

General Manager
Muswellbrook Shire Council
P O Box 122
Muswellbrook NSW 2333

RE: DA 2020/43

Dear Sir / Madam

We write with reference to the above Development Application.

In the first instance, I am extremely unhappy that we received this as a 10 page document (5 pages printed both sides, and 8 of the 10 pages are diagrams and maps, and the remaining 2 pages say nothing of the DA – then to make matters worse, we had to pay Council \$15 to “print out” 3 of the relevant documents for us, as they were quite lengthy.

As the owners of the 2 blocks immediately adjacent to this development, I believe this to be appalling behaviour by Council.

We would like to bring to your attention some things we believe need to be addressed:

Statement of Environmental Effects:

Pg

5 3 The Animal Boarding Establishment will operate 24 hours 7 days per week

Reply: I believe this will be a problem in that it will impede on our lifestyle and the serenity in our back yards, as well, our dogs are protective and will more than likely be barking at people / animals being deposited overnight, and whenever they see or hear people there throughout the day time.

The fact that we will be “hemmed in” by a development we never saw coming is overwhelming to say the least. Your home is your “castle” and Council is about to take that away from us, as the building will take away our “rural aspect”. So many people who have visited us have commented on how quiet it is at the rear of our blocks, and to take away that serenity is quite upsetting, but to be building there as well is totally beyond belief.

We wonder what the wording “Animal Boarding Establishment” means, as we are presuming it to be a place where people can leave their pets as boarders while they are away, and thus meaning this is a commercial venture.

5 3 The Community Facility will operate 7 days per week from 7.00am to 9.00pm.

Reply: This is something I believe will impact in a big way on our lifestyle and serenity, due to the fact the fencing in the area is only post and wire and must remain that way for the flood zone. It will certainly seem like we are being watched while others are “tending” their garden, and while 7am is ok on weekdays, we feel the weekends should be a later start. As for a 9pm “finish” 7 days per week, we feel this is just not acceptable, as we bought both

these properties for their backyard privacy, and this will certainly cease if this is the case. We always use the backyard as our private oasis, and certainly do not want people to be doing their gardening while we are trying to enjoy our afternoons and evenings in that oasis we have made for ourselves. We feel we will be "watched" while ever people are in the vicinity and 14hrs every day of the week is not acceptable in our eyes.

- 6 3 Provide a new facility in a location that is more accessible and noticeable to the public.

*The only part we can agree on is that it would be a new facility, and it **MAY** be more accessible. This is certainly **NOT** more noticeable to the public as it will be located **BEHIND** the Telstra depot and not fronting Sydney Street at all, therefore signage will be required for people to "notice" it.*

- 7 4.1.1 (Note Fig 11 has nothing to do with this issue-I believe it should read Fig 5 / 6)...

*Reply: We believe this will make a bigger flood impact upstream than is being stated, and as for the 50 properties that may be affected, have you notified them all? In the interest of the community, we believe **ALL 50** property owners should be notified so they can have a say as well. It stated that a small area adjacent to the riverbank at the rear of 121 Sydney Street, there would be an increase of **JUST OVER 0.1m**, while at the building (house) on 121 Sydney Street, there would only be a rise of between 2 and 1cm! As people who have seen how water behaves under flood, we believe it will be more than what has been stated at the houses.*

- 7 4.1.2 Flood Evacuation Considerations.

Reply: To date we have not seen an evacuation plan for this DA, and are interested to know how Council plans to deal with multiple animals and the feeding of those animals during a flood event.

- 11 4.2.3 Noise Model Assumptions.

Reply: The noise of barking dogs can be very irritating, particularly when those dogs are not your own. It is our contention that the noise of barking dogs will prove to be a mental anguish which will not go away, therefore creating a barrier to the development in every sense of the word. We believe the open exercise yards will allow us to hear even more barking, particularly in the quiet of the evenings.

- 14 4.3 Odour

Reply: We are hoping that Council is correct in ensuring there will be little to no odour, however, we would be interested in knowing how frequently the animal waste bins will be cleaned out, and will the chemicals be detrimental to the sewer system?

- 15 4.4 Waste Water Management.

Reply: It is stated that the runoff from the wet cleaning of the kennels will be entering a settlement pit prior to discharge into the sewer. Will this settlement pit be affected by flooding and how can this be counteracted to prevent this from entering the river system.

*Add to this, that it is **not** the required 100m from permanent surface water (the Hunter River) which is a requirement of councils DCP (2009), this is unacceptable!*

- 15 4.5 Water and Sewerage Servicing.

Reply: How can we be sure the settlement pit will suffice and not be affected by floodwaters when it's only detailed in the Construction Certificate?

- 17 5.3.1 Muswellbrook LEP 2009

Objectives of Zone:

Reply: The rural landscape character of the land has already been "disturbed" by what is now Pursehouse Rural and Barn Vets, however that project was in the far corner of the block of land. To have something as "in your face" as this DA will be, will take every aspect of rural away from that block and deem it "industrial" in our eyes. This certainly does NOT minimise conflict between the 2 land zones of Rural and Residential on the adjoining blocks of land.

The proposed animal boarding establishment is a public facility, and as such the indication that "it will not unreasonably cost the community to extend services to the site" is terrifying to us. This has already cost the community to purchase the land (who knows what that has cost ratepayers), and before it has been approved, the thought is there that it may also be extended! Remember, this is zoned Rural, is Flood Prone land, and is adjacent to Residential land. NO ONE has asked the adjoining properties what they think, other than receiving a letter as a neighbour that this is the proposal. Council has also had to obtain the Statement of Environmental Effects, the Noise Impact Assessment and the Flood Impact Assessment, all of which have cost Council (ratepayers) to produce. We still believe this proposal could have quite easily fitted into land already owned by Council where the current facility is, and while we agree that this new facility is overdue, we do not agree it should have been moved away from where it is, as that site has ample land and could have been used with far less impact than bringing it to Flood prone Rural zoned land.

It's obvious Council just purchased the land and assumed it would build the facility there, as a purchase of land that size would not have been taken lightly.

The proposed facility will significantly impact on the character of the residential land adjacent to it, and we feel that Council will not listen to us when it comes to pushing this through the Council process. How can Council even think this would not impact on the character, we will go from having a rural aspect from the rear of our properties, to the look of an industrial shed set on a large amount of fill adjacent to our properties, and wondering all the while just how much this will impact on flooding around our homes – Council is instilling fear into residents that just want to live a quiet existence!

This facility WILL detrimentally affect the flow and possibly the quality of water in the event of a flood, and the settlement pit needs to be made public in order to make an informed decision on this matter.

The facility WILL also visually intrude into its surroundings as there is no possible way of screening this facility due to it being in Flood prone land. It certainly will visually impact the rear of properties along this block of Sydney Street.

20 7.6 Earthworks.

Reply: Why would the Statement of Environmental Effects state that the proposed earthworks (importation of fill) for the building pad is ancillary to the development, surely it is a part of the development and not ancillary?

It is our belief that the building pad fill height will create an area of faster flood flow around the build pad, in the direction of the rear of the Telstra block and down the lane adjacent to 121 Sydney Street, meaning a higher flood water level in those areas and a faster flow, occurring because it will be coming from the river and be pointed in the general direction of the Telstra depot with a wooden paling fence, therefore travelling around it to a degree and down the laneway beside the depot and adjacent to 121 Sydney Street.

21 5.3.2 State Environmental Planning Policies.

Reply: It states in here that **NO** standalone advertising signage s proposed, and for something that is being built in an area that is **NOT** easily seen from the road (Sydney Street), I find this contradictory to the statement to "provide a new facility in a location that is more accessible and noticeable to the public". This facility is **BEHIND** the Telstra depot, and not at the front of the designated land which would indeed be more noticeable to the public. One would have assumed that a large sign would have been required, but as we see on page 22, a sign post directional sign will be utilised. Maybe that is because the smaller sign is exempt development under SEPP.

