

DEVELOPMENT CONTROL COMPLIANCE TABLE

**PROPOSED ALTERATIONS & ADDITIONS TO
CELLAR DOOR BUILDING AND CONSTRUCT
MARQUEE**

At

2 YARRAWA RD, DENMAN, NSW, 2328

(LOT 1 DP 1036050)

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Muswellbrook Shire Development Control Plan

DCP 2009	Controls/Purpose	Review/Response	Comply
Section 1 - Introduction			
1.3 Aim of this DCP	<p>The aims of the DCP are:</p> <ul style="list-style-type: none"> a) To provide a detailed planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the Local Government Area; b) To identify and to detail public notification requirements in accordance with section 74C of the EP & A Act; c) To promote a more simplistic framework for dealing with Development Applications (DAs) consistent with the amended requirements of the EP & A Act; d) To encourage and assist effective community participation in the decision-making process; e) To provide a more accessible and understandable set of guidelines to the general public; and f) To apply common or consistent requirements and procedures in the assessment of all applications. 	<p>The proposed development seeks development consent for Alterations and Additions to Cellar Door Building and construction of Marquee.</p> <p>The below DCP table outlines the relevant controls applicable to this application. Including Statement of Environmental Effects and subconsultant reports to support this proposal.</p>	Yes
Section 2 – Submitting an Application			
2.2 Pre Lodgement	Before lodging an application for larger or more complex development, it is strongly recommended that the proponent organise a pre-lodgement meeting with Council Officers to discuss the proposal	It is noted a pre lodgement meeting was no held.	NA

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	<p>and obtain feedback on the likely issues that need to be addressed by the application.</p> <p>Council Officers cannot guarantee a favourable outcome for any development application at pre-lodgement stage, and such outcomes can only be determined following completion of the assessment process</p>		
2.3 The Development Application Process	<p>In assessing a development application, Council must take into consideration the following matters:</p> <ul style="list-style-type: none"> • The Environmental Planning and Assessment Act 1979 and Regulation 2000, in particular Section 79C of the Act; • Any relevant State Environmental Planning Policy (SEPP) including: <ul style="list-style-type: none"> - SEPP No. 30 - Intensive Agriculture - SEPP No. 44- Koala Habitat Protection - SEPP No. 55 – Remediation of Land - SEPP No. 64 – Advertising and Signage - SEPP No. 65 – Design Quality of Residential Flat Development - SEPP (Seniors Living) 2004 - SEPP (BASIX) 2004 - SEPP (Rural Lands) 2008 - SEPP (Infrastructure) 2007 • Hunter Regional Environmental Plan 1989; 	<p>Noted. The State Environmental Planning Policies (SEPPs) have been considered and the following SEPPs are considered relevant to the proposed development and detailed in the SoEE.</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Primary Production) 2021</i> <p>Compliance with the MLEP is detailed in the SoEE demonstrating the proposed development is compliant with the relevant MLEP and permits approval by the Consent Authority.</p>	Yes

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	<ul style="list-style-type: none"> • Muswellbrook Local Environmental Plan; • Local Government Act 1993 and Regulations; • Building Code of Australia; • The requirements of Muswellbrook Development Control Plan; • Any relevant Acts of parliament; • Any directions of the Minister for Planning; • Any submissions received from the public following notification of the application; • Any submissions / comments received from Government agencies. 		
2.3 Information to Accompany a Development Application	<p>Schedule 1 of the Environmental Planning and Assessment Regulation 2000 prescribes the information that needs to be lodged with an application. Such information includes:</p> <ul style="list-style-type: none"> • A completed application form; • Architectural drawings that show the existing / proposed works; • A site plan and/or site analysis plan (for larger developments); • A Statement of Environmental Effects explaining the proposal, the site and its context, the likely impacts of the proposal and details of any measures proposed to minimise these impacts; • An Environmental Impact Statement (in the case of designated development); 	<p>A SoEE has been prepared in coordination with Two Rivers Development ('the client') and other sub-consultants to demonstrate the relevant matters associated within the proposed development. The SoEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage.</p> <p>The SoEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now the Department of Planning, Infrastructure and Environment) guide to the Environmental Planning and Assessment Act (EP&A Act) 1979 (s4.15).</p> <p>The below subconsultant documents have been contained:</p>	Yes

