIPMENT, BOTH INDOOR AND OUTDOOR, MUST NOT BE ABLE TO INJURE ANY CHILD BY EITHER FALL FROM A HEIGHT, SHARP EDGES, PINCHING, CRUSHING OR TRAPPING. ALL EQUIPMENT MUST BE IN GOOD WORKING ORDER AT ALL TIMES. ALL SURFACES IN THE PLAYGROUND AREAS MUST COMPLY WITH AS4422 REQUIREMENTS.

FIRST AID KITS

THE CENTRE MUST BE EQUIPPED WITH A SUITABLE AND FULLY STOCKED FIRST AID KIT, A KIND APPROVED BY WORKCOVER AUTHORITY UNDER THE OH&S ACT 2000. THE FIRST AID KIT MUST BE INACCESSIBLE TO CHILDREN, BUT READILY ACCESSIBLE TO ALL STAFF. ADULT AND CHILD CARDIO-PULMONARY RESUSCITATION CHARTS MUST BE DISPLAYED IN A PROMINENT POSITION BOTH INSIDE AND OUT.

HOT WATER

ALL HOT WATER ACCESSIBLE TO CHILDREN MUST BE REGULATED TO KEEP THE TEMPERATURE FROM THESE OUTLETS BELOW 43.5° DEGREES CELSIUS

FIRE SAFETY EQUIPMENT

THE CENTRE MUST HAVE FIRE HOSE REELS, FIRE EXTINGUISHERS AND BLANKETS, SMOKE DETECTORS, EMERGENCY LIGHTING, EXIT SIGNS, ETC. THAT COMPLY WITH THE N.C.C. REQUIREMENTS AND AS2293, AS2441, AS2444, AS/NZS3504, AND AS3786. ALL MAINTENANCE FIRE EQUIPMENT MUST COMPLY WITH AS1851. IF THE CENTRE IS LOCATED IN A BUSH FIRE ZONE THE BUILDING MUST BE BUILT TO COMPLY WITH AS3959.

VENTILATION, LIGHT AND HEATING

THE CENTRE HAS BEEN DESIGNED TO PROVIDE ADEQUATE ACCESS TO NATURAL LIGHT AND VENTILATION. ALL ARTIFICIAL LIGHTING TO MEET AS/NZS 1680-2009 AND N.C.C. F4.4. ADDITIONAL VENTILATION IS PROVIDED BY MECHANICAL VENTILATION WITH ALL AIR HANDLING UNITS LOCATED OUT SIDE, AWAY FROM CHILDREN'S PLAY AREAS. BUILDING VENTILATION TO MEET AS1668.2-2012 & AS/NZS 3666.1-2011 AND N.C.C. F4.5 REQUIREMENTS. ALL CONTROLS WILL BE KEPT AWAY FROM CHILDREN.

FENCING

ALL DESIGNATED OUTDOOR PLAY SPACES MUST BE FENCED ON ALL SIDES. DESIGN AND HEIGHT OF ALL FENCING IS TO PREVENT CHILDREN FROM SCALING OR CRAWLING UNDER OR THROUGH IT. ALL SIDE OF STAIRWAYS, RAMPS, CORRIDORS, HALLWAYS OR EXTERNAL BALCONYS NOT ABUTTING A WALL MUST BE ENCLOSED TO PREVENT CHILDREN FROM ENTERING OR LEAVING THE PREMISES UNSUPERVISED. ALL GATES ACCESSIBLE TO THE CHILDREN ARE TO BE FITTED WITH CHILD RESISTANCE LATCHES AND SHELF CLOSING HINGES IN ACCORDANCE AS1926.1

GLASS

ALL GLAZED AREAS THAT ARE ACCESSIBLE TO THE CHILDREN THAT ARE 750mm OR LESS ABOVE THE FLOOR LEVEL WILL BE SAFETY GLASS AS PER N.C.C. REQUIREMENTS AND AS/NZS2208, AS1288 AND AS2047-2014. ALL WINDOWS THAT ARE ABLE TO BE OPENED MUST BE FITTED WITH APPROPRIATE BARRIERS (FLY SCREENS)

CLEANLINESS, MAINTENANCE AND REPAIRS

THE PREMISES AND ALL EQUIPMENT MUST BE MAINTAINED IN A SAFE, CLEAN AND HYGIENIC CONDITION AND IN GOOD REPAIR AT ALL TIMES. THE PREMISES WILL BE KEPT FREE FROM VERMIN AND PESTS. THE PREMISES WILL NOT BE FUMIGATED WHILE CHILDREN ARE IN ATTENDANCE. THE BUILDING WILL BE FITTED WITH APPROPRIATE DEVICES TO PREVENT CHILDREN FROM GAINING ACCESS TO POWER POINTS OR OTHER ELECTRICAL OUTLETS, AND TO MINIMISE THE RISK OF ELECTRICAL SHOCKS ARISING FROM ELECTRICAL WIRING. THE PREMISES WILL BE KEPT CLEAN FROM RUBBISH, GARBAGE AND RUBBLE.

STORAGE FACILITIES

STORAGE ROOMS ARE PROVIDED IN ALL PLAYROOMS FROM 1 YEAR AND OVER WITH CHILD PROOF DOORS AND HANDLES. OUTDOOR STORAGE FACILITIES ARE TO BE PROVIDED FOR EXTERNAL PLAY EQUIPMENT, REFER TO PLANS FOR LOCATION. LOCKERS FOR EACH CHILD ARE PROVIDED IN EACH PLAYROOM.


TELEPHONE

THERE WILL BE AT LEAST 2 TELEPHONES IN THE CENTRE FOR CONTACTING ANY EMERGENCY SERVICE NEEDED

SCHEDULE OF PLAY AREAS		
LOCATION	UNENCUMBERED SPACE AMOUNTS	
	REQUIRED	PROPOSED
PLAY ROOM 1 (0-1Yrs) Designed for 16 Children	52.00sqm (3.25sqm/Child)	67.10sqm (4.19sqm/Child)
PLAY ROOM 2 (1-2Yrs) Designed for 16 Children	52.00sqm (3.25sqm/Child)	67.40sqm (4.21sqm/Child)
PLAY ROOM 3 (2-3Yrs) Designed for 20 Children	65.00sqm (3.25qm/Child)	69.50sqm (3.48sqm/Child)
PLAY ROOM 4 (3-4Yrs) Designed for 30 Children	97.50sqm (3.25qm/Child)	100.70sqm (3.36sqm/Child)
PLAY ROOM 5 (4-5Yrs) Designed for 30 Children	97.50sqm (3.25qm/Child)	101.80sqm (3.39sqm/Child)
PLAYGROUNDS TOTAL Designed for 112 Children	784.00sqm (7.00sqm/Child)	926.20sqm (8.27sqm/Child)
EXTERNAL SHADE Designed for 112 Children	280.00sqm (2.50sqm/Child)	405.10sqm (3.62sqm/Child)

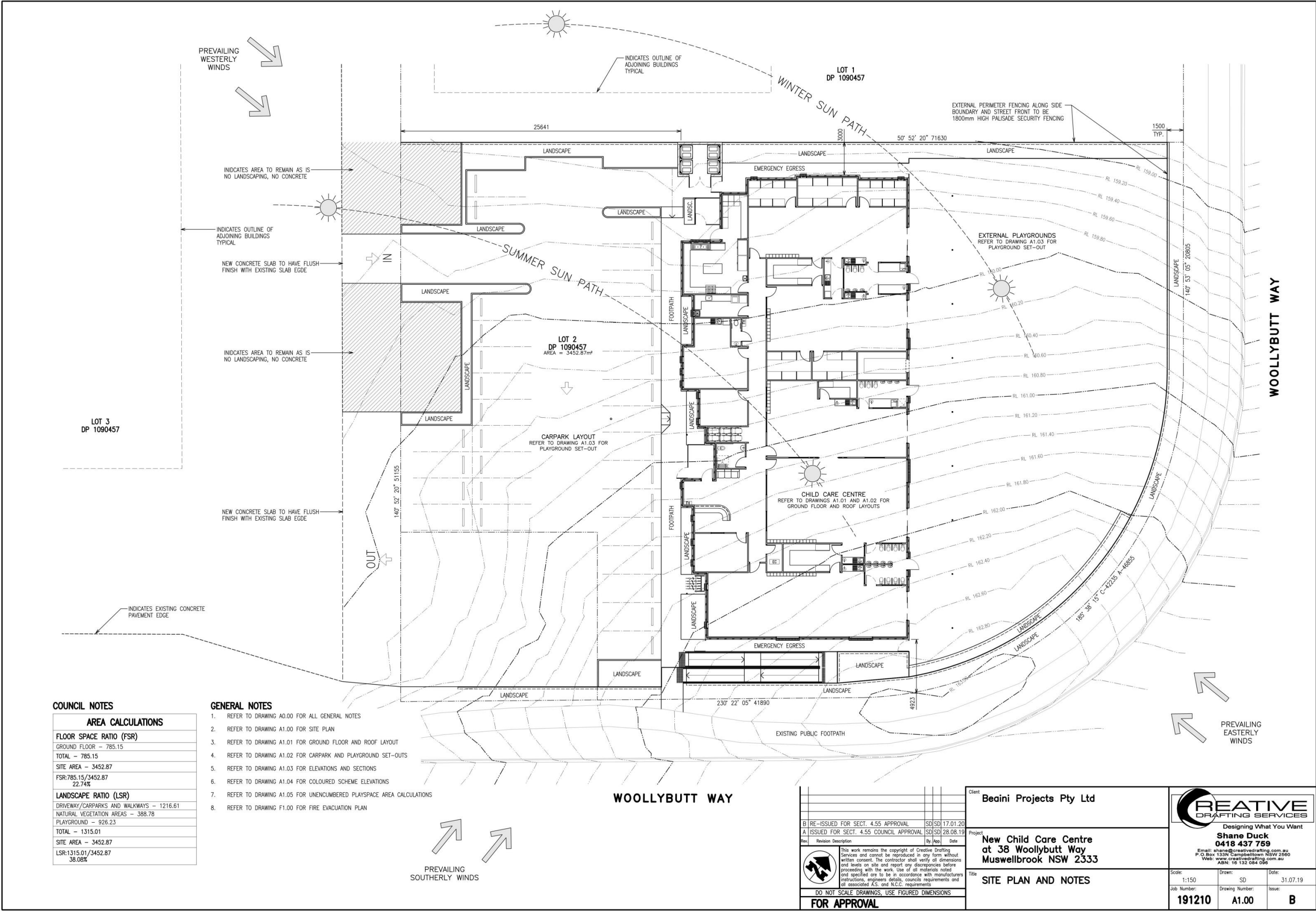
MEMBER SCHEDULE		
MARK	SIZE DEPTHxWIDTH	COMMENTS
DOORS		
D1	2100x1660	EXT DOOR 2100x1000 ALUMINIUM FRAMED GLASS PANELS FULL HEIGHT WITH 2100 HIGH FIXED GLASS PANEL WINDOW
D2	2040x920	INT DOOR SOLID
D3	2040x920	INT DOOR WITH GLASS PANEL HIGH
D4	2040x920	INT SPLIT DOOR WITH GLASS PANEL HIGH
D5	2040x820	FIRE RATED -/120/30 WITH SELF CLOSING MECHANISM
D6	2040x1840	INT DOOR CAVITY SLIDERS 2/2040x920
D7	2100x1000	EXT DOOR 2100x1000 ALUMINIUM FRAMED GLASS PANELS FULL HEIGHT
D8	2100x2684	EXT 3 LEAF SLIDER WITH 2 FIXED PANELS, 1000 WIDE SLIDING LEAF
D9	2100x1200	ROLLER DOOR
WINDOWS		
W1	1800x610	FIXED PANEL
W2	1800x2170	FIXED PANEL
W3	1800x1090	FIXED PANEL
W4	772x610	SLIDER
W5	1030x1810	DOUBLE SLIDER
W6	1000x1200	FIXED PANEL
W7	1000x1800	FIXED PANEL
W8	1000x1000	FIXED PANEL
W9	500x1800	FIXED PANEL
W10	500x600	FIXED PANEL
SKLIGHTS		
SL1	350mm DIA.	RIGID LIGHT TUNNEL
GATES		
G1	1200x920	POOL STYLE GATE WITH SHELF CLOSING HINGES AND CHILD PROOF LOCK
G2	1200x1000	POOL STYLE GATE WITH SHELF CLOSING HINGES AND CHILD PROOF LOCK
G3	1800x1000	PALISADE SECURITY GATE WITH LOCKABLE LATCH