22 5.5 S4.15(1)(a)(iii) Development Control Plan.

8.2.1 Scenic Protection and Building Location.

Reply: The roof line of the proposed building will not protrude above the natural tree line when viewed from public areas and public roads, **BUT**, it **will** protrude from the backyards of some of Muswellbrook's residents who should be entitled to have a say in this development.

The privacy and views of neighbouring houses are reasonably retained, (a correct statement), **HOWEVER**, most of us along this section of Sydney Street **LIVE** in our backyards, meaning this is definitely **invading our privacy and views** from where we live.

23 8.2.2 Setbacks.

Reply: The building on this development will encroach on the boundary of our property as the corner of the building **WILL BE 4.28m** from our fence line, **NOT** the required **10m** from any property boundary.

Just because our land is residential should not mean we are not entitled to a buffer zone to this DA. The DA already states it will be 5.72m closer to our fence line than it should be.

24 8.3.1 Topography.

Reply: We believe the proposed pad will be a danger to properties during flooding, in particular upstream, as the angle the building is placed on the land will encourage water to glance off the fill/building and head toward the Telstra fence / down the laneway between Telstra and 121 Sydney Street, meaning more water at the houses in Sydney Street than before. This would be indicated by the possible siting of the stormwater swale along the fence line of 121 Sydney Street, then right angled along the rear fence of Telstra. As we know, water finds its own level, and will possibly flow quickly enough to overshoot the right-angled swale and head down the laneway to Sydney Street.

26 8.3.5 Services.

Reply: The on site disposal of waste is curious to us, as we would like to know how often that will be cleaned/emptied out. Also, the wet cleaning will be sent to a settlement pit prior to it's entry into the sewer – where will this be placed and how will it affect flooding to the area, will it mean raw sewerage material will enter the flooded waterway?

26 8.3.6 Buffers.

Section 13 - Flood Prone Land.

Reply: Yes this is Flood Prone Land, and as such needs to be treated with respect.

In 2012 DA 162/2012 was told this was an area of "High Hazard Floodway" and Council sought to inhibit the intensification of new residential development in flood affected areas in instances where the development:

- Is likely to result in increased flood hazard or flood damage to other properties, or
- Is likely to present a danger to occupants, or
- Is likely to result in financial loss.

We would consider this DA to have a cumulative impact on the flood plain and an increased risk to human and animal life, and property.

We would like to know how in one hand the area adjacent to the river at 121 Sydney Street would see a rise in flood waters of "just over" 0.1m, HOWEVER at the front of the block where the house is will see a rise of only 1-2cm. As the river bank is approximately 60cm higher than the footpath area in front of the house, how can you make a statement of fact such as this.

It is our belief that words are being used/twisted to suit to scenario Council wishes to achieve rather than the truth of the matter.

We would be interested to see the site-specific operation management plan for the removal of animals/plant/equipment in the event of a flood warning being received. Handling animals in a tense situation is far different than under normal situations, and could lead to injuries of persons / animals whilst this is being carried out.

28 16.4.4 Loading / Unloading Facilities.

*Reply: We note it states the development is not commercial, but the very name of the venture "Animal Boarding Establishment" is by its very name confusing. Will this be used **ONLY** as a "pound", or will the opportunity be taken to utilise it as "Boarding Kennels" with the public leaving their animals there for a fee – thus making this a **COMMERCIAL** venture?*

30 22.7 Land Use Buffers

*Reply: It is our belief that the Animal Boarding Establishment / Community Facility is certainly **not** primary industry, therefore should **NOT** be placed into this **RU1 RURAL** zoned land. Land use conflicts will arise from its residentially zoned neighbours that will be overlooked by this proposed development and if it is let go ahead, these residents will never have any privacy again.*

*We have no idea why this Statement of Environmental Effects would state that "a **LUCRA** is justifiably not required", when noise is not the only amenity in this land use dispute with the proposed development. Therefore, it is our belief that Council should be made to conduct a **LUCRA** before this progresses any further.*

30 Section 24 Waste Minimisation and Management.

Reply: We just want to know how we can be sure this plan has actually happened as we don't know when a Construction Certificate has been issued, therefore the plan may never be done.

30/31 Section 25 Water Management.

*Reply: The onsite drainage system is a swale, and will be adjacent to the fence line of 121 Sydney Street, we need to understand that there will be **no way** that this could possibly affect the house / sheds at 121 (or 119) Sydney Street, as the swale has a right angle bend in it meaning any fast flowing overflow from tanks, etc on site could possibly run up and over the swale and end up running down the laneway toward Sydney Street, with the water finding its level on the way, into the yards of Telstra and 121 Sydney Street, and possibly into yards further up the street.*

31 5.7 S4.15(1)(b)

*Reply: We find it absolutely disgusting that in this proposed development's Statement of Environmental Effects, it actually states it will have **acceptable impacts** on the natural and social environments! What on earth led anyone to believe that!*

The current Skellatar Stock Route animal facility is certainly past its use by date, and needs an updated facility, however was there any thought given to placing this design on the land currently owned by Council at that address, where it already resides and is far enough away from residents for it to exist without complaint.

*As for it being **MORE** accessible, I believe that the people of Muswellbrook would find the facility no matter what, and utilising social tools available (Facebook, Instagram, etc) will assist in this, and would have been the best outcome for everyone – and Council would not have outlaid the money to purchase the property noted in this development.*

It would be interesting to find out what "more accessible services to more of the residents of Muswellbrook" means, as we thought all residents of Muswellbrook were able to access all services, or have we been sadly mistaken all this time.

As for the noise monitoring, were there ever 30 dogs there at any one time - we think not, however it's not just the noise that concerns us, it's the unknown flooding problem that exists, it's the seclusion in our back yards that exists already but Council wants to take that away. The rural outlook we currently have will be gone forever if this development goes ahead, and we will never see another sunset from our back yards.

We don't just "live" in our house like many on residential blocks, the blocks in this area are large and we all use the back yards to take the stress from our daily lives, this is why we all bought houses along here, the peace and serenity, and the outlook. Sure, Barn Vets / Pursehouse Rural have impacted on that, however that was strategically placed on the furthest point from residences and has been an acceptable outcome.

The building on this development is planned to be 4.28m from the fence line, and should be a minimum of 10m from any neighbouring properties, and it looks like the large animal yard may even be adjacent to the yard of 121 Sydney Street, which would certainly affect our dogs, in effect making them bark at anything in there, as they see it as a threat to us.

*The flooding has been mentioned as being between an extra 1-2cm at the houses (affecting some 50 properties), which can mean the difference between the water level just lapping at the back door, or the water entering the house. Yet it is also mentioned that there would be an increase in flood water level adjacent to the river at 121 Sydney Street of **just over 0.1m** (more than allowed), so we don't understand why there is **ONLY** an increase of 1-2cm at the house on that block – doesn't water find its own level, wouldn't that mean just over 0.1m at the house as well?*

32 5.8 S4.5(1)(c) Suitability of the site for the Development.

Reply: This development has been placed on the "highest" part of the site, however this is also the least noticeable to the public as it is located behind the Telstra depot rather than being at the front of the block. Being at the rear of the block means if the floodwater arrives whilst the evacuation is taking place, people's lives will be put at risk, as they will be required to go through up to 0.6m of water in Sydney Street (even if the river has NOT "broken the bank") as Sydney Street is where the water comes from first, through the drain system, and this can happen even if there has been a "downpour" as we saw on Christmas Eve 2016 – we have photos of that block of land under water at the front.

As stated, we don't understand why at one part of 121 Sydney Street there is mention of just over 0.1m of flood water, yet at another part of that block of land, the increase is only 1-2cm. How can that be so when water finds its own level!

This development is far different from DA209/2011 which was placed at the far side of the block and would create far less of a flood problem than this one. We haven't seen the flood evacuation plan for that DA, therefore cannot comment on its existence or its validity.