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	<ul style="list-style-type: none"> • A4 notification plan; <p>A development application might also include other information depending on what is proposed, such as:</p> <ul style="list-style-type: none"> • A Species Impact Statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities or their habitats), • BASIX Certificate, • Bushfire Report, • Heritage Impact Statement, • Stormwater Drainage plan, • Landscape Plan, • Traffic Study, • Schedule of Colours and Finishes, • Aboriginal Heritage Assessment, • Flora and Fauna Assessment, • Photographs, • Waste Management Plan, • Shadow Diagrams, • Sediment and Erosion Control plan, • List of existing and proposed fire safety measures, • Preliminary site contamination assessment, • Engineering report for flood affected land, 	<ul style="list-style-type: none"> - Architectural Plans - Landscape Plan - Stormwater Management Plan - Waste Management Plan - Access Report - Traffic Report - Structural Building Report - Building Cost Estimate 	

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	<ul style="list-style-type: none"> • Acoustic assessment, • Social Impact Assessment. <p>These items are listed in checklists available from Council or on Council's website.</p>		
Section 3 – Site Analysis			
3.2 Site Analysis Required	<p>(i) A site analysis must be completed on all proposals other than single dwellings involving construction work less than 100 square metres in floor area. It forms part of the development application to Council.</p> <p>(ii) The site analysis can be in two formats depending on which method best presents the site characteristics, they are plans (maps) and statements.</p> <ul style="list-style-type: none"> • Plans – contain all the information that can be easily mapped. • Statements – issues such as character of the area are better addressed in text and photographs. 	The SoEE examines the existing development and site location including how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation, and other requirements. The SoEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage.	Yes
3.3 Site Analysis Plan	<p>Site analysis in plan form must be drawn to scale (generally 1:200, 1:500 or 1:1000). Include the site and its surrounds and then add the following information (relevant to the site) to the plan:</p> <p>(i) Site Characteristics</p> <ul style="list-style-type: none"> • The location, boundary dimensions of the site. • The position of true north. 	Site analysis plan is contained the architectural plan set (APPENDIX 6).	Yes

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	<ul style="list-style-type: none"> • The contours of the site (usually at 1 metre intervals) and the contours of adjoining allotments. • The movement of the sun across the site. • The prevailing wind direction and, if in an exposed area, the likely wind speed across the site. • The zone and the zone boundaries (if there are multiple zones), protected areas and riparian corridors. • The location of any slopes greater than 20% (1 in 5) and the direction or fall of drainage from those areas. • The location of existing vegetation. Specify the type of vegetation present. • Identify any noxious or environmental weeds. • The location of any significant natural features such as cliffs, rock outcrops, water holes. <p>(ii) Drainage</p> <ul style="list-style-type: none"> • The location of existing stormwater controls such as easements, trenches, etc. • Drainage patterns on the site, areas of concentrated runoff, ponding, possible flooding. • Location of any watercourses, creek, wetlands, stream etc., on the site or any within 40 metres from the site. <p>(iii) Services</p>		

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	<ul style="list-style-type: none"> The location of above or below ground services, including power, water, gas, sewer or wastewater systems / land application areas. (iv) Existing Development <ul style="list-style-type: none"> Set backs, height and location of buildings on adjoining lands. Any potential noise sources, private open space areas or windows from any adjoining buildings which may overlook the site. Any areas of land degradation, identify likely causes. The location of buildings or structures on the site including swimming pools, retaining walls and other hard surface areas. The location of existing access to the site, including any pathways, tracks or driveways and the number and location of on-site car parking areas. For 'bushfire prone land' the existing and proposed road network, including the width of roads and whether they are connector roads or cul-de-sacs. 		
3.4 Site Analysis Statements	Attach a copy of the following information: (i) Photographs <ul style="list-style-type: none"> Provide pictures of the character of the surrounding area (photograph buildings on adjoining sites and the adjacent streetscape). 	Site photos are contained throughout the SoEE and subconsultant reports where applicable. Certificate of title is contained in APPENDIX 14 . Noting nothing on the DP or 88B instrument prohibits the proposed development.	Yes

Commented [ED1]: Any addition of site photos?