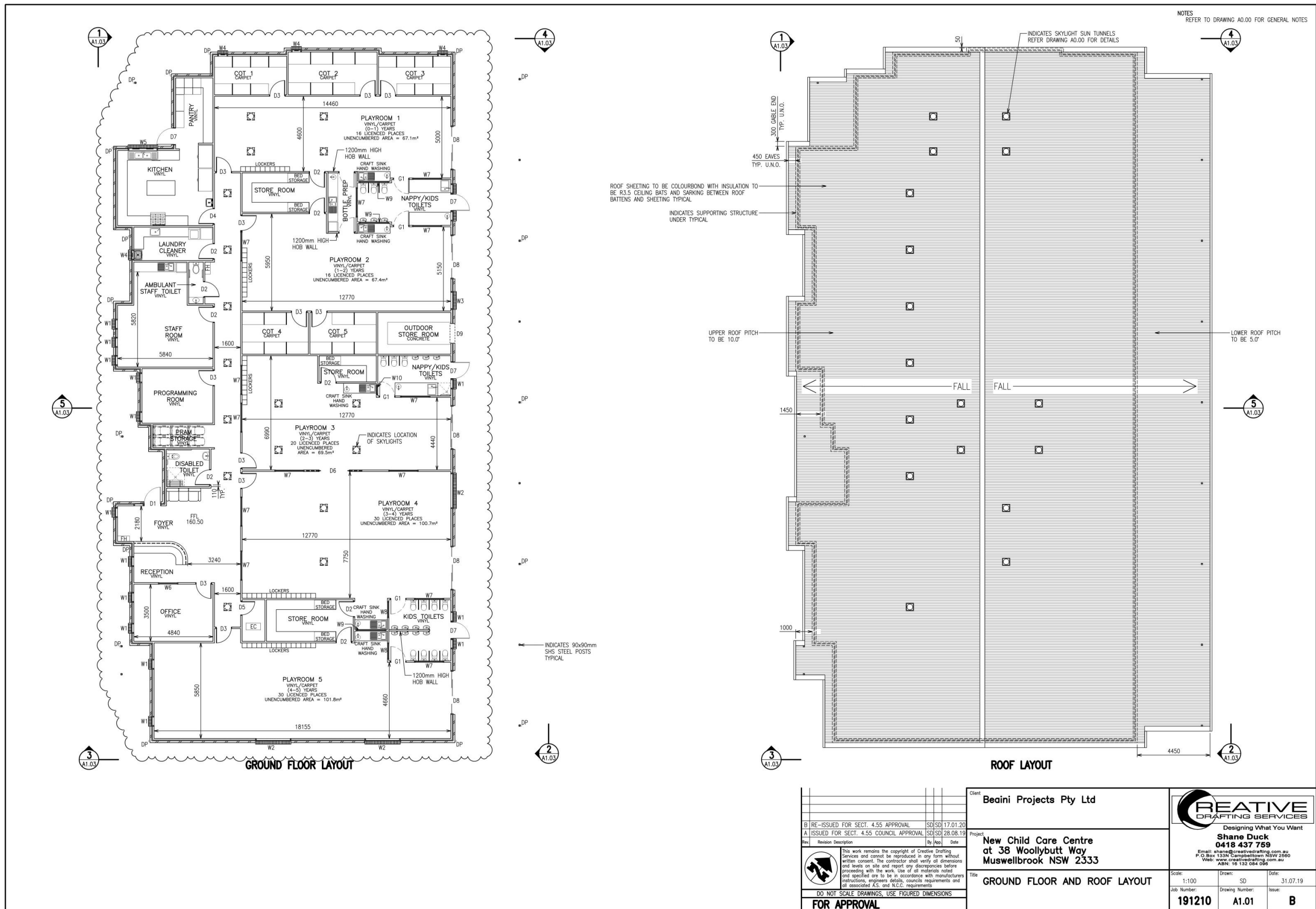
- NOTES:
- WINDOW AND DOOR SIZES MAY VARY BETWEEN MANUFACTURERS. BUILDER TO CONFIRM WINDOW AND DOOR SIZES PRIOR TO WALL FRAMES BEING MANUFACTURED
 - DOOR HARDWARE TO BE LOCATED AT 1550mm ABOVE FLOOR LEVEL EXCEPT FOR DISABLED TOILET WHERE HARDWARE IS TO BE LOCATED 1000mm ABOVE FOOR LEVEL
 - ALL DOOR FRAMES TO HAVE A 30% LUMINANCE CONTRAST WITH DOORS

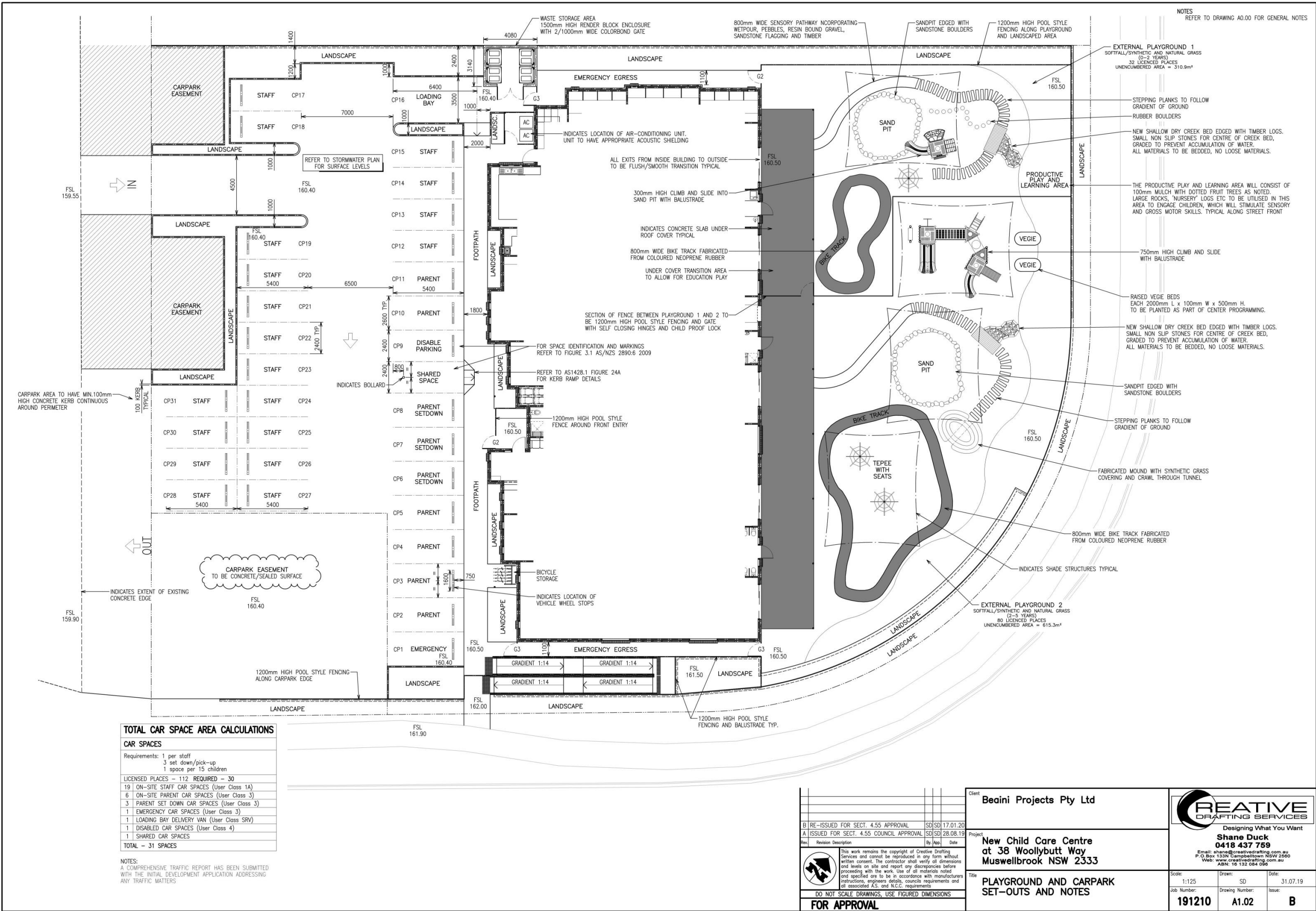
			Client Beaini Projects Pty Ltd			 Designing What You Want Shane Duck 0418 437 759 Email: shane@creativedrafting.com.au P.O.Box 133N Campbelltown NSW 2560 Web: www.creativedrafting.com.au ABN: 16 132 084 096		
B RE-ISSUED FOR SECT. 4.55 APPROVAL			SD	SD	17.01.20	Project New Child Care Centre at 38 Woollybutt Way Muswellbrook NSW 2333		
A ISSUED FOR SECT. 4.55 COUNCIL APPROVAL			SD	SD	28.08.19			
Rev.	Revision Description		By	App.	Date	Title GENERAL NOTES		
This work remains the copyright of Creative Drafting Services and cannot be reproduced in any form without written consent. The contractor shall verify all dimensions and levels on site and report any discrepancies before proceeding with the work. Use of all materials noted and specified are to be in accordance with manufacturers instructions, engineers details, councils requirements and all associated A.S. and N.Z.C. requirements						Scale: NTS		
DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS						Drawn: SD		
FOR APPROVAL						Date: 31.07.19		
						Job Number: 191210		
						Drawing Number: A0.00		
						Issue: B		

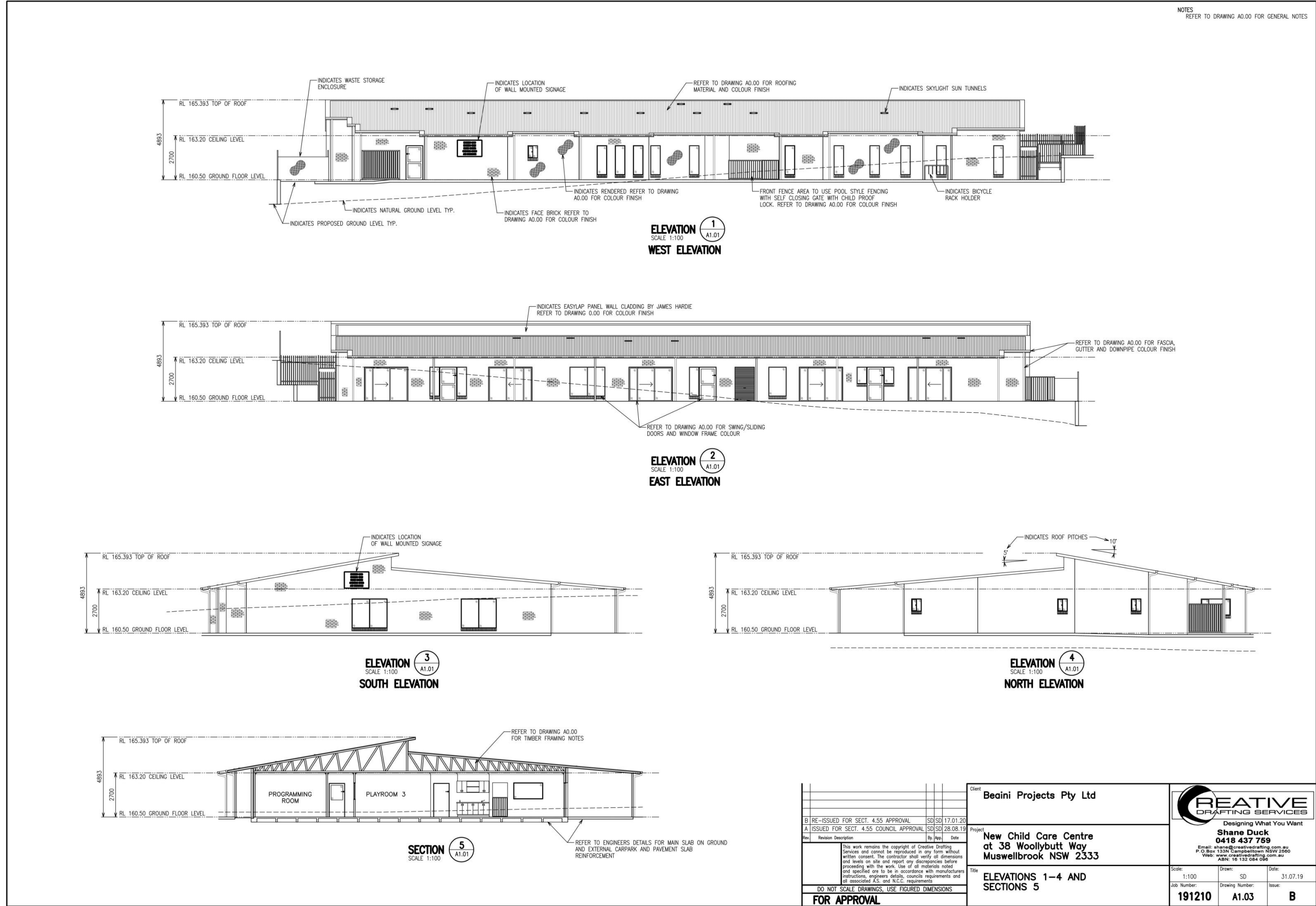
DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS

FOR APPROVAL



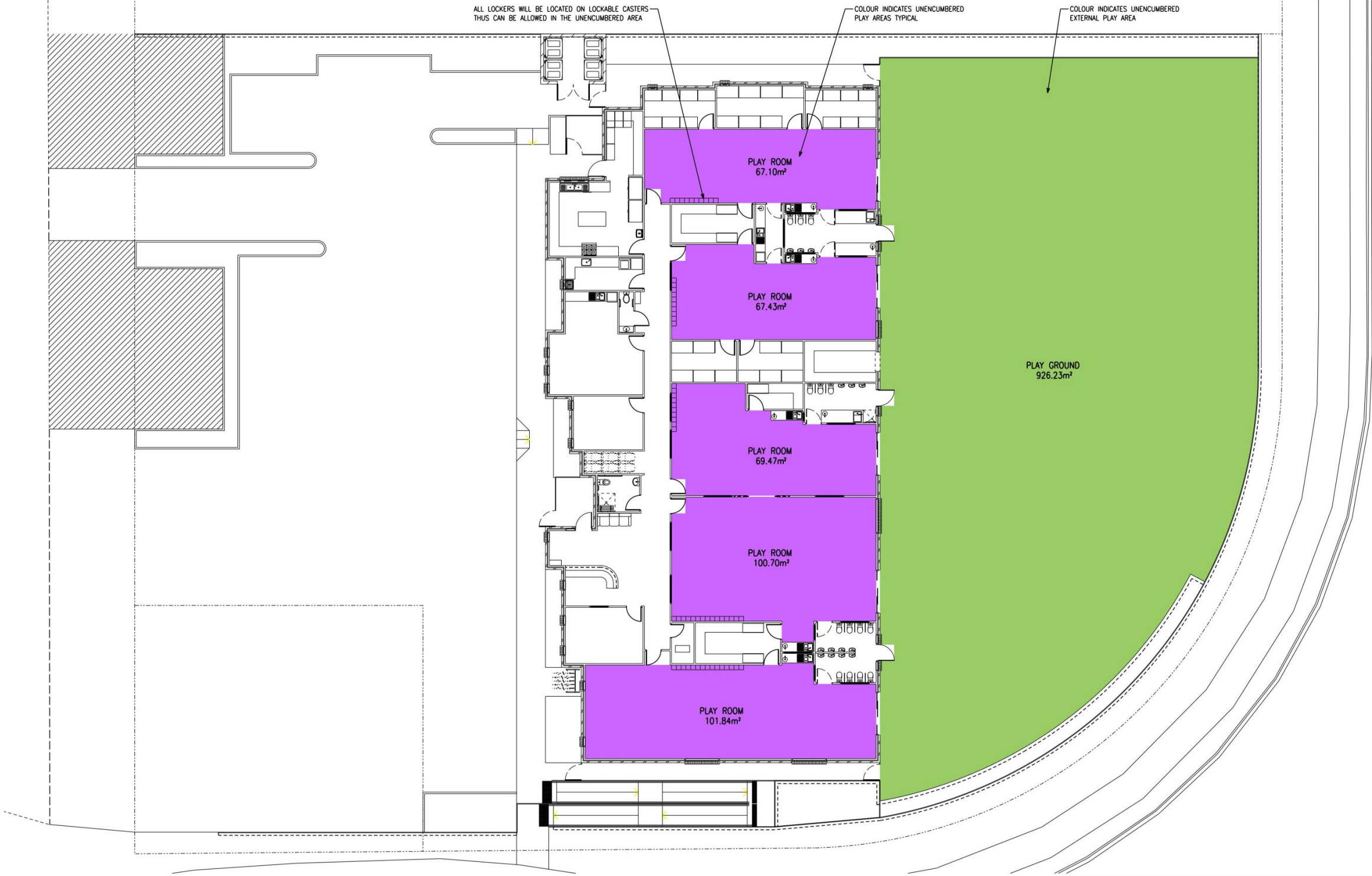









NOTES
REFER TO DRAWING A0.00 FOR GENERAL NOTES



					Client		Beoini Projects Pty Ltd		 Designing What You Want Shane Duck 0418 437 759 Email: shane@creativedrafting.com.au P.O. Box 1339 Campbelltown NSW 2560 Web: www.creativedrafting.com.au ABN: 16 132 084 096		
					Project		New Child Care Centre at 38 Woollybutt Way Muswellbrook NSW 2333				
B RE-ISSUED FOR SECT. 4.55 APPROVAL					SD	SD	17.01.20				
A ISSUED FOR SECT. 4.55 COUNCIL APPROVAL					SD	SD	28.08.19				
Rev.		Revision Description			By	App.	Date				
This work remains the copyright of Creative Drafting Services and cannot be reproduced in any form without written consent. The contractor shall verify all dimensions and levels on site and report any discrepancies before proceeding with the work. Use of all materials noted and specified are to be in accordance with manufacturers instructions, engineers details, councils requirements and all associated A.S. and N.C.C. requirements											
					Title		COLOURED UNENCUMBERED AREA LAYOUTS				
DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS							Scale:		1:125	Drawn: SD	Date: 31.07.19
FOR APPROVAL							Job Number:		191210	Drawing Number: A1.05	Issue: B



Shane Duck
0418 437 759
Email: shane@creativedrafting.com.au
P.O.Box 133N Campbelltown NSW 2560
Web: www.creativedrafting.com.au
ABN: 16 132 084 096

RE Notice of Proposed Development No; 2015/25
Lot; 2 DP; 1090457 – 38 Woollybutt Way

Dear Sir/Madam

While I do not have any objection to the proposed development listed above I do wish to bring to Councils attention that for many years this block has served as makeshift thoroughfare for both light and heavy vehicles giving entry and exit to the car park and Harvey Norman loading dock between Aldi and the Muswellbrook Fair site, something I would like to see cease.

While the car park and landscaping of this new proposal may impose physical restraints on the informal roadway created I am afraid that people being people they will soon find a way of shortcutting through the end of the current car park directly onto Woollybutt Way at the Harvey Norman loading dock area and would like to see Council impose some sort of physical barrier to stop this happening in the future.

A quick drive past this area by any Council authority will confirm this situation and hopefully result in a satisfactory remedy.

Yours Sincerely



Mr I Scammell
02 6549 3862
DA 25/2015

MUSWELLBROOK SHIRE COUNCIL

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 81)

DEVELOPMENT APPLICATION:	25/2015
APPLICANT NAME:	MM HYNDES BAILEY & CO
APPLICANT ADDRESS:	PO BOX 26 MUSWELLBROOK NSW 2333
LAND TO BE DEVELOPED:	LOT 2 DP 1090457 38 WOOLLYBUTT WAY MUSWELLBROOK
PROPOSED DEVELOPMENT:	CHILD CARE CENTRE

DETERMINATION MADE ON: 10 August 2015

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: 10 August 2015

CONSENT TO LAPSE ON: 10 August 2020 if work has not commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date
Project 8535 - DA-01.01 Context and Locality Plan	Rev. 1	Elevation Architecture Studio	20 Jul 2015

Item 6.1 - Attachment E DA 2015-25 Notice of Determination issued in relation to original application

Project 8535 - DA-02.02 Proposed Site Plan	Rev. I	Elevation Architecture Studio	20 Jul 2015
Project 8535 - DA-04.01 Ground Floor Plan	Rev. I	Elevation Architecture Studio	20 Jul 2015
Project 8535 - DA-04.02 Roof Plan	Rev. H	Elevation Architecture Studio	02 Jun 2015
Project 8535 - DA-09.01 Elevations North & East	Rev. I	Elevation Architecture Studio	20 Jul 2015
Project 8535 - DA-09.02 Elevations South & West	Rev. I	Elevation Architecture Studio	20 Jul 2015
Project 8535 - DA-10.01 Sections A & B	Rev. I	Elevation Architecture Studio	20 Jul 2015
Project 8535 - DA-10.02 Sections C & D	Rev. I	Elevation Architecture Studio	20 Jul 2015
Project 8535 - DA-10.03 Sections E, F & G	Rev. I	Elevation Architecture Studio	20 Jul 2015
Statement of Environmental Effects	-	MM Hyndes Bailey & Co.	Apr 2015
Waste Management Plan	15 Apr 2015	Leigh Design	15 Apr 2015
Job No. 15-029 – Stormwater Management Strategy	-	RHM Consulting Engineers	16 Apr 2015
Traffic Engineering Assessment	2	Rytenskild Traffic Group	21 April 2015

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

3. Construction Management Program

A Construction Management Program must be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Program shall include such matters as:

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;

- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

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

4. 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

5. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$15,900 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.

6. Food Preparation and Storage Areas

Detailed plans and elevations of the food preparation and food storage areas shall be submitted to and approved by Muswellbrook Shire Council, prior to release of the construction certificate. Plans shall include the finishes to floors, walls, ceilings, benches and shelves, elevation of fixtures and fittings and location of hand wash basins as per:

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) AS4674 (Design, Construction and Fit-Out of Food Premises);

7. Notice of Requirements

A 'Notice of Requirements' under the *Water Management Act 2000* must be obtained detailing water and sewer extensions to be built and charges to be paid by the applicant prior to any Construction Certificate Application.

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

Note:

- The final Compliance Certificate must be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
- Lot 2 DP 1090457 is provided with standard water and sewerage connections. The developer will need to make necessary payments and arrange upsizing of water service to meet the water requirements of the proposed development.
- Water and Sewerage head works charges associated with this development will be based on the following assessment.
- Additional loadings expected to be created by the development on water and sewerage head works have been assessed using ET guidelines of Water Directorate.

Description	ET per person (Water)	Et per person Sewer	No of people	ET- Water	ET-Sewer
Child care	0.06	0.10	134	8.04	13.4
Total				8.04	13.4

- The lot has an entitlement of 1 ET for Water and Sewer respectively. (1 ET per Lot).

- Therefore additional ETs associated with the development are:

Water 7.04 ETs

Sewer 12.40 ETs

8. Items to be Incorporated into the Design of the Building

The Plans submitted for approval with the Construction Certificate Application shall incorporate the following requirements:

- (a) A bell or alarm shall be installed on, or adjacent to, the entry gate to alert staff that someone is entering or leaving the childcare centre.
- (b) Car park lighting shall be installed to ensure that all car parking spaces, including set-down and pick-up areas comply with AS 1157.3.1:2005.
- (c) The proposed landscaped area adjoining car parking spaces 26 to 29, as shown on Plan Sheet DA-02.02 – Proposed Site Plan (Rev. I) and drawn by Elevation Architecture, shall be deleted so as to allow vehicles to enter the proposed spaces directly from the adjoining driveway. In this regard, no stacked parking shall be permitted.
- (d) The southmost driveway, burdened by a right-of-carriageway, shall be signposted with words to the effect: 'out only, with the exception of service and delivery vehicles'.
- (e) The maximum height of the proposed masonry boundary wall adjacent to Woollybutt Way shall be 1.8 metres above existing street level.
- (f) Three (3) 'set down' car parking spaces shall be provided adjacent to the main entry of the building to allow the safe and efficient transfer of children to and from the Child Care Centre. The spaces shall be clearly marked for the intended purpose.
- (g) A childproof self-locking mechanism shall be provided on all gates that provide access to the public domain or car park area.
- (h) 50% of all outdoor open space to be utilised by children shall be shaded during the hours of 10am to 3pm in accordance with guidelines set out in the NSW Cancer Council's *Shade For Child Care Services* publication.