*The noise impact is not the only impact this DA will have, and we do not believe that it would have accounted for the stress factor of hearing stressed dogs barking. This will be extremely difficult to deal with, as we live in our back yard and shed as well as our house, as do many along this section of Sydney Street. Our lives will be forever changed if this goes ahead, as we will not be able to feel the rural outlook we currently feel, we will not see another sunset (without a building in front of it), and we will not feel the peace and serenity of our yard as it is currently, and the community facility will make this even worse, especially as the **"public" will be able to attend this from 7am to 9pm 7 days a week!** We will forever be overlooked by the public - would you like that in your backyard?*

As for being more accessible and noticeable to the public, the only reason Council doesn't advertise the current pound is the state it is in, we feel Council should be utilising the land on which it already owned in Skellatar Stock Route, which is easily accessed and does not have a flooding problem associated with it. Social media is great advertising and could be associated with a new facility placed on Skellatar Stock Route and will remain accessible to the public as it is now. As for the noticeability, Council has "plonked" this development at the rear of a flood prone area of RU1 zoned land and expect the public to find it with just a direction sign. I believe if Council put the effort in to develop this on the Skellatar Stock Route, with the addition of social media work, this could be a great thing for the community.

We now understand why Council needs to "co locate" with Barn Vets, Pursehouse Rural and the greyhound track, as council need these businesses to "create" the "integrated development". None of these businesses are reliant on one another, nor does that give an overall framework for a development plan, therefore we don't see this as "integrated development", which would put in place the opportunity for council to extend on this development.

The increase in opportunities for residents to adopt a pet and increase rehoming rates by adoption can indeed be done with the assistance of social media, or is this something Council knows nothing about.

Based on the fact that Council purchased this land with the intent to use it for this very "integrated development", it has already cost ratepayers a small fortune. Remembering Council has also had to get a Flood Impact Assessment done on this land, which would not have been needed if they used the site at Skellatar Stock Route.

32 5.10 S4.15(1)(e) the Public Interest.

Reply: As stated above....for all except:

Bring together a range of council services in animal welfare into the one location and in turn increase accessibility to these services...we did not realise there were 8 persons involved in animal welfare at council, and have never seen a problem with accessibility to council or the pound in Skellatar Stock Route. If there really is 8 persons involved in animal welfare at council, why haven't we heard about it, seems a bit excessive for Muswellbrook Shire, or is

the facility intended as a "hub" for the area, or possibly just to enable the extension of this development down the track by calling it a "integrated development".

33 S4.46 and S4.47

Reply: We would like to know that the section 91 controlled activity approval on water front land under the Water Management Act 2000 has been sought and what the outcome is, and also that this DA has been referred to the Natural Resources Access Regulator for their consideration and approval.

34 6 Conclusion.

Reply: We wish to formally disagree with the conclusion of the Statement of Environmental Effects statement that the animal boarding establishment and community facility "is **unlikely** to have significant impacts on land external to the site".

This land is zoned RU1 Rural and is in a High Hazard Floodway, there is already 2 businesses on this land and Council is wanting to make this an "integrated development" making way for extension or even more development on this land.

The DA will have noise associated with the boarding facility (and the community facility), however the noise is not the only impact on the neighbouring land and residents. This will create a visual barrier to all in the blocks adjoining this facility and will take away what is left of rural the aspects we currently have, which is why we have all purchased land here. Our blocks of land are large (and flood prone), yet serve a purpose for us all, in that we have a yard we can use for our state of minds and relaxation (gardening), as the peace and serenity are just wonderful here.

*We will **NEVER** see another sunset if this goes ahead, just the sun going down and a building in front of it.*

If this DA is allowed to go ahead on that site, every house along this section of Sydney Street, may very well lose value, as we cannot see people actually wanting to purchase our homes with this over our heads as a neighbour (or even as a possible neighbour), as anyone wanting to get out now would be required to tell a prospective purchaser that there is a DA at Council now for that block of land and if it goes ahead and is actually allowed to go there, no one wanting large blocks of land in town would like to be overlooked by these facilities as a neighbour.

*There is a definite increase in flooding expected, however it strangely has "just over 0.1m" in one section and only 1-2cm in another (at the front of the same block) which is allowable as the increase is **acceptable up to 0.1m**, although anyone who lives here would say that is totally unacceptable as it may mean the difference between water "lapping at the door and totally immersing one's home" - we still don't understand how water that finds its own level can be at 2 levels on one block, and we believe it will act differently in a flood to what is being portrayed.*

*Council needs to remember that during flooding, the land at Sydney Street will flood **BEFORE** the river breaks its bank, and utilising the exact **same** flood evacuation plans as Barn Vets and Pursehouse Rural, may mean many people fighting to get to the same place – we hope people in Forbes Street realise there may be many people using their street as the way out!*

As for the wet cleaning of the dog pens, it will go to the sewer via a settlement pit, which we know nothing about, so if that settlement pit is affected by flood water, then that will go against the council's own DCP (2009) as it may well mean that it would have an adverse

impact on the environment generally, as it may end up in the flood waters and then the water course, that being an unhealthy and unsanitary hazard.

Our back yards have been used for lots of gardening until the drought, which has diminished our water supply for the successful growing of a garden. This in turn gives us good mental health and a healthy lifestyle. Having the animal boarding establishment as well as the community facility "in our face" will absolutely take all that away from us, as the peace and serenity we currently have in our yards cannot be replicated with them placed next door, which again is against council's own DCP.

*The building of the animal facility is bad enough and against councils DCP (where the objective was to have minimal impact on significant views and vistas, and to compliment the landscape rather than altering it) - but to have the community facility with access to it from **7am to 9pm EVERY DAY OF THE WEEK** will be totally unbearable. Even having a "barbie" down the back will become a non-event due to being overlooked by others, when this should be private - no one likes to be overlooked in their back yard, and this DA will take all privacy away from us, even Barn Vets and Pursehouse Rural take a break on the weekend afternoons! We will find ourselves retreating to the house and not using the back yards due to all sorts of reasons, and that is not why we bought these blocks of land, it was for our own peace and sanity!*

THEREFORE, we ask Council to NOT pass this DA and to look into the possibility of placing it onto land at Skellatar Stock Route which MOST people know (Muswellbrook is not a huge city), and where it would be more appropriately located.

The name "animal boarding facility" by its very name, conjures up thoughts that this facility will house dogs that will be "boarded" while their owner is away, thus making this a commercial venture, can we be sure this is not the case, and if it is the case, why is a commercial venture allowed here, there is already one and we do not want any more.

Building on RU1 Rural zoned land (in councils own DCP) has an objective to "not detract from the natural or rural setting or scenic quality of a site" and to "not dominate the surrounding natural landscape features" - as it is currently open space, how can this large building be allowed to dominate our back yards. It also states that "**buildings are not located within 10m of any property boundary**" and this will be placed at 4.28m from our own boundary. The DCP on RU1 land also states "ensure new buildings do not result in adverse visual impacts to road users or nearby properties" which will certainly happen if this is built on that land, as the visual impact is not about colour, but is all about the **visual impact** on our back yards!

Council agreed to the subdivision of the land (in this DA) in order to allow for this development, and the subdivision of the flood prone land was allowable according to their DCP, as it would not result in increased risk to life or property on that land or adjoining land, **HOWEVER** allowing this DA to go ahead **will increase that risk to life and property**, and that is stated as 50 properties upstream! To allow this development to go ahead, when 50 properties will be adversely affected during a flood event, also goes against councils DCP of Flood Prone Land with an aim to "minimise the public and private costs of flood damage and risks to life associated with flood events". One objective of that same DCP is to "inhibit the intensification of **residential and other inappropriate uses** in flood affected areas".