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> • Include pictures of any significant features of the site (views to and from the land, vegetation, etc). (ii) Statement • Review the Certificate of Title for the property to determine whether any restrictions exist. For example a covenant or 88b restriction. • Provide a statement on the zoning of the land and whether the type of development proposed is permitted within that zoning. • Provide a statement as to whether the land is mapped as 'bushfire prone'. * (Maps can be viewed on Council's web site or at one of our customer service centres). • If the land is 'bushfire prone' the statement should include the location, extent and vegetation group of any bushland on or within 140 metres of the site; the slope and aspect of the site and of any bushfire prone land within 100 metres (this may determine the likely path of any bushfires); and any features on or adjoining the site that may mitigate the impact of a bushfire. 		
Section 5 – Subdivision The application is not for Subdivision; accordingly this chapter is not relevant to the subject site.			
Section 6 – Residential Development The application is not for Residential Development; accordingly this chapter is not relevant to the subject site.			
Section 7 – Village Zones			

DCP 2009	Controls/Purpose	Review/Response	Comply
The application is not for Village Zones; accordingly this chapter is not relevant to the subject site.			
Section 8 – Rural and Environmental Zone Development			
8.1.1 Dwelling Houses on existing parcels of land	(a) To ensure that claims for dwelling entitlements are based upon relevant subdivision and property history.	The proposed application does not involve a dwelling.	NA
8.2.1 Scenic Protection and Building Location	<p>Controls</p> <p>(i) The roof line of the building must not protrude above natural ridge or tree lines when viewed from public areas and public roads.</p> <p>(ii) Substantial remnant vegetation is protected from disturbance.</p> <p>(iii) Outbuildings are located in proximity of and to the rear of the main dwelling house when viewed from the nearest road. Outbuildings should be located at the rear of the main house when viewed from the road and</p>	<p>The roof line of the proposed development is consistent with current buildings and does not protrude above natural ridge or tree lines when viewed from public areas and public roads.</p> <p>The proposed development does not require removal of vegetation.</p> <p>NA</p> <p>NA</p> <p>Privacy and views of neighbouring houses are reasonably maintained</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>form a "homestead group" of buildings. Shearing sheds and hay sheds are appropriate away from the homestead group.</p> <p>(iv) The dwelling house is sited on land identified as being suitable for construction and free from contamination, flooding and bushfire risk.</p> <p>(v) Privacy and views of neighbouring houses are reasonably retained.</p>		
8.2.2 Setbacks	<p>Controls</p> <p>(i) Buildings are setback a minimum of 50m from any public road</p> <p>(ii) Buildings are not located within 10m of any property boundary.</p> <p>(iii) A suitable buffer area is established in the vicinity of agricultural operations that may occur on adjoining land.</p> <p>(iv) Separation fencing is provided between development land and any adjoining rail corridor.</p>	<p>The proposed development is –</p> <p>more than 50m from a public road</p> <p>more than 10m from a property boundary</p> <p>maintains a suitable barrier from surrounding viticulture operations.</p> <p>There is ae no adjoining rail corridors.</p> <p>There is ae no adjacent rail corridors.</p>	Yes