9. Noise from Mechanical Plant Adjacent to Residential Premises

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

10. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) all internal walls of the storage area shall be rendered to a smooth

- surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area shall be adequately screened from the street and located behind the building line;
- d) garbage enclosures serving residential units are to be located within areas designated for non-residential uses; and
- e) all waste is to be removed weekly from the site by a contractor and disposed of at a site approved for such purposes

Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

11. Sediment Control

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

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

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

12. Access for People with Disabilities

Ramps and access for people with disabilities are to be provided to and within the entire building. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

13. Geotechnical Investigation

A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to the Certifying Authority for approval with the Construction Certificate, certifying that the existing substrate on the site is capable of:

- a) withstanding the proposed loads to be imposed;
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) providing protection and support of adjoining properties;
- d) the provision of appropriate subsoil drainage during and upon completion of construction works.

14. Compliance with the National Construction Code

A full set of construction plans demonstrating compliance with the National Construction Code Series shall be submitted to, and approved by, the certifying authority prior to the release of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

15. Sediment and Erosion Control

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

16. Site Facilities

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

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

17. 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 the 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.

18. Water Meter

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

19. 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. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

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

20. Compliance with Health and Food Safety Standards

- (a) Hand wash basins in food preparation areas and staff toilets shall be provided with hot and cold water dispensed through a single mix tap.

- (b) A paper towel dispenser and soap dispenser shall be fitted adjacent to the hand wash basin.
- (c) Flooring in the food preparation and food storage areas must be appropriate for the area; able to be effectively cleaned; non-absorbent; laid so there is no ponding of water or harbouring of pests; and coved at the floor/wall junction to a minimum 25mm radius. If using ceramic floor tiles, tiles shall be epoxy grouted and laid in accordance with the requirements of AS 3958.1.
- (d) Walls shall be of solid construction, sealed, of an impervious material, and able to be easily and effectively cleaned.
- (e) The ceiling shall be smooth, sealed and of an impervious material. Drop-in panel ceilings are not acceptable.
- (f) The light fittings in the food preparation and food storage areas, including those that are part of equipment used in the process or display open food, shall be –
 - i. designed and constructed to prevent contamination of food should the globe or tube shatter; and,
 - ii. free from any features that would harbour dirt, dust, or insects or make the fitting difficult to clean.
- (g) Splashbacks shall be minimum height of 450mm behind sinks, hand wash basins, food preparation benches, counters and tables. Splashbacks shall be sealed at all joints, edges and adjacent walls or other vertical surfaces.
- (h) Equipment, shelves, counters and the like, where not located on plinths, shall be supported on approved metal legs not less than 150mm above the floor or on wheels or castors to permit movement for cleaning.
- (i) The surfaces of all food preparation benches are to be smooth, impervious and capable of being effectively cleaned and sanitised.

21. Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

22. Applicant's Cost of Work on Council Property

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

23. 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 5.00pm
 - ii. on a Saturday—7.00am to 4.00pm
- (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.

24. 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.

25. Excavation/Demolition

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

26. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:-
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

27. Hot Water Installations

Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding:-

- (a) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled person;
- (b) 50°C in all other buildings;
- (c) the existing hot water temperature limiting device shall be adequately maintained or replaced when defective; and
- (d) where hot water is being delivered to an outlet of a sanitary fixture, used primarily for personal hygiene purposes on commercial premises or by the public, at a temperature exceeding 50°C, such fixture shall have a sign, using symbol and red writing on a white background in appropriate languages, displayed adjacent to the sanitary fixture which states, "Warning – this fixture may deliver hot water which will scald".

28. Mandatory Council Inspections

At the following stages of construction, a satisfactory report from Council is to be obtained prior to works proceeding:

- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready to backfill. Suitable backfill material is to be available on site at the time of inspection.
- (b) Connection of stormwater drainage to easement– following installation and bedding of drainage lines and prior to backfilling
- (c) Council infrastructure- at completion of works and prior to an Occupation Certificate inspection.

To arrange an inspection please contact Council's Environmental Service Department on (02) 6549 3745.

Note: 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.

29. Distance to Sewer Pipes

The development or any footing system of the development shall not be constructed within 1.5m of the sewer main.

Should the sewer main be damaged at any stage during construction, all work is to cease immediately and will not resume until after further consultation with Council.

30. Erosion and Sediment Controls

The approved Sediment & Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that

escapes from the allotment shall be cleaned, collected and disposed of to Council's waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

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

31. Food Business Notification

Food Business details shall be notified to Council prior to operation. This can be done free of charge by submitting Council's Food Premises Registration Form.

32. Final Compliance Certificate for Water Supply and Sewerage Works

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

33. Access for People with Disabilities

Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

34. Disabled Access from the Public Realm – Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

35. Identification of Non Potable Water

Signage in accordance with AS3500.1 shall be installed to all taps that are supplied by the rainwater tank where mains reticulated water supply is provided to the site.

36. Liquid Trade Waste

Prior to occupation, an application to discharge trade waste to Council's sewer shall be submitted for approval.

37. Occupation

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

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

38. Ongoing Operation of Childcare Centre

- (a) All food preparation and food storage areas shall comply with the requirements of Standard 3.2.3 of Chapter 3 of the Food Safety Standards.
- (b) The development shall not give rise to any offensive odour or noise as defined in the Protection of the Environment Operations Act 1997.

39. Trade Waste

Trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner and Muswellbrook Shire Council.

40. Obstruction of Parking Areas

No parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

41. Ongoing Compliance with Relevant Legislation

At all times, the operation of the childcare centre shall be carried out in accordance with relevant legislation, including the Work Health and Safety Act 2011, Children and Young Persons (Care and Protection) Regulation 2012, and the Children (Education and Care Services) Supplementary Provisions Regulation 2012.

42. Delivery Vehicle

At all times, delivery vehicles shall be of a length that is no greater than 5.2 metres in accordance with the plans submitted with the Development Application.

REASON FOR IMPOSITION OF CONDITIONS:

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

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;

- (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting “Dial before you Dig” by telephoning 1100.
- The mailbox erected to service the property shall not encroach on Council’s footpath or kerb area.
- The granting of this approval does not override or permit additional water usage beyond that of the current level of water restrictions in force. For further information please contact Muswellbrook Water & Waste on (02) 6549 3840.
- During the occupation and life of the building nominated exits must not be blocked at the point of discharge.
- A balustrade is to be provided on all landings and/or steps where the height of the landing/steps exceeds 1000mm from finished ground level. The design of the balustrade shall comply with the requirements of the Building Code of Australia.
- Full details of the framing, roof trusses, bracing details and tie down connections involved in the construction indicating compliance with the Australian Standard are to be submitted to the Certifying Authority prior to the frame inspection.
- NOTE: The frame inspection will not be passed until this information has been submitted.
- The wet areas in the building are to be impervious to water as required by P2.4.1 of the Building Code of Australia (Housing Provisions). On completion of waterproofing a certificate shall be furnished to the Principal Certifying Authority verifying that the waterproofing has been completed in accordance with the manufacturer’s specifications and AS 3740-1994.
- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED AT THE ORDINARY MEETING OF COUNCIL ON 10 AUGUST 2015



Iain Scammell
Development Planner

WOOLLYBUTT CHILDCARE CENTRE

SITE INFORMATION

RP DATA: LOT 2 DP1030457
SITE AREA: 3452m²

PROPOSED CHILDCARE CENTRE

BUILDING GFA: 841.3m²
VERANDAHS: 198.9m²
SITE COVER: 1133.9m²
% SITE COVERED: 33%

REQUIRED CARPARKING: 35
PROVIDED CARPARKING: 29

CARPARK LANDSCAPING: 95.3m²
% CARPARK LANDSCAPING: 10.2%

CHILDCARE INFORMATION

ROOM	AGE GROUP	NO. OF CHILDREN	ACTIVITY ROOM AREA	STAFF
1	0 - 15 MONTHS	12	47.4m ²	
2	15 - 24 MONTHS	20	78.5m ²	
3	2 - 3 YEARS	20	78m ²	
4	2 - 3 YEARS	20	76.4m ²	
5	3 - 5 YEARS	40	154m ²	
TOTAL		112	434.3m ²	23

PLAY AREA
PLAY AREA REQUIRED: 784m²
PLAY AREA PROVIDED: 1,060.1m²

PLAY AREA SHADED: 537.1m²
% PLAY AREA SHADED: 51%

RATIO
at 7m² per child



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

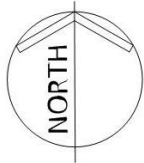
Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Context and Locality Plan

scale: NTS

DA

Commenced March 2015



DA-01.01

8535

20/07/15



P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

Commenced March 2015



8535 02/06/15

WOOLLYBUTT WAY



p 0 7 3 2 5 1 6 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 Arch\CAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Proposed Site Plan

scale: 1:300 @ A3

DA

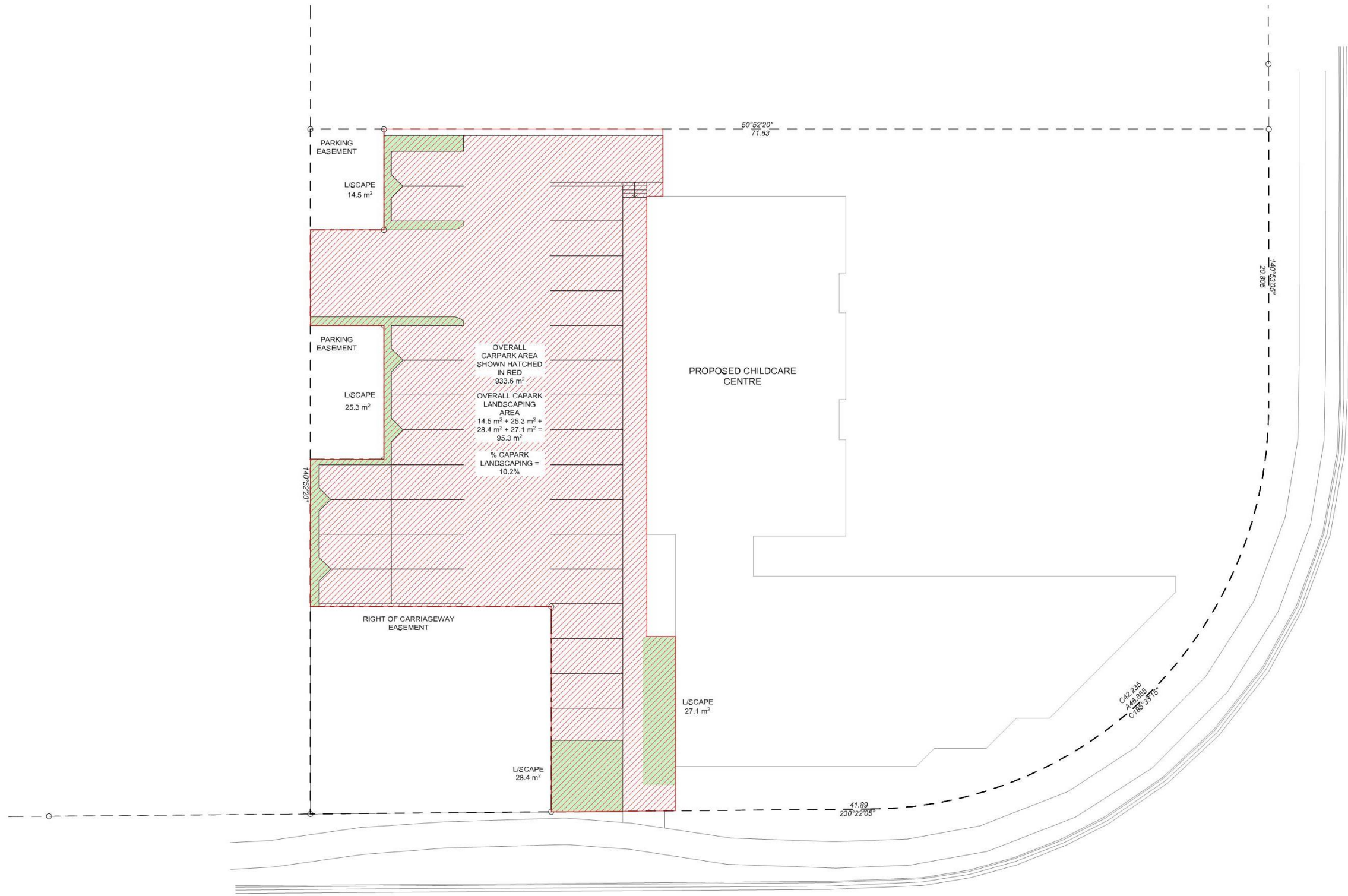
Commenced March 2015



DA-02.02

8535

20/07/15



p 0 7 3 2 5 1 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • w w w . e l e v a t i o n a r c h i t e c t u r e . c o m . a u • i n f o @ e l e v a t i o n a r c h i t e c t u r e . c o m . a u