Council is also going against their own DCP on flood prone land, as the DA states that 50 properties will be adversely affected by a flood, and the DCP states "proposed development will not result in increased flood hazard or flood damage to other properties". Even though this is a non-residential development, most of those 50 properties ARE residences that will be adversely affected, and

We feel strongly that Council will not make up for the losses we will all suffer on the values of our properties, and the fact that a small increase in floodwater levels to **50 properties** is acceptable to Council is not a fair way to treat any rate paying citizen of Muswellbrook.

Yours in anticipation

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We have chosen to do this as a group and feel Council need to reply to all these matters before considering this at any council meeting.

Contact Phone:

council is taking advantage of another part of the DCP that states "the development will not result in increased flood hazard or flood damage to other properties or increase afflux by more than 0.1m" - or 4" in the old language. We believe council to be hiding behind this part of the DCP as it states 0.1m and there is one part of 121 Sydney Street that will be impacted by this, however nothing else will be, and we query those comments and statements.

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Council is choosing to call this an "**integrated development**" for a reason, and that is to allow for extension of this current DA, and to allow further development in this area - that land is zoned **RU1 RURAL**, and Council are treating it as though it were commercial and it is not!

Yours in anticipation



We, the undersigned, have read and agree with the comments made in this submission.

We have chosen to do this as a group and feel Council need to reply to all these matters before considering this at any council meeting.

Name:	Address:	Contact Phone:
Therese Owens		

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Name:

Address:

Contact Phone:

Greg Garland
G.F. Garland
Una Garland
U. Garland
Ashleigh Garland

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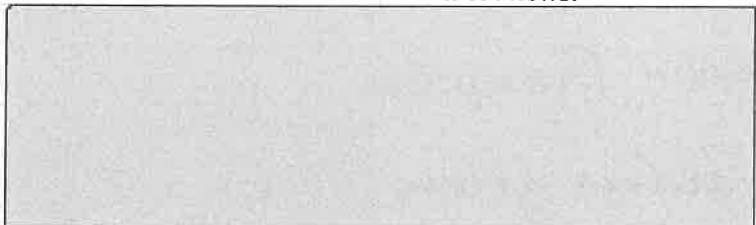
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Council is choosing to call this an "integrated development" for a reason, and that is to allow for extension of this current DA, and to allow further development in this area - that land is zoned **RU1 RURAL**, and Council are treating it as though it were commercial and it is not!

Yours in antlclpatlon

Len & Jenny Webster

We, the undersigned, have read and agree with the comments made in this submission.

We have chosen to do this as a group and feel Council need to reply to all these matters before considering this at any council meeting.

Name:

Address:

Contact Phone:

KEVIN Thompson

Barbara Jordan

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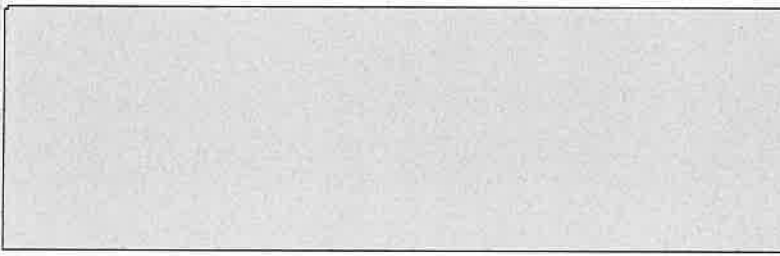
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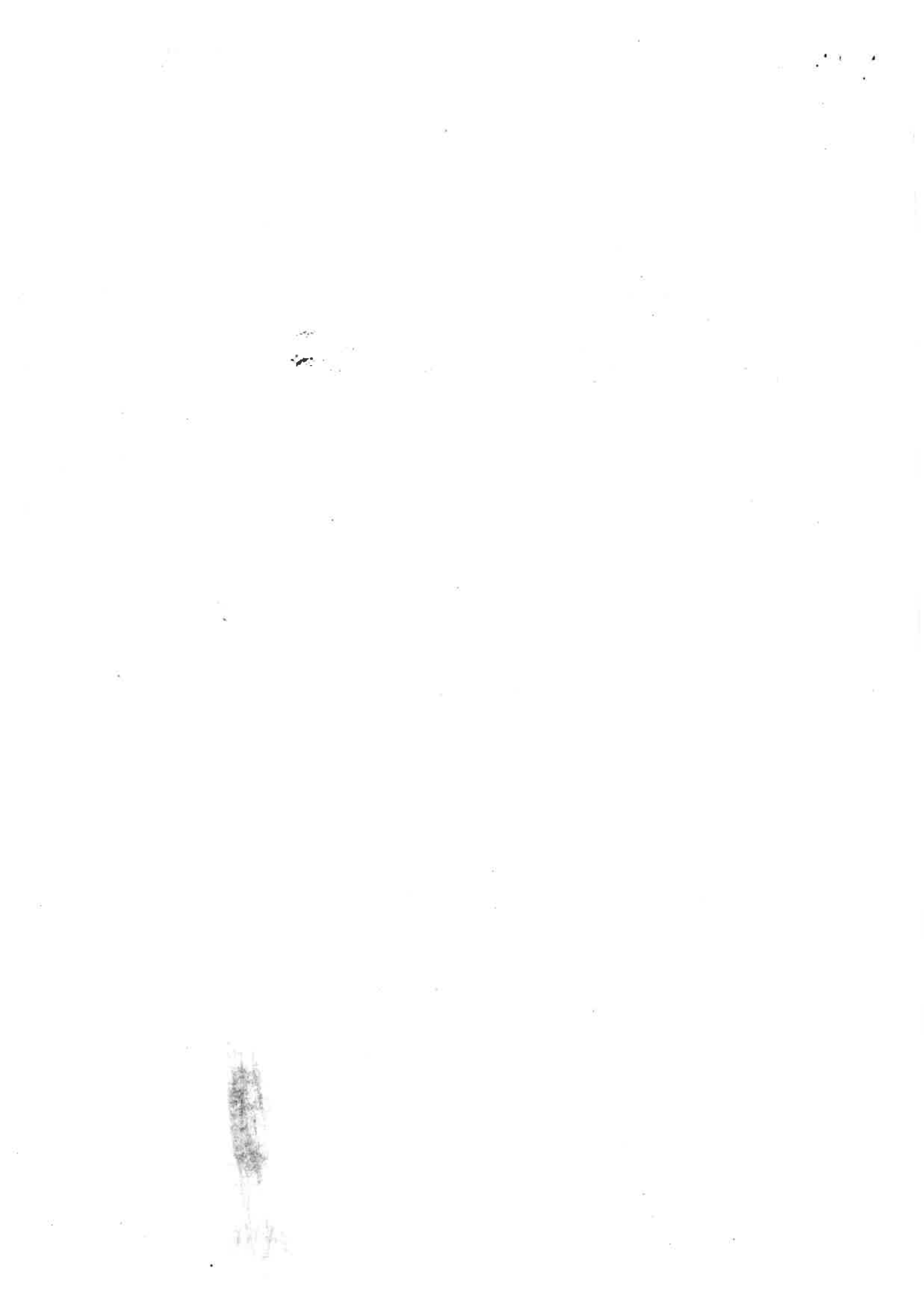
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Name:	Address:	Contact Phone:
Michael O'Keefe		
Lincoln O'Keefe		



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Name:	Address:	Contact Phone:
Kirk Higgs		
Tracey Butler		

Hamish McTaggart

From: Muswellbrook Shire Council <council@muswellbrook.nsw.gov.au>
Sent: Sunday, 21 June 2020 2:58 PM
To: Muswellbrook Shire Council
Subject: Service Request 673 from Anne Mason

Request Details

With regard to the DA for the new animal shelter and community garden the Penguin Garden group have a few issues with the present plan for the community garden site. It is unclear from the plans whether the area set aside for the shipping containers includes the 2 containers plus a roof between them which is what we put forward in our proposed plan for the area. That area should be more centrally located along that NE fence line. We would also like to include a covered area on the Eastern side of approximately 3x4m. These structures were included on the plan we did and gave to Mick Brady to pass on to council months ago. Hopefully our requests will be listened to and agreed upon by council as we have put much thought into what we would like to have on the new site.