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	<p>(v) Development adjacent to rail corridors will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration. Relevant publications available from "Railcorp" for consideration are:-</p> <ul style="list-style-type: none"> - <i>Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning</i> - <i>Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process</i> - <i>Guidelines for applicants - consideration of rail noise and vibration in the planning process</i> 		
8.2.3 Colours and materials	<p>Controls</p> <p>(i) Use natural colours, muted and earth tones for major areas of the building, such as walls and roof, and restrict stronger colours to smaller features such as window frames, doors and decorative woodwork</p> <p>(ii) Use factory pre-coloured materials with low reflective properties.</p> <p>(iii) Avoid extensive use of highly reflective glass, highly reflective metal cladding (such as <i>Zincalume</i> and white <i>Colorbond</i>) and plastics on the exterior of buildings, unless it can be demonstrated that this appropriate to the particular circumstances that exist on the site. The applicant</p>	<p>The proposed development will use a colour scheme that matches the existing buildings. A colour pallet is provided in APPENDIX 6.</p>	Yes

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	<p>shall address in detail the alternative options considered in the design process, orientation of the buildings/proposed material, the roof pitch, sun angles, the location of properties and public places that may be affected by glare either in the immediate vicinity or within a wider area in likely to be affected, and any measure to be incorporated into the works to mitigate any potential impacts (eg landscaping, screens and the like)</p> <p>(iv) In the event that a glare nuisance does arise from the use of a material, Council reserves the right to require materials to be treated to address glare nuisance.</p>		
8.2.4 Car parking and Access	<p>Controls</p> <p>(i) Generally access roads to serve specific developments provide direct access to a public road under the care and control of Council, comprising all weather access for a two wheel drive vehicle.</p> <p>(ii) Car parking provided on site complies with any relevant requirements within section 16 of this DCP, and where car parking requirements apply, access roads are designed and constructed in accordance with relevant AS2890.1 & AUS-PEC requirements relative to the projected traffic flows.</p>	<p>The proposed development will have all weather access from a public road. Refer to APPENDIX 11.</p>	<p>Yes</p>

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	<p>(iii) Entry gateways are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway.</p> <p>(iv) Access directly from a sealed road is to incorporate a sealed section between the road seal and the boundary alignment to minimise gravel being deposited on the road surface.</p> <p>(v) Rural property accesses shall be designed to comply with Council's specifications for Rural Property Access.</p> <p>(vi) Rural property access is to be designed so that stormwater flows do not discharge down the access carrying sediment and debris onto Council's roads. To accommodate this requirement the road shall be designed to include measures such as mitre drains, pipe culverts, causeways, diversion banks, or other similar water management devices.</p>		
8.2.5 Temporary Dwellings	<p>Controls</p> <p>(i) Buildings may be used for the purpose of temporary dwellings for a maximum period of three (3) years from the date upon which any Occupation Certificate is issued for the building</p>	The development proposal is not for a temporary dwelling.	NA

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	<p>(ii) Upon the expiration of the time period referred to in (i) above, the building shall not be used for residential purposes, and fixtures that render the building capable of separate habitation shall be removed</p> <p>(iii) Temporary dwellings shall comprise buildings that can be easily adapted to a compatible non-habitable use upon expiration of the period for temporary habitation.</p>		
8.3.1 Topography	<p>Controls</p> <p>(i) The completion of a site evaluation during the assessment of development applications to ensure consistency with surrounding areas and existing topography</p> <p>(ii) The erection of structures to utilise materials and colours which are relevant to the surrounding rural landscape and which protect the visual amenity of the area</p> <p>(iii) The consideration of landform relevant issues (such as existing water drainage relevant to the site), during the assessment of proposed developments.</p>	The proposed development is site amongst other buildings on site to ensure consistency with surrounding areas and existing topography. Refer to architectural plans in APPENDIX 6 .	Yes