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Carpark Landscape Plan
scale: 1:300 @ A3
DA
Commenced March 2015



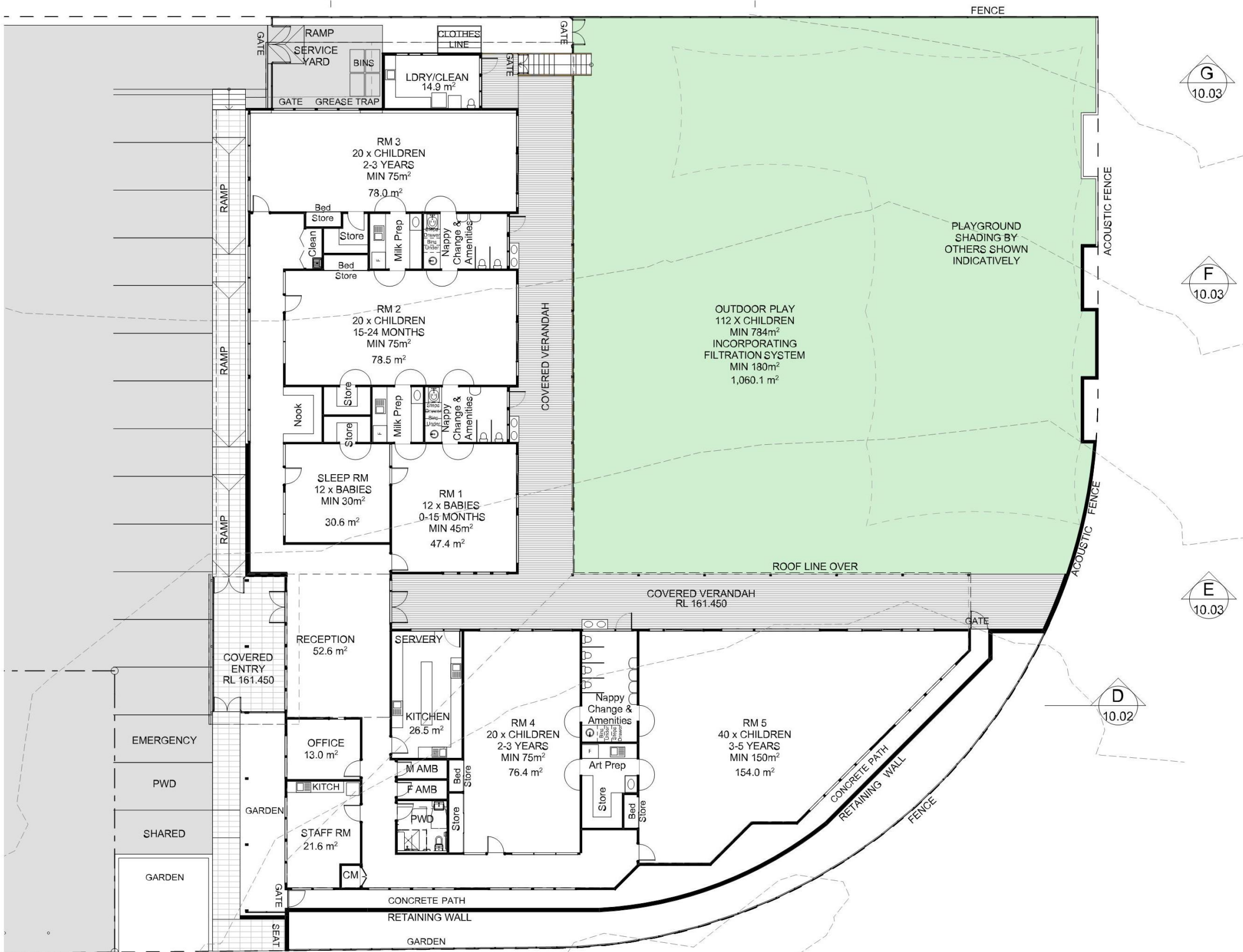
DA-02.03 B
8535 20/07/15

p 0 7 3 2 5 1 6 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln



Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Ground Floor Plan

scale: 1:200 @ A3

DA

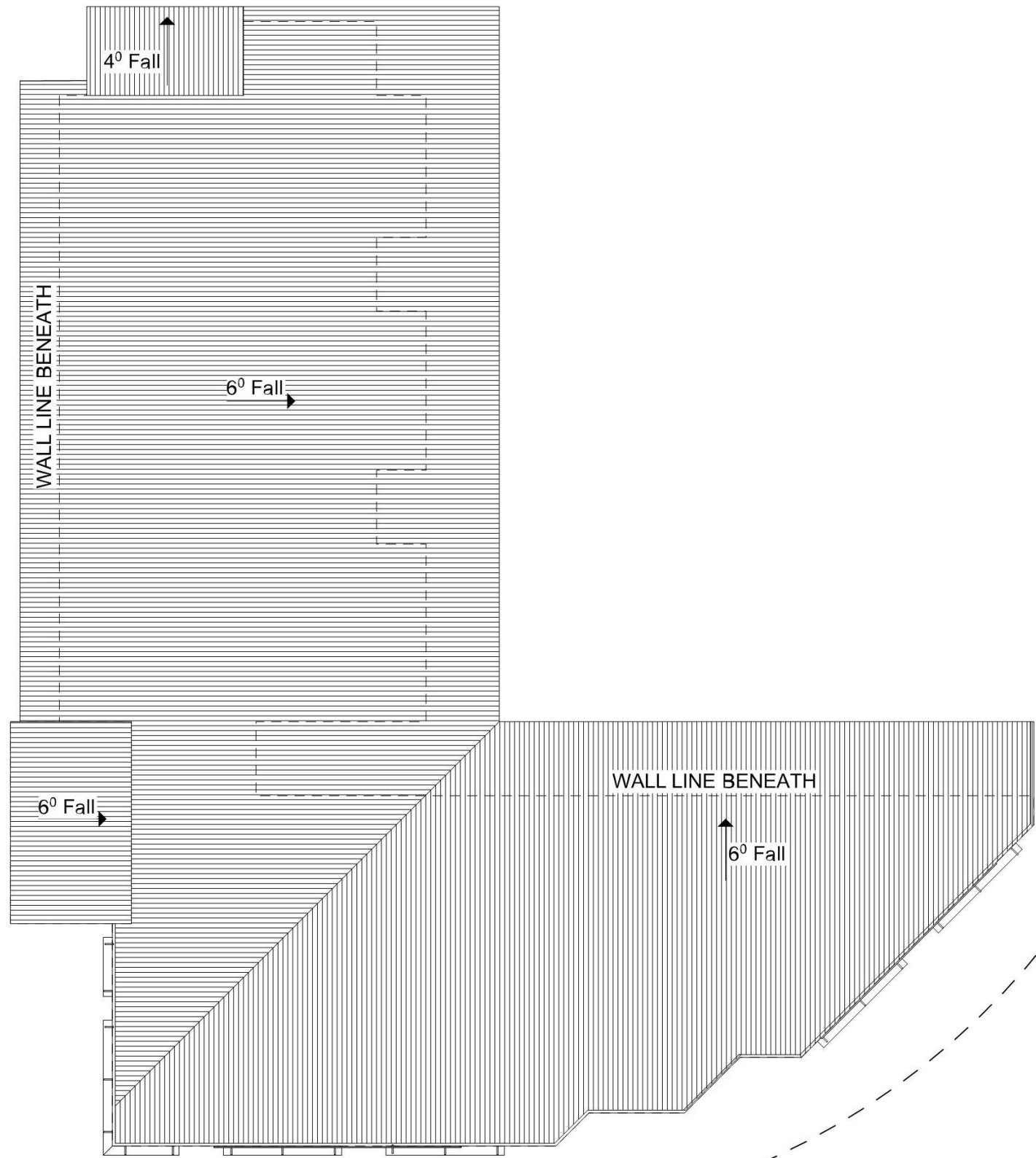
Commenced March 2015



DA-04.01

8535

20/07/15



p 0 7 3 2 5 1 6 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Roof Plan
scale: 1:200 @ A3
DA
Commenced March 2015