Photos:

Submission ID: 673

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Hamish McTaggart

Sent:	Monday, 22 June 2020 5:17 PM
To:	Muswellbrook Shire Council
Subject:	DA for new Sustainability Hub

Attention General Manager

It has come to our attention that the present DA for the proposed Animal Shelter and Sustainability Hub is not the same as last shown to us by Ziggy Andersons. We assumed that the plan he showed us would be followed by council. In that plan the containers were situated in a more central location along the northern fence line, beginning about 6m from the fence nearest the Shelter. We were under the impression there would be a concrete slab between the containers which would be about 6m apart. On that plan there was also a covered area which would need to be about 4x6m for use by visiting groups when doing workshops.

The Penguin Garden group were satisfied with Ziggy's plan and assumed that would be what went into the DA. That is why we haven't reacted before this. On that plan Ziggy also had taps and electrical outlets marked.

There was some concern about the kitchen layout too, as it looks like the sink is right in the corner-most unsuitable.

It is hoped our concerns will be taken into account as we have hopes that our proposed new plan will allow us to increase our community involvement and usefulness.

Anne Mason

Secretary HSLT

(Hunter Sustainability Landcare Team)

I also sent another message ,but was not sure it would reach you in time.

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General Manager
Muswellbrook Shire Council
P O Box 122
Muswellbrook NSW 2333

RE: DA 2020/43

Dear Sir / Madam

We write with reference to the above Development Application.

In the first instance, I am extremely unhappy that we received this as a 10 page document (5 pages printed both sides, and 8 of the 10 pages are diagrams and maps, and the remaining 2 pages say nothing of the DA – then to make matters worse, we had to pay Council \$15 to “print out” 3 of the relevant documents for us, as they were quite lengthy.

As the owners of the 2 blocks immediately adjacent to this development, I believe this to be appalling behaviour by Council.

We would like to bring to your attention some things we believe need to be addressed:

Statement of Environmental Effects:

Pg

5 3 The Animal Boarding Establishment will operate 24 hours 7 days per week

Reply: I believe this will be a problem in that it will impede on our lifestyle and the serenity in our back yards, as well, our dogs are protective and will more than likely be barking at people / animals being deposited overnight, and whenever they see or hear people there throughout the day time.

The fact that we will be “hemmed in” by a development we never saw coming is overwhelming to say the least. Your home is your “castle” and Council is about to take that away from us, as the building will take away our “rural aspect”. So many people who have visited us have commented on how quiet it is at the rear of our blocks, and to take away that serenity is quite upsetting, but to be building there as well is totally beyond belief.

We wonder what the wording “Animal Boarding Establishment” means, as we are presuming it to be a place where people can leave their pets as boarders while they are away, and thus meaning this is a commercial venture.

5 3 The Community Facility will operate 7 days per week from 7.00am to 9.00pm.

Reply: This is something I believe will impact in a big way on our lifestyle and serenity, due to the fact the fencing in the area is only post and wire and must remain that way for the flood zone. It will certainly seem like we are being watched while others are “tending” their garden, and while 7am is ok on weekdays, we feel the weekends should be a later start. As for a 9pm “finish” 7 days per week, we feel this is just not acceptable, as we bought both

these properties for their backyard privacy, and this will certainly cease if this is the case. We always use the backyard as our private oasis, and certainly do not want people to be doing their gardening while we are trying to enjoy our afternoons and evenings in that oasis we have made for ourselves. We feel we will be "watched" while ever people are in the vicinity and 14hrs every day of the week is not acceptable in our eyes.

- 6 3 Provide a new facility in a location that is more accessible and noticeable to the public.

*The only part we can agree on is that it would be a new facility, and it **MAY** be more accessible. This is certainly **NOT** more noticeable to the public as it will be located **BEHIND** the Telstra depot and not fronting Sydney Street at all, therefore signage will be required for people to "notice" it.*

- 7 4.1.1 (Note Fig 11 has nothing to do with this issue-I believe it should read Fig 5 / 6)...

*Reply: We believe this will make a bigger flood impact upstream than is being stated, and as for the 50 properties that may be affected, have you notified them all? In the interest of the community, we believe **ALL 50** property owners should be notified so they can have a say as well. It stated that a small area adjacent to the riverbank at the rear of 121 Sydney Street, there would be an increase of **JUST OVER 0.1m**, while at the building (house) on 121 Sydney Street, there would only be a rise of between 2 and 1cm! As people who have seen how water behaves under flood, we believe it will be more than what has been stated at the houses.*

- 7 4.1.2 Flood Evacuation Considerations.

Reply: To date we have not seen an evacuation plan for this DA, and are interested to know how Council plans to deal with multiple animals and the feeding of those animals during a flood event.

- 11 4.2.3 Noise Model Assumptions.

Reply: The noise of barking dogs can be very irritating, particularly when those dogs are not your own. It is our contention that the noise of barking dogs will prove to be a mental anguish which will not go away, therefore creating a barrier to the development in every sense of the word. We believe the open exercise yards will allow us to hear even more barking, particularly in the quiet of the evenings.

- 14 4.3 Odour

Reply: We are hoping that Council is correct in ensuring there will be little to no odour, however, we would be interested in knowing how frequently the animal waste bins will be cleaned out, and will the chemicals be detrimental to the sewer system?

- 15 4.4 Waste Water Management.

Reply: It is stated that the runoff from the wet cleaning of the kennels will be entering a settlement pit prior to discharge into the sewer. Will this settlement pit be affected by flooding and how can this be counteracted to prevent this from entering the river system.

*Add to this, that it is **not** the required 100m from permanent surface water (the Hunter River) which is a requirement of councils DCP (2009), this is unacceptable!*

- 15 4.5 Water and Sewerage Servicing.

Reply: How can we be sure the settlement pit will suffice and not be affected by floodwaters when it's only detailed in the Construction Certificate?

- 17 5.3.1 Muswellbrook LEP 2009

Objectives of Zone:

Reply: The rural landscape character of the land has already been "disturbed" by what is now Pursehouse Rural and Barn Vets, however that project was in the far corner of the block of land. To have something as "in your face" as this DA will be, will take every aspect of rural away from that block and deem it "industrial" in our eyes. This certainly does NOT minimise conflict between the 2 land zones of Rural and Residential on the adjoining blocks of land.

The proposed animal boarding establishment is a public facility, and as such the indication that "it will not unreasonably cost the community to extend services to the site" is terrifying to us. This has already cost the community to purchase the land (who knows what that has cost ratepayers), and before it has been approved, the thought is there that it may also be extended! Remember, this is zoned Rural, is Flood Prone land, and is adjacent to Residential land. NO ONE has asked the adjoining properties what they think, other than receiving a letter as a neighbour that this is the proposal. Council has also had to obtain the Statement of Environmental Effects, the Noise Impact Assessment and the Flood Impact Assessment, all of which have cost Council (ratepayers) to produce. We still believe this proposal could have quite easily fitted into land already owned by Council where the current facility is, and while we agree that this new facility is overdue, we do not agree it should have been moved away from where it is, as that site has ample land and could have been used with far less impact than bringing it to Flood prone Rural zoned land.

It's obvious Council just purchased the land and assumed it would build the facility there, as a purchase of land that size would not have been taken lightly.

The proposed facility will significantly impact on the character of the residential land adjacent to it, and we feel that Council will not listen to us when it comes to pushing this through the Council process. How can Council even think this would not impact on the character, we will go from having a rural aspect from the rear of our properties, to the look of an industrial shed set on a large amount of fill adjacent to our properties, and wondering all the while just how much this will impact on flooding around our homes – Council is instilling fear into residents that just want to live a quiet existence!

This facility WILL detrimentally affect the flow and possibly the quality of water in the event of a flood, and the settlement pit needs to be made public in order to make an informed decision on this matter.