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8.3.2 Vegetation	<p>Controls</p> <p>(i) Identification and control of developments which are expected to impact on the areas of remnant vegetation as determined and mapped by <i>The Vegetation of the Central Hunter Valley NSW</i> project represented in Council's native vegetation mapping layer.</p> <p>(ii) The clearing of native remnant vegetation or protected regrowth on properties (excluding permitted activities) which are zoned as rural or rural residential must receive appropriate approval from the Catchment Management Authority (CMA) in regards to the Native Vegetation Act 2003.</p> <p>(iii) The approval of any clearing in regards to native remnant vegetation or protected regrowth within the definitions of the Native Vegetation Act 2003 will only be granted by the CMA if the clearing will improve or maintain environmental outcomes.</p> <p>(iv) Any clearing of native remnant vegetation or protected regrowth which is deemed to be 'permitted clearing' under the definitions of the Native Vegetation Act and which does not require CMA approval, is to be undertaken as per the requirements of the Act and to ensure that clearing is limited only to those areas deemed necessary for the development.</p> <p>(v) The provisions of Clause 5A of the <i>Environmental Planning and Assessment Act 1979</i> may require the</p>	<p>The proposed development does not involve the clearing of native remnant vegetation. Refer to Landscaping plan at APPENDIX 5.</p>	Yes

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	submission of a flora and fauna assessment report with the development application. See the guidelines for submitting applications in Section 3 of this DCP.		
8.3.3 Riparian buffers	<p>Controls</p> <p>(i) A riparian buffer area is generally defined as the area located within 40m of each bank of a river, stream, creek, tributary or other natural water course.</p> <p>(ii) Avoid undertaking works within riparian buffer areas where other options are available. Any proposed development within the riparian buffer area is accompanied by a detailed consideration of the environmental impacts associated with the proposal and alternative options considered and reasons why those alternatives are not viable.</p> <p>(iii) Consideration of habitat connectivity during the assessment of developments which may impact on watercourses and riparian vegetation.</p> <p>(iv) If works associated with development are required to occur within riparian buffer areas, Council will not grant consent to the development unless it is satisfied that appropriate measures are incorporated to:-</p> <ul style="list-style-type: none"> • Maintain stream bank and riparian stability • Manage and prevent erosion and sedimentation through appropriate <p>controls in accordance section 20 of this DCP</p>	The proposed development is to occur more that 40m from a riparian buffer located at the Hunter River. Refer to Landscaping plan at APPENDIX 5 .	

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	<ul style="list-style-type: none"> • Maintain or restore native vegetative cover • Minimise the disturbance to in stream habitats such as gravel beds, snags, aquatic macrophytes etc. • Protect water quality • Implement rehabilitation and restoration measures following disturbance <p>(v) Works proposed within the W1 zone demonstrate compliance with the provisions of "Policy and Guidelines – Aquatic Habitat Management and Fish Conservation 1999", produced by the Department of Primary Industries where works are proposed in riparian buffer areas.</p> <p>(vi) The decline of riparian vegetation is listed by the Fisheries Management Act as a key threatening process. The assessment of activities which involve an impact on riparian vegetation must take this into consideration and may be required to receive concurrence or approval from the Department of Primary Industries.</p>		
8.3.4 Management of Rivers, Creeks, Streams and Drainage	<p>Controls</p> <p>(i) Consideration of existing flow regimes of natural water courses which may be impacted by activities or developments</p> <p>(ii) Large scale or high density developments to be located in areas located alluvials zones.</p>	The proposed development will include mitigation strategies to avoid impact on the adjacent Hunter River, including erosion controls.	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(iii) Mitigation and/ or treatment of water quality impacts from land use activities or development</p> <p>(iv) Assessment of increased flows to natural water courses and drainage channels during the preparation of development applications and supporting documentation.</p> <p>(v) Consideration of habitat connectivity during the assessment of developments which may impact on watercourses and riparian vegetation.</p> <p>(vi) any activities which require additional permits or approvals to be obtained by the applicant or landholder.</p>		
8.3.5 Services	<p>Controls</p> <p>(i) A suitable area is available for perpetual on-site disposal of wastes in accordance with section 23 of this DCP.</p> <p>(ii) An adequate water supply is provided.</p>	Suitable area for on site disposal of waste and water supply are available. Refer to Section 23 below.	
8.4 Frost Control Fans	<p>Controls</p> <p>(i) When a development Application is submitted to Council for the installation of a frost control fan, it must be accompanied by the following information:</p> <p>a. Scaled site diagram showing the proposed location of the frost control fan/s and the location of any dwelling within the 1 km of the frost control fan.</p>	Frost Control fans do not form part of this proposal.	NA