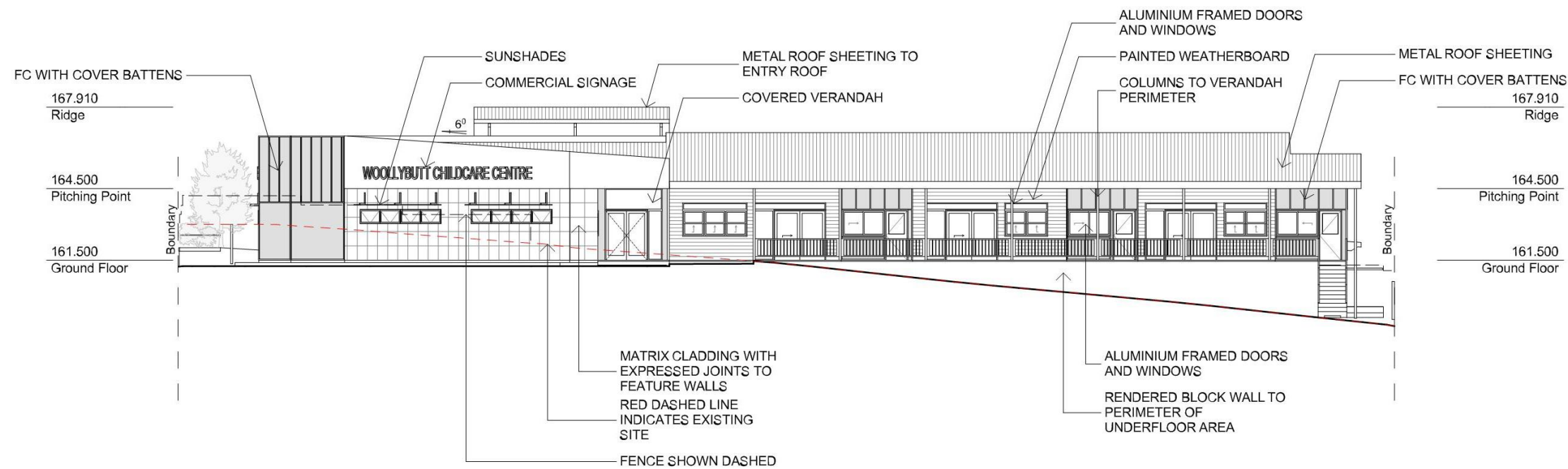


DA-04.02

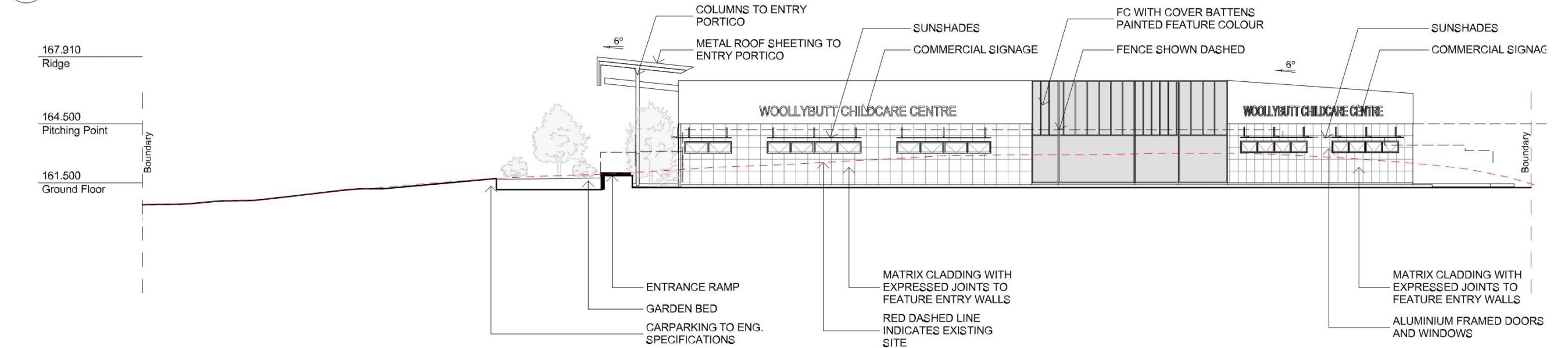
H

8535

02/06/15



North Elevation
1:200



East Elevation
1:200



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Elevations North & East

scale: 1:200 @ A3

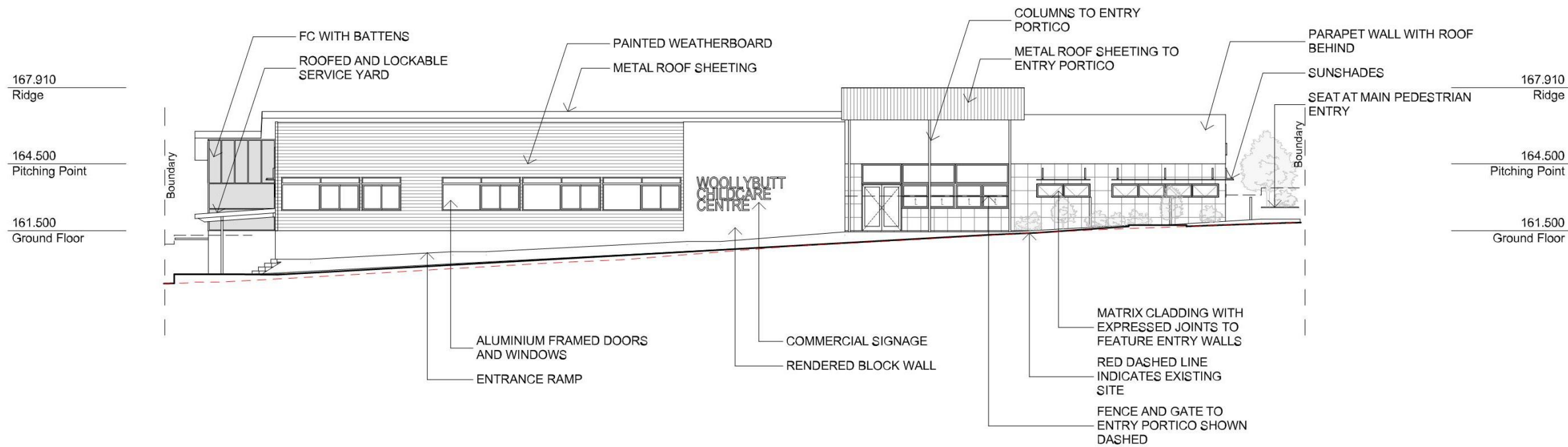
DA

Commenced March 2015

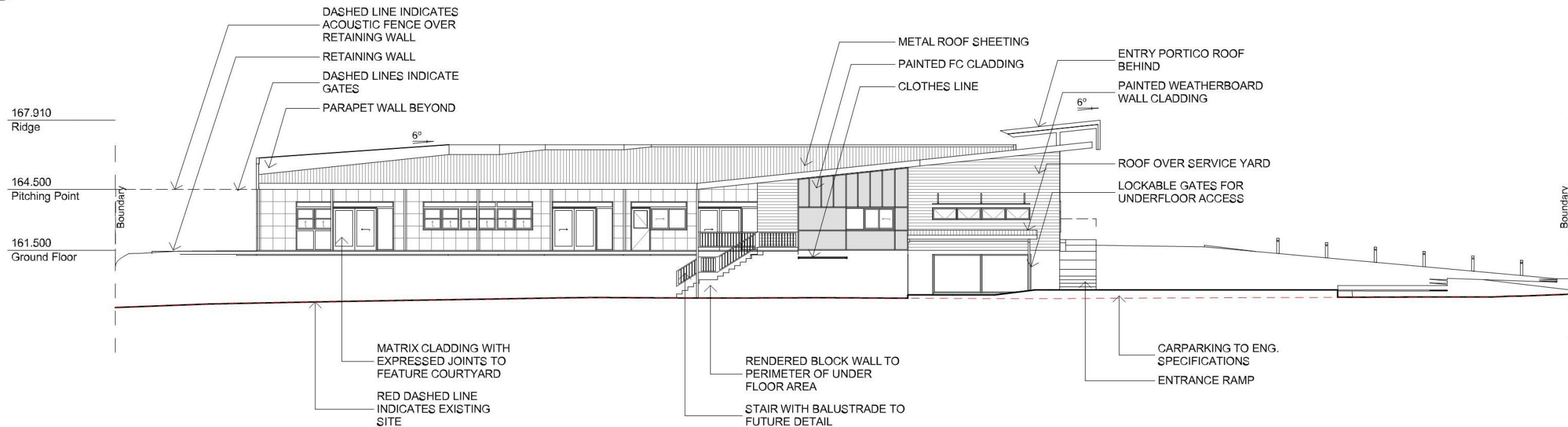
DA-09.01

8535

20/07/15



South Elevation
1:200



West Elevation
1:200



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Elevations South & West

scale: 1:200 @ A3

DA

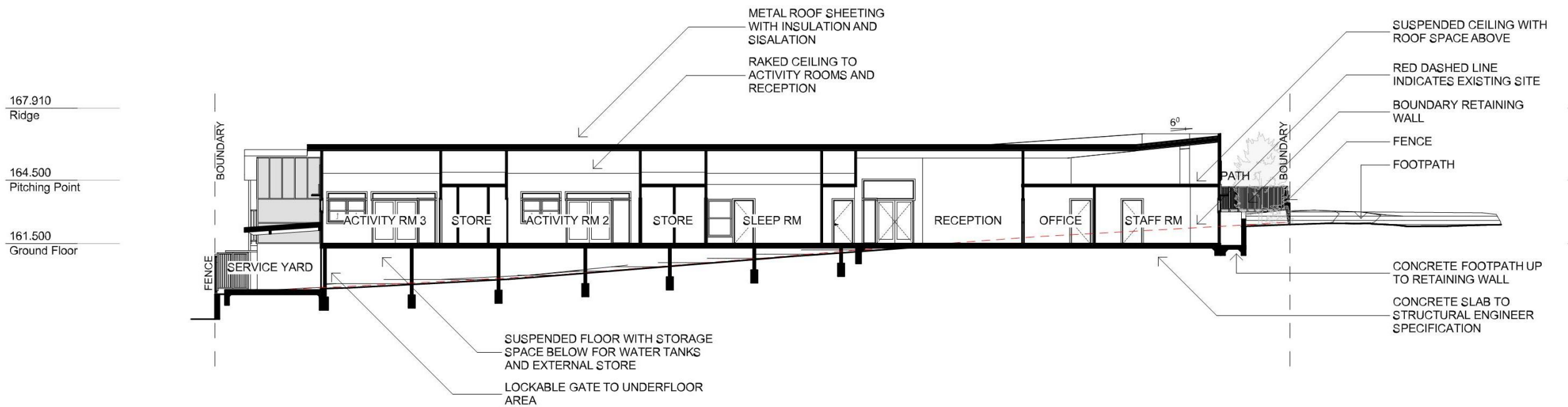
Commenced March 2015

DA-09.02

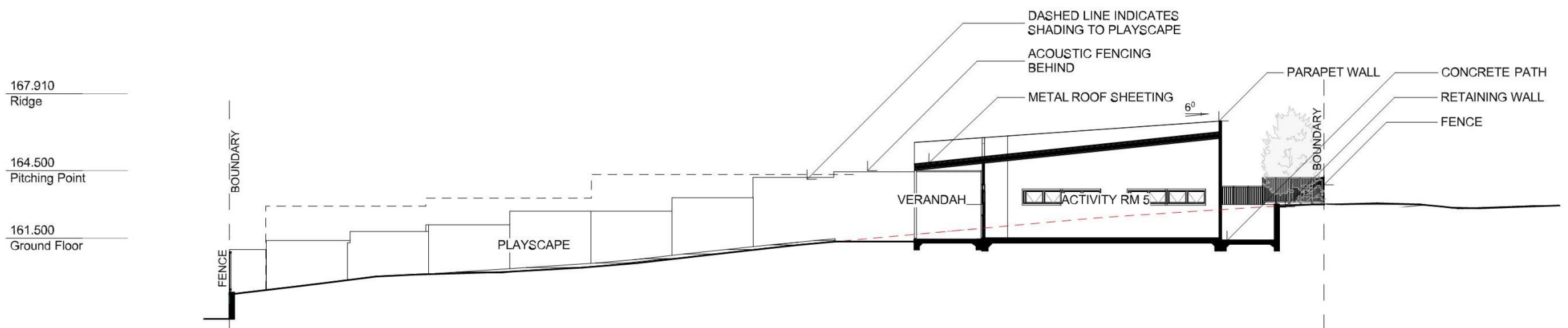
8535

20/07/15

p 0 7 3 2 5 1 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au



Section A
1:200



Section B
1:200



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Sections A & B

scale: 1:200 @ A3

DA

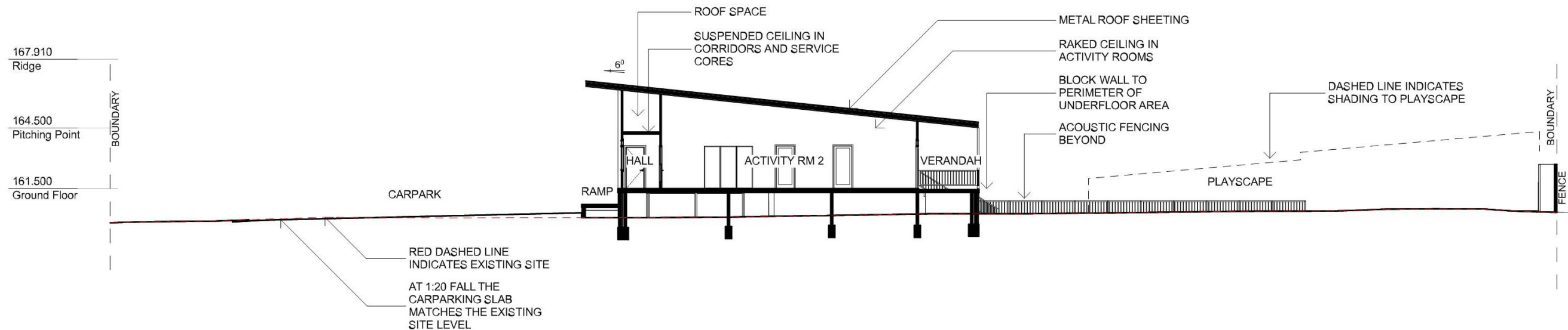
Commenced March 2015

DA-10.01

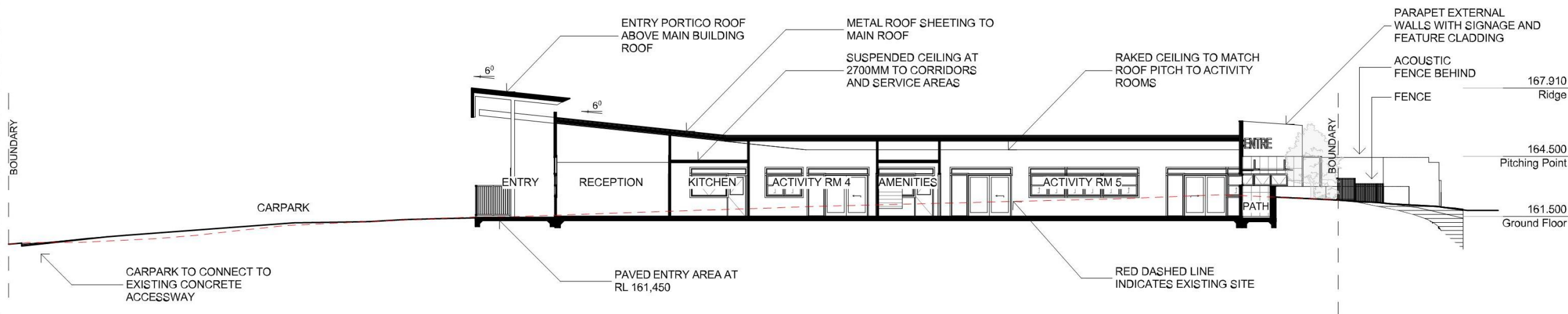
8535

20/07/15

p 0 7 3 2 5 1 6 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au



Section C
1:200



Section D
1:200



Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 Arch\CAD\8535_Master_18_Current.pln

Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Sections C & D

scale: 1:200 @ A3

DA

Commenced March 2015

DA-10.02

8535

20/07/15

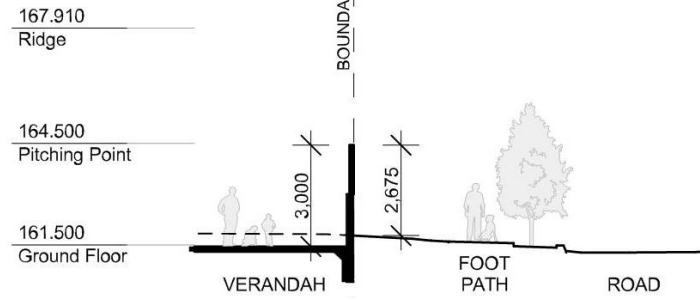
p 0 7 3 2 5 1 6 9 0 0 □ f 0 7 3 8 5 2 2 0 8 2 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au



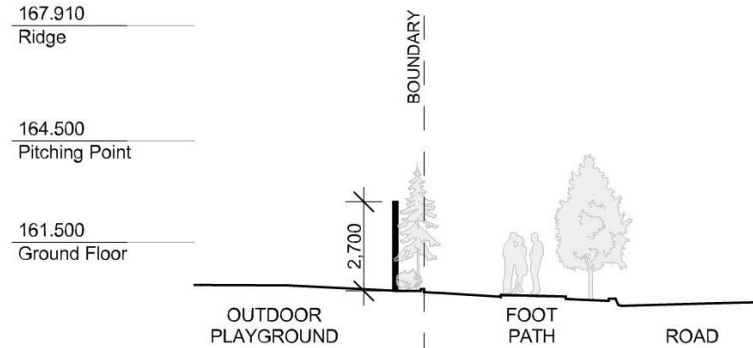
Elevation Architecture Studio Pty Ltd ACN 108 247 507 © Copyright reserved this document is and shall remain the property of Elevation Architecture Studio. Unauthorised use of this document in any form whatsoever is prohibited.

P:\Data 1\Synergy\Projects\0000\00008535 Woollybutt Way Childcare Centre\5. Design & Documentation\5.2 Development Application\5.2.1 ArchiCAD\8535_Master_18_Current.pln

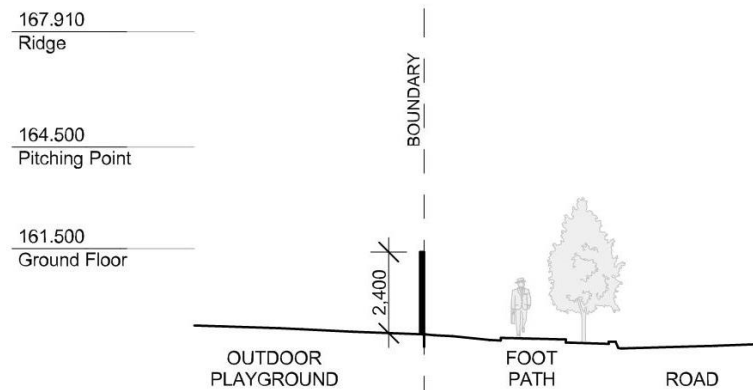
Section E
1:200



Section F
1:200



Section G
1:200



Woollybutt Childcare Centre
Lot 2 Woollybutt Way, Muswellbrook
Packer Developments Pty Ltd

Sections E, F & G

scale: 1:200 @ A3

DA

Commenced March 2015

DA-10.03 A
8535 20/07/15

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

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>
Attachments:	A. DA 2019-41 Development Assessment Section 4.15 B. DA 2019-41 Recommended Conditions of Consent C. DA 2019-41 Statement of Environmental Effects D. DA 2019-41 NSW Rural Fire Service General Terms of Approval

APPLICATION DETAILS

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

PURPOSE

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

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

This development application was previously reported to the 10 February 2020 Meeting where it was deferred to this meeting for consideration by the Development Assessment Committee.

RECOMMENDATION

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

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

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

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

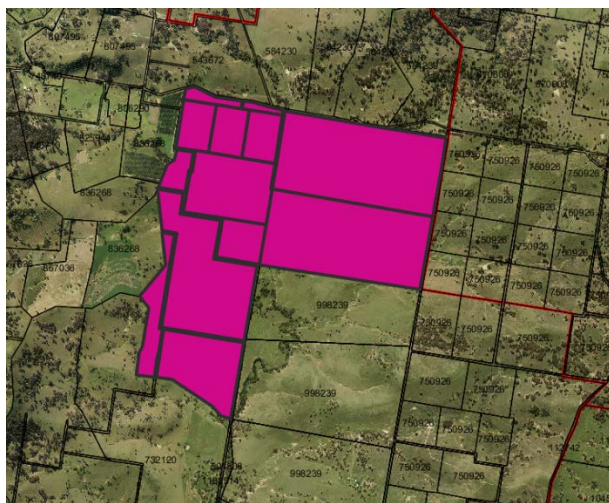
Under the Muswellbrook Local Environmental Plan (LEP) 2012 the land is zoned RU1 Primary Production and has a minimum lot size of 80ha. Each of the proposed lots will achieve the minimum lot size requirement.

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

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

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

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



Current Lot Layout



Proposed Lot Layout

ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. The conclusion of staff is that the proposed development application would comply with relevant requirements of the *Muswellbrook LEP 2009* and therefore Council can approve the proposed development.

Key findings of the section 4.15 assessment include:

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

COMMUNITY CONSULTATION

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

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

OPTIONS

The Development Assessment Committee may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 41/2019 has been reported to the Development Assessment Committee for determination as the recommendation is for the approval for a subdivision between 6 to 10 lots.

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

DEVELOPMENT ASSESSMENT REPORT

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

SUMMARY

ISSUES: Drainage and Access from Castlerock Road

SUBMISSIONS: zero (0)

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

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

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

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

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

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

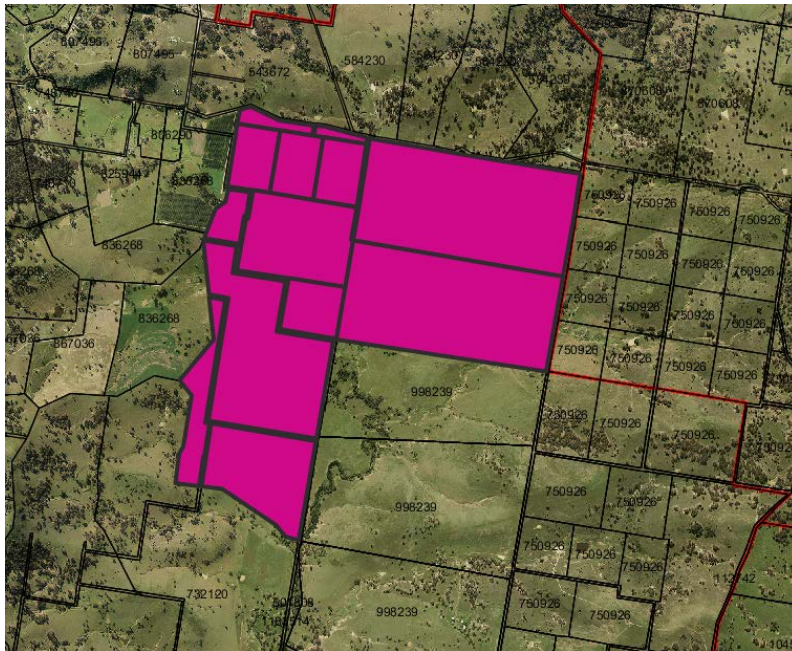


Figure 1: Existing Lots.

2.0 DESCRIPTION OF PROPOSAL

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

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

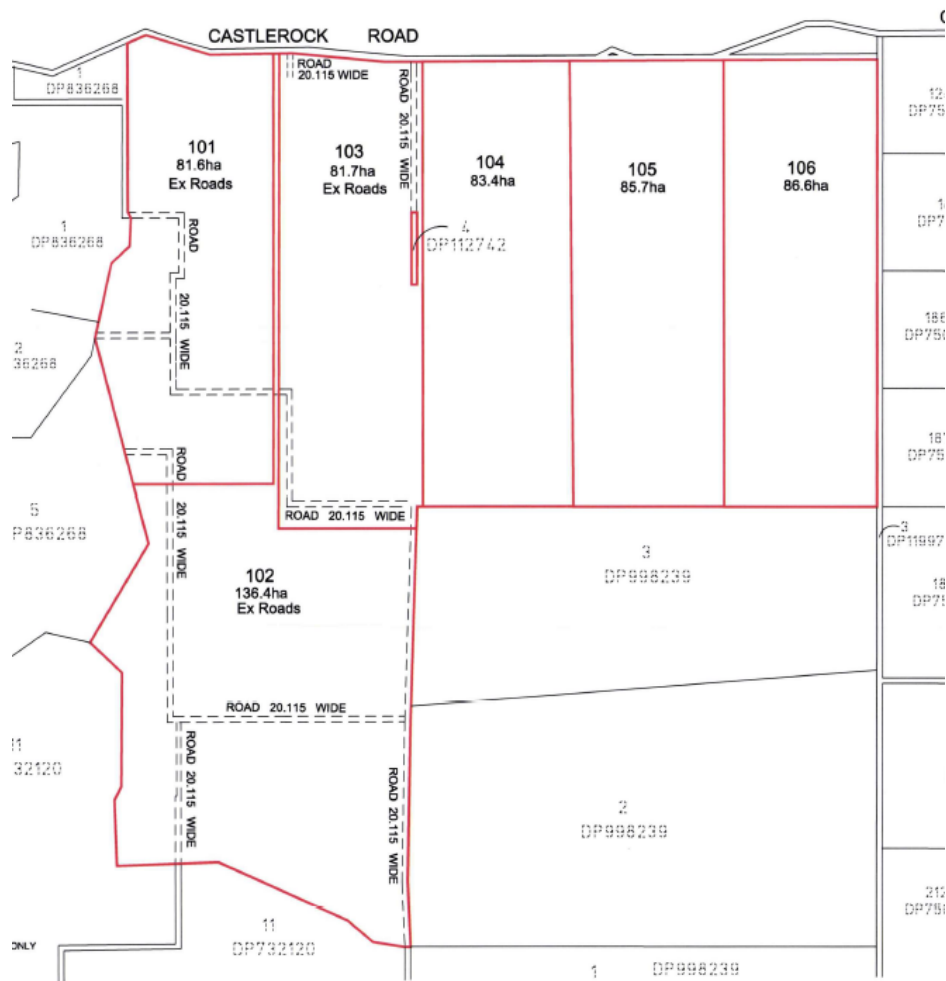


Figure 2: Proposed Lot layout

3.0 SPECIALIST COMMENTS

5.1 Internal Referrals

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

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

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

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

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

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

3.1 External Referrals

3.1.1 NSW Rural Fire Service

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

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

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

4.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

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

Objectives of the RU1 Primary Production Zone

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

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

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

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

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

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

- *To protect or conserve (or both)—*

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

(b) trees and other vegetation, and

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

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

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

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

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

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

2. State Environmental Planning Policy

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

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

State Environmental Planning Policy No. 44 – Koala Habitat Protection

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

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

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

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

No submissions were received during the notification period.