The facility WILL also visually intrude into its surroundings as there is no possible way of screening this facility due to it being in Flood prone land. It certainly will visually impact the rear of properties along this block of Sydney Street.

20 7.6 Earthworks.

Reply: Why would the Statement of Environmental Effects state that the proposed earthworks (importation of fill) for the building pad is ancillary to the development, surely it is a part of the development and not ancillary?

It is our belief that the building pad fill height will create an area of faster flood flow around the building pad, in the direction of the rear of the Telstra block and down the lane adjacent to 121 Sydney Street, meaning a higher flood water level in those areas and a faster flow, occurring because it will be coming from the river and be pointed in the general direction of the Telstra depot with a wooden paling fence, therefore travelling around it to a degree and down the laneway beside the depot and adjacent to 121 Sydney Street.

21 5.3.2 State Environmental Planning Policies.

*Reply: It states in here that **NO** standalone advertising signage s proposed, and for something that is being built in an area that is NOT easily seen from the road (Sydney Street), I find this contradictory to the statement to "provide a new facility in a location that is more accessible and noticeable to the public". This facility is **BEHIND** the Telstra depot, and not at the front of the designated land which would indeed be more noticeable to the public. One would have assumed that a large sign would have been required, but as we see on page 22, a sign post directional sign will be utilised. Maybe that is because the smaller sign is exempt development under SEPP.*

22 5.5 S4.15(1)(a)(iii) Development Control Plan.

8.2.1 Scenic Protection and Building Location.

*Reply: The roof line of the proposed building will not protrude above the natural tree line when viewed from public areas and public roads, **BUT**, it **will** protrude from the backyards of some of Muswellbrook's residents who should be entitled to have a say in this development.*

*The privacy and views of neighbouring houses are reasonably retained, (a correct statement), **HOWEVER**, most of us along this section of Sydney Street LIVE in our backyards, meaning this is definitely invading our privacy and views from where we live.*

23 8.2.2 Setbacks.

*Reply: The building on this development will encroach on the boundary of our property as the corner of the building **WILL BE 4.28m** from our fence line, **NOT** the required **10m** from any property boundary.*

Just because our land is residential should not mean we are not entitled to a buffer zone to this DA. The DA already states it will be 5.72m closer to our fence line than it should be.

24 8.3.1 Topography.

Reply: We believe the proposed pad will be a danger to properties during flooding, in particular upstream, as the angle the building is placed on the land will encourage water to glance off the fill/building and head toward the Telstra fence / down the laneway between Telstra and 121 Sydney Street, meaning more water at the houses in Sydney Street than before. This would be indicated by the possible siting of the stormwater swale along the fence line of 121 Sydney Street, then right angled along the rear fence of Telstra. As we know, water finds its own level, and will possibly flow quickly enough to overshoot the right-angled swale and head down the laneway to Sydney Street.

26 8.3.5 Services.

Reply: The on site disposal of waste is curious to us, as we would like to know how often that will be cleaned/emptied out. Also, the wet cleaning will be sent to a settlement pit prior to it's entry into the sewer – where will this be placed and how will it affect flooding to the area, will it mean raw sewerage material will enter the flooded waterway?

26 8.3.6 Buffers.

Section 13 - Flood Prone Land.

Reply: Yes this is Flood Prone Land, and as such needs to be treated with respect.

In 2012 DA 162/2012 was told this was an area of "High Hazard Floodway" and Council sought to inhibit the intensification of new residential development in flood affected areas in instances where the development:

- Is likely to result in increased flood hazard or flood damage to other properties, or
- Is likely to present a danger to occupants, or
- Is likely to result in financial loss.

We would consider this DA to have a cumulative impact on the flood plain and an increased risk to human and animal life, and property.

We would like to know how in one hand the area adjacent to the river at 121 Sydney Street would see a rise in flood waters of "just over" 0.1m, HOWEVER at the front of the block where the house is will see a rise of only 1-2cm. As the river bank is approximately 60cm higher than the footpath area in front of the house, how can you make a statement of fact such as this.

It is our belief that words are being used/twisted to suit to scenario Council wishes to achieve rather than the truth of the matter.

We would be interested to see the site-specific operation management plan for the removal of animals/plant/equipment in the event of a flood warning being received. Handling animals in a tense situation is far different than under normal situations, and could lead to injuries of persons / animals whilst this is being carried out.

28 16.4.4 Loading / Unloading Facilities.

*Reply: We note it states the development is not commercial, but the very name of the venture "Animal Boarding Establishment" is by its very name confusing. Will this be used **ONLY** as a "pound", or will the opportunity be taken to utilise it as "Boarding Kennels" with the public leaving their animals there for a fee – thus making this a **COMMERCIAL** venture?*

30 22.7 Land Use Buffers

*Reply: It is our belief that the Animal Boarding Establishment / Community Facility is certainly **not** primary industry, therefore should **NOT** be placed into this **RU1 RURAL** zoned land. Land use conflicts will arise from its residentially zoned neighbours that will be overlooked by this proposed development and if it is let go ahead, these residents will never have any privacy again.*

*We have no idea why this Statement of Environmental Effects would state that "a **LUCRA** is justifiably not required", when noise is not the only amenity in this land use dispute with the proposed development. Therefore, it is our belief that Council should be made to conduct a **LUCRA** before this progresses any further.*

30 Section 24 Waste Minimisation and Management.

Reply: We just want to know how we can be sure this plan has actually happened as we don't know when a Construction Certificate has been issued, therefore the plan may never be done.

30/31 Section 25 Water Management.

*Reply: The onsite drainage system is a swale, and will be adjacent to the fence line of 121 Sydney Street, we need to understand that there will be **no way** that this could possibly affect the house / sheds at 121 (or 119) Sydney Street, as the swale has a right angle bend in it meaning any fast flowing overflow from tanks, etc on site could possibly run up and over the swale and end up running down the laneway toward Sydney Street, with the water finding its level on the way, into the yards of Telstra and 121 Sydney Street, and possibly into yards further up the street.*

31 5.7 S4.15(1)(b)

*Reply: We find it absolutely disgusting that in this proposed development's Statement of Environmental Effects, it actually states it will have **acceptable impacts** on the natural and social environments! What on earth led anyone to believe that!*

The current Skellatar Stock Route animal facility is certainly past its use by date, and needs an updated facility, however was there any thought given to placing this design on the land currently owned by Council at that address, where it already resides and is far enough away from residents for it to exist without complaint.

*As for it being **MORE** accessible, I believe that the people of Muswellbrook would find the facility no matter what, and utilising social tools available (Facebook, Instagram, etc) will assist in this, and would have been the best outcome for everyone – and Council would not have outlaid the money to purchase the property noted in this development.*

It would be interesting to find out what "more accessible services to more of the residents of Muswellbrook" means, as we thought all residents of Muswellbrook were able to access all services, or have we been sadly mistaken all this time.

As for the noise monitoring, were there ever 30 dogs there at any one time - we think not, however it's not just the noise that concerns us, it's the unknown flooding problem that exists, it's the seclusion in our back yards that exists already but Council wants to take that away. The rural outlook we currently have will be gone forever if this development goes ahead, and we will never see another sunset from our back yards.

We don't just "live" in our house like many on residential blocks, the blocks in this area are large and we all use the back yards to take the stress from our daily lives, this is why we all bought houses along here, the peace and serenity, and the outlook. Sure, Barn Vets / Pursehouse Rural have impacted on that, however that was strategically placed on the furthest point from residences and has been an acceptable outcome.

The building on this development is planned to be 4.28m from the fence line, and should be a minimum of 10m from any neighbouring properties, and it looks like the large animal yard may even be adjacent to the yard of 121 Sydney Street, which would certainly affect our dogs, in effect making them bark at anything in there, as they see it as a threat to us.