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>b. Structural engineer's certificate and drawings for the footings and structural steelwork. (This information may be provided by the manufacturer).</p> <p>c. Noise acoustic report modelling the extent of impact of the proposed frost control fan upon the surrounding properties. The model should be based upon manufacturer's sound level data. The noise acoustic report should also indicate that the proposed frost control fans will not exceed the noise criteria as shown in Table 1.</p> <p>d. The LAeq measurements from the manufacturer must have been taken over a period of 15 minutes and over a range of distances from 10m to 1000m from the frost control fan. These readings must be included in the information submitted with the Development Application.</p> <p>e. Details of crop/s to be protected by the frost control fan/s and the most susceptible times of that crop.</p> <p>f. Details of the anticipated temperature at which damage occurs to the crop/s proposed to be protected and the anticipated temperatures that the fan/s would come on to protect the crop/s from frost.</p> <p>g. The number of frosts on average per year, which currently affect the crop/s according to currently available climatic data. E.g. from CSIRO, Department of Agriculture or Bureau of Meteorology.</p>		

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	<p>h. These criteria apply:</p> <table><tr><th>Location of affected residence</th><th>Outdoor Criteria (L_{Aeq})</th><th>Indoor</th></tr><tr><td>Residence located within 1 km of Frost Control Fans</td><td>55 dBA (max)</td><td>35 dBA</td></tr></table> <p>TABLE 1.</p> <p>(ii) Once a frost control fan has been approved by Council, it must operate under the following conditions:</p> <p>a. The frost control fans must have a thermostatic control that is set at all times to the fans are not to operated above 00 celcius.</p> <p>b. The driving engine for the frost control fan must be housed in a noise attenuating housing.</p> <p>c. Whilst the frost control fans are in operation, the noise level measured at a distance of 1m from any bedroom window of a dwelling situated on an affected separate property must not exceed the outdoor or indoor limit.</p>	Location of affected residence	Outdoor Criteria (L _{Aeq})	Indoor	Residence located within 1 km of Frost Control Fans	55 dBA (max)	35 dBA		
Location of affected residence	Outdoor Criteria (L _{Aeq})	Indoor							
Residence located within 1 km of Frost Control Fans	55 dBA (max)	35 dBA							
Section 13 – Floodplain Management The site is not identified a flood prone land; accordingly this chapter is not relevant to the subject site.									
Section 15 – Heritage Conservation									

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15.1	<p>15.1.2 Objectives</p> <p>The aim of these controls is to ensure that qualities of these heritage items that give them their significance are retained. To achieve this aim Council wishes to encourage the following objectives:</p> <ul style="list-style-type: none"> • Compliance with the provisions of the Heritage Act 1977, the National Parks and Wildlife Act 1974, and the Environment Protection and Biodiversity Conservation Act 1999 ; • Conservation of items and groupings of items which have played a part in creating the area's identity and which provide insights into early periods of the region's development; • Integration of heritage conservation practices into its statutory planning; • Public familiarity with and understanding of heritage conservation practices; • Public involvement in the conservation of the area's environmental heritage; • A fair and objective approach to conservation of privately and publicly owned heritage items for both the public good and private benefit; • Carrying out all new development affecting items of the area's environmental heritage in a manner that is consistent with conservation best practice as set 	<p>The site is not identified as a heritage listed item. The proposed works are acceptable in terms of their potential impact on the adjacent Denman Heritage Conservation Area.</p>	NA