Section 5 - Subdivision

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

Section 8 – Rural and Environmental Zone development

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

Section 23 – On-site Sewage Management Systems

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

Section 94 Contributions Plan 2001

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

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

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

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

Aboriginal Heritage

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

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

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

Vehicle Access

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

Other likely environmental impacts

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

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

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

Section 4.15(1)(d) any submissions made

No submissions were received during the notification period:

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

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

6 CONCLUSION

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

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

Signed by:

Alisa Evans
Project Planner

Date:

4 February 2020

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT OF ANY WORKS

4. Section 138 Approval

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

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

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

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

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

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

3. Rural Property Access

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

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

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

5. **Tabledrain Works**

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

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

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE
--

8. **Services within Lots – Subdivision**

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

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

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

9. **House Numbering Access**

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

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

10. Section 7.11 Contributions

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

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

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

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

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

11. Location of services

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

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

12. Legal Access Requirements for Lot 4 DP 112742

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

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

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

RURAL FIRE SERVICE GENERAL TERMS OF APPROVAL

1. Asset Protection Zones

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

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

2. Water and Utilities

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

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

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

3. Access

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

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

4. Design and Construction

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

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

REASON FOR IMPOSITION OF CONDITIONS:

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

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

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

ADVICE:

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

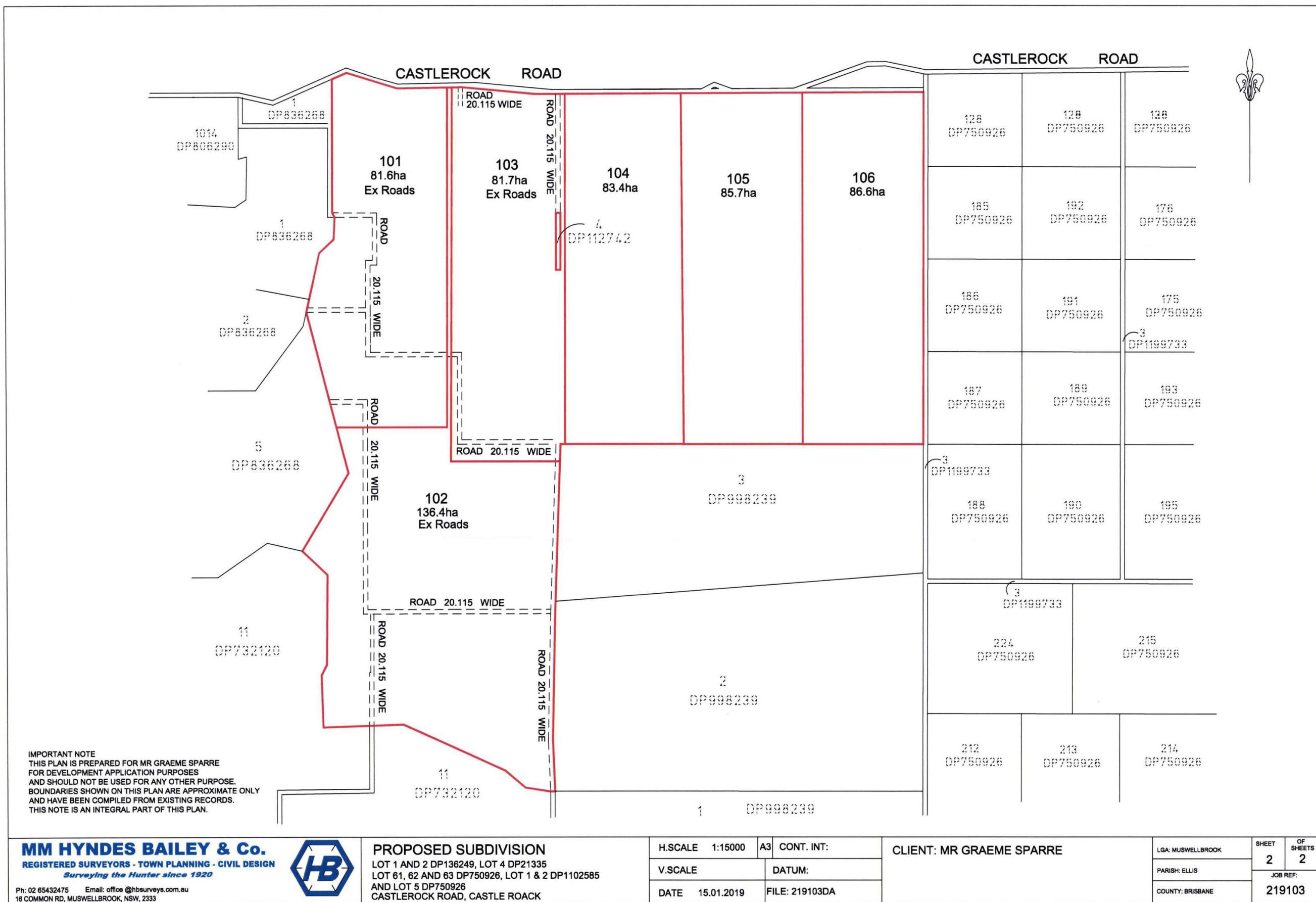
RIGHT OF APPEAL:

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

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

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





All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

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

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



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

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

ATTENTION: Alisa Evans

19 July 2019

Dear Alisa

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

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

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

Asset Protection Zones

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

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

Water and Utilities

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

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

Access

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

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

Design and Construction

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

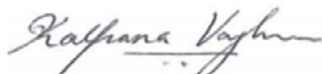
4. The existing dwelling on proposed Lot 103 shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub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

General Advice – consent authority to note

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

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

Yours sincerely



Kalpana Varghese

Team Leader Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS

Attachments:	A. Outstanding Development Applications 19 February 2020
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Michelle Reichert - Administration Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i>

PURPOSE**OFFICER'S RECOMMENDATION**

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

Moved: _____ Seconded: _____

STATUTORY IMPLICATIONS

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

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

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

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

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000021.001	NEW DWELLING - Rural Workers Dwelling	828 Bylong Valley Wy BAERAMI LOT: 5 DP: 1152622	Mr G K Towell	\$273,717	17/02/2020	2	DA Acknowledgement
005.2020.00000020.001	Residential Shed	28 Silver Eye RD MUSWELLBROOK LOT: 307 DP: 1105347	Mr T C Stewart	\$25,000	17/02/2020	2	DA Acknowledgement
005.2020.00000019.001	Dwelling Additions	11 Grevillea ST MUSWELLBROOK LOT: 3006 DP: 263113	Mr B R Lanesbury	\$49,977	13/02/2020	6	DA Acknowledgement
005.2020.00000018.001	Steel Horse Shelter	241 Merriwa RD DENMAN LOT: 1 DP: 128061	Ms L M Pearce	\$13,900	12/02/2020	7	DA Acknowledgement
005.2020.00000017.001	Covered Deck	22 Roger ST MUSWELLBROOK LOT: 9 DP: 37368	Mr S W Copland	\$15,176	10/02/2020	9	DA Acknowledgement
005.2020.00000016.001	New Dwelling	21 Finnegan CR MUSWELLBROOK LOT: 414 DP: 1182016	Mrs R Mahajan	\$385,335	7/02/2020	12	Notify Adjoining Owners
005.2020.00000015.001	Residential Shed	104 Osborn AVE MUSWELLBROOK LOT: 120 DP: 1105564	Mr G S Anderson	\$19,500	6/02/2020	13	Notify Adjoining Owners
005.2020.00000014.001	New Dwelling	7 Honeyeater CL DENMAN LOT: 3 DP: 1248157	Metricon Homes Pty Ltd	\$560,395	6/02/2020	13	Notify Adjoining Owners
005.2020.00000013.001	Residential Shed	7 Honeyeater CL DENMAN LOT: 3 DP: 1248157	Mr D J Collins	\$35,000	4/02/2020	15	Notify Adjoining Owners
005.2020.00000012.001	Residential Shed	Honey LA SANDY HOLLOW LOT: 2 DP: 1234634	Mr S R Cox	\$35,194	4/02/2020	15	DA Acknowledgement

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000011.001	Residential Shed	29 Palace ST DENMAN LOT: 2109 DP: 864033	Mrs H E Hassett	\$12,350	3/02/2020	16	Notify Adjoining Owners
005.2020.00000010.001	Single Residential Garage	1 Gyarran ST MUSWELLBROOK LOT: 6 DP: 16372	Mr M J Hughes	\$9,000	3/02/2020	16	Notify Adjoining Owners
005.2020.00000009.001	Single Residential Garage	52 Palace ST DENMAN LOT: 345 DP: 576669	Mr C J Garland	\$27,548	31/01/2020	19	Notify Adjoining Owners
005.2020.00000008.001	New Dwelling	Honey LA SANDY HOLLOW LOT: 2 DP: 1234634	Mr S R Cox	\$320,029	30/01/2020	20	Notify Adjoining Owners
005.2020.00000007.001	Additions and Alterations to existing Hotel	184 Bridge ST MUSWELLBROOK LOT: 3 DP: 37789 REF: HOTEL	Mr P Ryan	\$110,000	24/01/2020	26	Notify Adjoining Owners
005.2020.00000006.001	Carport	26 George ST MUSWELLBROOK ALT: B DP: 371230	Mrs S Gillespie	\$1,900	24/01/2020	26	Notify Adjoining Owners
005.2020.00000005.001	Change of Use from a Restaurant to a Community Facility	29 Sydney ST MUSWELLBROOK LOT: 1 DP: 69766	Sunnyfield	\$0	20/01/2020	30	Notify Adjoining Owners
005.2020.00000004.001	Old Denman Courthouse change of use to Bed and Breakfast, Carpark and addition of accessible bathroom.	Palace ST DENMAN LOT: 228 DP: 727761 32 Palace ST DENMAN LOT: 227 DP: 727761	Mr I P Simpson	\$46,585	16/01/2020	34	Notify Adjoining Owners
005.2020.00000003.001	Demolition and Replacement of Rural Workers Dwelling	Widden Valley RD DENMAN LOT: 48 DP: 755441	The Flying Builder PTY LTD	\$313,233	10/01/2020	40	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000002.001	Residential Shed and Carport	31 Weemala PL MUSWELLBROOK LOT: 307 DP: 1087265	Mr G J Irwin	\$16,600	6/01/2020	44	Additional Info Required
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	44	Additional Info Required
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	71	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	84	DA Acknowledgement
005.2019.00000102.001	Electricity Generating Works (Solar Farm)	1333 Merriwa RD DENMAN LOT: 12 DP: 1042612	Vernon Trust C/- Andrew King	\$6,114,757	19/11/2019	92	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	97	Additional Info Required
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	103	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	118	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
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	125	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	134	DA Acknowledgement
005.2019.00000090.001	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrawa RD DENMAN LOT: 1 DP: 323945	Waebron Pty Ltd	\$2,828,700	30/09/2019	142	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	146	Advertisement - Proposal
005.2019.00000087.001	Replacement Dwelling	Bureen RD DENMAN LOT: 413 DP: 1251003	Casson Planning and Development Services	\$200,000	20/09/2019	152	Notify Adjoining Owners
005.2019.00000054.001	Subdivision One (1) Lot into Three (3) Lots	52 Palace ST DENMAN LOT: 345 DP: 576669	Casson Planning and Development Services	\$10,000	28/06/2019	236	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	237	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<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	286	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	309	Advertisement - Proposal
005.2019.00000016.001	Information and Education Facility (Museum)	Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	Denman & District Heritage Village Inc.	\$265,000	15/02/2019	369	Additional Info Required
005.2019.00000013.001		8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893	Raj & Jai Construction Pty Ltd	\$5,142,236	14/02/2019	370	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000002.001	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	401	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	425	Additional Info Required

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<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	614	Additional Info Required

Development Assessment Committee - Outstanding DAs as at 19/02/2020

<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	730	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	971	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	996	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	1408	Additional Info Required
DAs Outstanding:	45						

7 DATE OF NEXT MEETING

9 March 2020

8 CLOSURE