*The flooding has been mentioned as being between an extra 1-2cm at the houses (affecting some 50 properties), which can mean the difference between the water level just lapping at the back door, or the water entering the house. Yet it is also mentioned that there would be an increase in flood water level adjacent to the river at 121 Sydney Street of **just over 0.1m** (more than allowed), so we don't understand why there is **ONLY** an increase of 1-2cm at the house on that block – doesn't water find its own level, wouldn't that mean just over 0.1m at the house as well?*

32 5.8 S4.5(1)(c) Suitability of the site for the Development.

Reply: This development has been placed on the "highest" part of the site, however this is also the least noticeable to the public as it is located behind the Telstra depot rather than being at the front of the block. Being at the rear of the block means if the floodwater arrives whilst the evacuation is taking place, people's lives will be put at risk, as they will be required to go through up to 0.6m of water in Sydney Street (even if the river has NOT "broken the bank") as Sydney Street is where the water comes from first, through the drain system, and this can happen even if there has been a "downpour" as we saw on Christmas Eve 2016 – we have photos of that block of land under water at the front.

As stated, we don't understand why at one part of 121 Sydney Street there is mention of just over 0.1m of flood water, yet at another part of that block of land, the increase is only 1-2cm. How can that be so when water finds its own level!

This development is far different from DA209/2011 which was placed at the far side of the block and would create far less of a flood problem than this one. We haven't seen the flood evacuation plan for that DA, therefore cannot comment on its existence or its validity.

*The noise impact is not the only impact this DA will have, and we do not believe that it would have accounted for the stress factor of hearing stressed dogs barking. This will be extremely difficult to deal with, as we live in our back yard and shed as well as our house, as do many along this section of Sydney Street. Our lives will be forever changed if this goes ahead, as we will not be able to feel the rural outlook we currently feel, we will not see another sunset (without a building in front of it), and we will not feel the peace and serenity of our yard as it is currently, and the community facility will make this even worse, especially as the **"public" will be able to attend this from 7am to 9pm 7 days a week!** We will forever be overlooked by the public - would you like that in your backyard?*

As for being more accessible and noticeable to the public, the only reason Council doesn't advertise the current pound is the state it is in, we feel Council should be utilising the land on which it already owned in Skellatar Stock Route, which is easily accessed and does not have a flooding problem associated with it. Social media is great advertising and could be associated with a new facility placed on Skellatar Stock Route and will remain accessible to the public as it is now. As for the noticeability, Council has "plonked" this development at the rear of a flood prone area of RU1 zoned land and expect the public to find it with just a direction sign. I believe if Council put the effort in to develop this on the Skellatar Stock Route, with the addition of social media work, this could be a great thing for the community.

We now understand why Council needs to "co locate" with Barn Vets, Pursehouse Rural and the greyhound track, as council need these businesses to "create" the "integrated development". None of these businesses are reliant on one another, nor does that give an overall framework for a development plan, therefore we don't see this as "integrated development", which would put in place the opportunity for council to extend on this development.

The increase in opportunities for residents to adopt a pet and increase rehoming rates by adoption can indeed be done with the assistance of social media, or is this something Council knows nothing about.

Based on the fact that Council purchased this land with the intent to use it for this very "integrated development", it has already cost ratepayers a small fortune. Remembering Council has also had to get a Flood Impact Assessment done on this land, which would not have been needed if they used the site at Skellatar Stock Route.

32 5.10 S4.15(1)(e) the Public Interest.

Reply: As stated above....for all except:

Bring together a range of council services in animal welfare into the one location and in turn increase accessibility to these services...we did not realise there were 8 persons involved in animal welfare at council, and have never seen a problem with accessibility to council or the pound in Skellatar Stock Route. If there really is 8 persons involved in animal welfare at council, why haven't we heard about it, seems a bit excessive for Muswellbrook Shire, or is

the facility intended as a "hub" for the area, or possibly just to enable the extension of this development down the track by calling it a "integrated development".

33 S4.46 and S4.47

Reply: We would like to know that the section 91 controlled activity approval on water front land under the Water Management Act 2000 has been sought and what the outcome is, and also that this DA has been referred to the Natural Resources Access Regulator for their consideration and approval.

34 6 Conclusion.

Reply: We wish to formally disagree with the conclusion of the Statement of Environmental Effects statement that the animal boarding establishment and community facility "is **unlikely** to have significant impacts on land external to the site".

This land is zoned RU1 Rural and is in a High Hazard Floodway, there is already 2 businesses on this land and Council is wanting to make this an "integrated development" making way for extension or even more development on this land.

The DA will have noise associated with the boarding facility (and the community facility), however the noise is not the only impact on the neighbouring land and residents. This will create a visual barrier to all in the blocks adjoining this facility and will take away what is left of rural the aspects we currently have, which is why we have all purchased land here. Our blocks of land are large (and flood prone), yet serve a purpose for us all, in that we have a yard we can use for our state of minds and relaxation (gardening), as the peace and serenity are just wonderful here.

We will **NEVER** see another sunset if this goes ahead, just the sun going down and a building in front of it.

If this DA is allowed to go ahead on that site, every house along this section of Sydney Street, may very well lose value, as we cannot see people actually wanting to purchase our homes with this over our heads as a neighbour (or even as a possible neighbour), as anyone wanting to get out now would be required to tell a prospective purchaser that there is a DA at Council now for that block of land and if it goes ahead and is actually allowed to go there, no one wanting large blocks of land in town would like to be overlooked by these facilities as a neighbour.

There is a definite increase in flooding expected, however it strangely has "just over 0.1m" in one section and only 1-2cm in another (at the front of the same block) which is allowable as the increase is **acceptable up to 0.1m**, although anyone who lives here would say that is totally unacceptable as it may mean the difference between water "lapping at the door and totally immersing one's home" - we still don't understand how water that finds its own level can be at 2 levels on one block, and we believe it will act differently in a flood to what is being portrayed.

Council needs to remember that during flooding, the land at Sydney Street will flood **BEFORE** the river breaks its bank, and utilising the exact **same** flood evacuation plans as Barn Vets and Pursehouse Rural, may mean many people fighting to get to the same place - we hope people in Forbes Street realise there may be many people using their street as the way out!

As for the wet cleaning of the dog pens, it will go to the sewer via a settlement pit, which we know nothing about, so if that settlement pit is affected by flood water, then that will go against the council's own DCP (2009) as it may well mean that it would have an adverse

impact on the environment generally, as it may end up in the flood waters and then the water course, that being an unhealthy and unsanitary hazard.

Our back yards have been used for lots of gardening until the drought, which has diminished our water supply for the successful growing of a garden. This in turn gives us good mental health and a healthy lifestyle. Having the animal boarding establishment as well as the community facility "in our face" will absolutely take all that away from us, as the peace and serenity we currently have in our yards cannot be replicated with them placed next door, which again is against council's own DCP.

*The building of the animal facility is bad enough and against councils DCP (where the objective was to have minimal impact on significant views and vistas, and to compliment the landscape rather than altering it) - but to have the community facility with access to it from **7am to 9pm EVERY DAY OF THE WEEK** will be totally unbearable. Even having a "barbie" down the back will become a non-event due to being overlooked by others, when this should be private - no one likes to be overlooked in their back yard, and this DA will take all privacy away from us, even Barn Vets and Pursehouse Rural take a break on the weekend afternoons! We will find ourselves retreating to the house and not using the back yards due to all sorts of reasons, and that is not why we bought these blocks of land, it was for our own peace and sanity!*

THEREFORE, we ask Council to NOT pass this DA and to look into the possibility of placing it onto land at Skellatar Stock Route which MOST people know (Muswellbrook is not a huge city), and where it would be more appropriately located.

The name "animal boarding facility" by its very name, conjures up thoughts that this facility will house dogs that will be "boarded" while their owner is away, thus making this a commercial venture, can we be sure this is not the case, and if it is the case, why is a commercial venture allowed here, there is already one and we do not want any more.

Building on RU1 Rural zoned land (in councils own DCP) has an objective to "not detract from the natural or rural setting or scenic quality of a site" and to "not dominate the surrounding natural landscape features" - as it is currently open space, how can this large building be allowed to dominate our back yards. It also states that "**buildings are not located within 10m of any property boundary**" and this will be placed at 4.28m from our own boundary. The DCP on RU1 land also states "ensure new buildings do not result in adverse visual impacts to road users or nearby properties" which will certainly happen if this is built on that land, as the visual impact is not about colour, but is all about the **visual impact** on our back yards!

Council agreed to the subdivision of the land (in this DA) in order to allow for this development, and the subdivision of the flood prone land was allowable according to their DCP, as it would not result in increased risk to life or property on that land or adjoining land, **HOWEVER** allowing this DA to go ahead **will increase that risk to life and property**, and that is stated as 50 properties upstream! To allow this development to go ahead, when 50 properties will be adversely affected during a flood event, also goes against councils DCP of Flood Prone Land with an aim to "minimise the public and private costs of flood damage and risks to life associated with flood events". One objective of that same DCP is to "inhibit the intensification of **residential and other inappropriate uses** in flood affected areas".

Council is also going against their own DCP on flood prone land, as the DA states that 50 properties will be adversely affected by a flood, and the DCP states "proposed development will not result in increased flood hazard or flood damage to other properties". Even though this is a non-residential development, most of those 50 properties ARE residences that will be adversely affected, and

We feel strongly that Council will not make up for the losses we will all suffer on the values of our properties, and the fact that a small increase in floodwater levels to 50 properties is acceptable to Council is not a fair way to treat any rate paying citizen of Muswellbrook.

Yours in anticipation

Handwritten signature: *[Signature]*

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Contact Phone:

council is taking advantage of another part of the DCP that states "the development will not result in increased flood hazard or flood damage to other properties or increase afflux by more than 0.1m" - or 4" in the old language. We believe council to be hiding behind this part of the DCP as it states 0.1m and there is one part of 121 Sydney Street that will be impacted by this, however nothing else will be, and we query those comments and statements.

We feel strongly that Council will not make up for the losses we will all suffer on the values of our properties, and the fact that a small increase in floodwater levels to **50 properties** is acceptable to Council is not a fair way to treat any rate paying citizen of Muswellbrook.

Council is choosing to call this an "**integrated development**" for a reason, and that is to allow for extension of this current DA, and to allow further development in this area - that land is zoned **RU1 RURAL**, and Council are treating it as though it were commercial and it is not!

Yours in anticipation



We, the undersigned, have read and agree with the comments made in this submission.

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Therese Owens		

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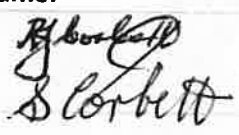

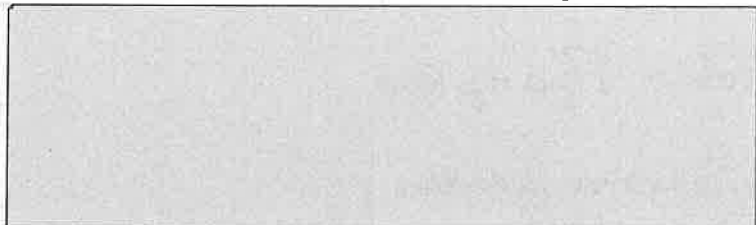
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KEVIN THOMPSON

Barbara Jordan

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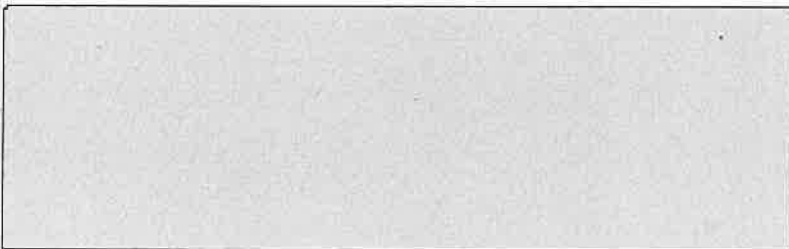
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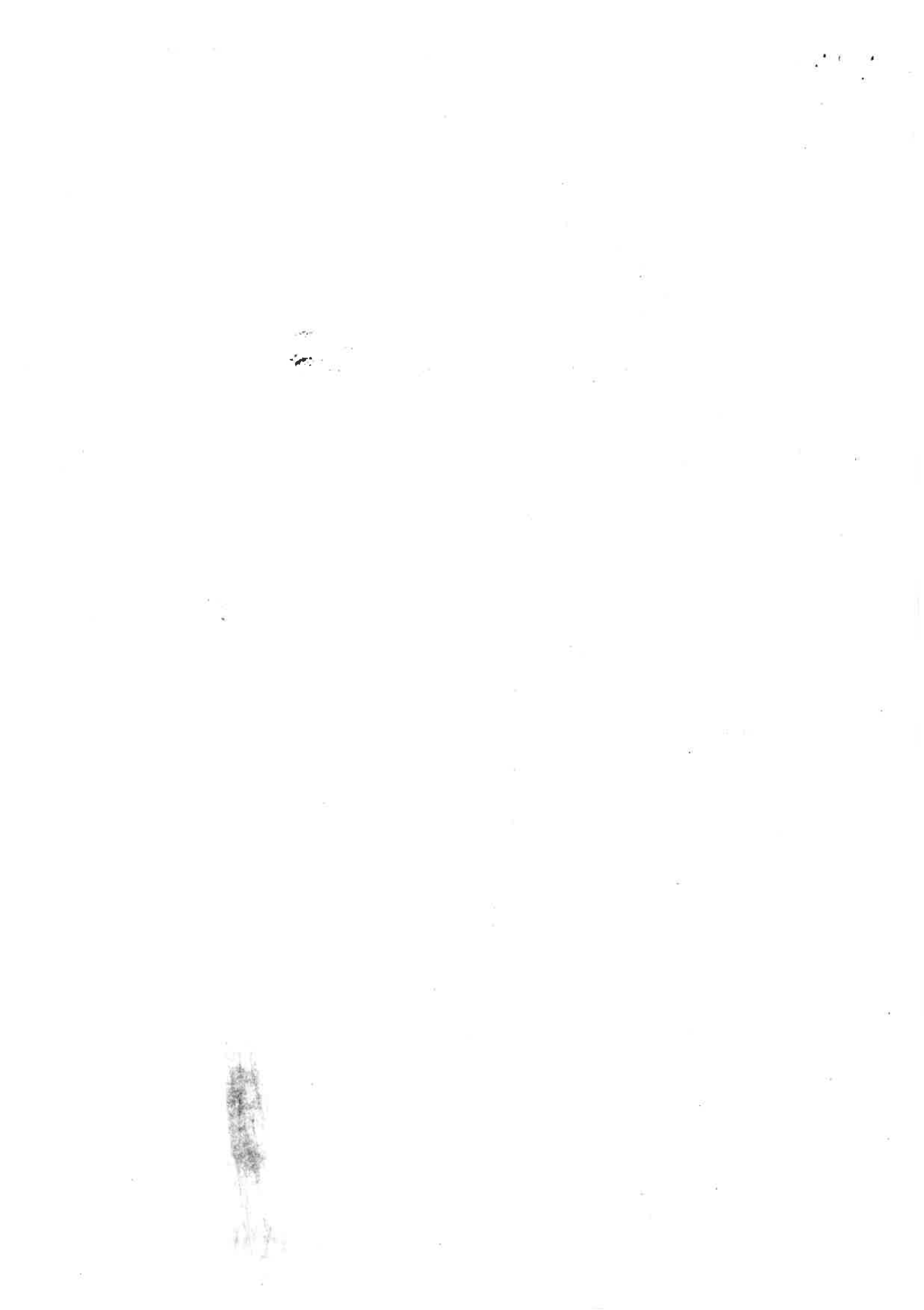
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Lincoln O'Keefe		



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Tracey Butler		