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	<p>out in the Burra Charter and for natural heritage in the Australian Natural Heritage Charter.</p> <ul style="list-style-type: none"> • Ensuring that new works and maintenance do not cause harm to or cause any loss of the significance of any heritage item. 		
	<p>15.1.5 Aboriginal Heritage & Conservation</p> <p>In order to ensure that local Aboriginal Community is consulted in the development application process, the following requirements must be met:-</p> <p>a) The proponent must actively seek to identify stakeholder groups or people that may wish to be consulted about the project and invite them to register their interest. Undertaking this task prior to lodging a development application can prevent delays in the assessment in the process and assist in addressing any issues identified as part of the proposal submitted for consideration by Council.</p> <p>b) Compliance with a) above can be achieved by the proponent placing an advertisement in the local paper seeking registrations of interest. The proponent should also contact the following organisations to determine the potential impact of the proposed development and preferred course of action:-</p> <ul style="list-style-type: none"> • The local Aboriginal Land Council (Wanaruah) • Registrar of Aboriginal Owners 	<p>A search of the Aboriginal Heritage Information Services (AHIMS) database (15 February 2024) identifies the subject site as containing 6 Aboriginal sites or places as shown in (APPENDIX 3).</p> <p>Following a review of the site it was determined that –</p> <ul style="list-style-type: none"> a) The aboriginal sites are located at least 300m from the development site, so are unlikely to be disturbed by ground and building works, b) The development site is located more than 100m from the Hunter River, c) The development site and adjacent land does not contain rock outcroppings, caves or platforms <p>On this basis, it is unlikely that aboriginal artefacts will be uncovered during building works on the development site. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</p>	Yes

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	<ul style="list-style-type: none"> • The Department of Environment and Climate Change • Native Title Services <p>This is a preferable course of action for:-</p> <ul style="list-style-type: none"> • subdivisions of undeveloped land • where the scale of the development is likely to result in significant ground disturbance • where the proposal is located within 100m of a waterhole, river or stream • where the site contains rock outcrops, caves, platforms <p>c) The proponent may then need to commission an Aboriginal Heritage Study to determine the presence of artefacts or sites of significance, and obtain appropriate recommendations for how these matters can be addressed in submitting the development proposal.</p> <p>d) For smaller proposals, Council will advertise development applications in accordance with Section 3 of this DCP, which will invite registrations of interest from interested groups or individuals, and Council may require an Aboriginal Heritage Study to be undertaken in accordance with c) above following consultation with the Local Aboriginal Land Council if necessary.</p>		
	<p>What changes are acceptable?</p> <p>15.1.12 Generally</p>	Noted.	Yes

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	<p>The best way to conserve a built heritage asset is to maintain a viable use for it, with a Conservation Management Plan to guide its use and maintenance. Where the conservation of an item can not be secured by any other means Council can approve a use that might otherwise not be permitted under its LEP.</p> <p>In order to maintain viable uses it is often necessary for owners to make alterations or additions to the things that are considered to give heritage significance to a place. Generally, these alterations and additions will be permissible so long as they do not adversely affect the significance of a heritage item or a heritage conservation area.</p> <p>In some cases where proposed changes affecting a heritage item or a heritage conservation area are of a minor nature or are essentially maintenance, and will not adversely affect what is significant, Council can allow works to proceed without requiring an owner to lodge a DA (so long as Council has been properly notified).</p> <p>Generally, however, DAs will be required under the LEP for any changes involving alterations or additions and in assessing DAs Council will consider impacts on heritage significance when it considers all other likely impacts.</p>		

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	<p>15.1.14 Heritage Conservation Areas</p> <p>Heritage conservation areas are identified because these areas, overall, are significant for a community. Generally, they contain some buildings, works, relics or trees which have been identified as heritage items but it is not necessary for heritage conservation areas to contain any items that are heritage items in their own right.</p> <p>The purpose of heritage conservation areas is to preserve the physical relationship of features in them that date from similar periods or are associated with certain historical themes and reflect lifestyles related to the periods or themes. In towns, heritage conservation areas are generally characterised by consistency in design features, materials, scale and proportions of individual buildings, whether the buildings are old or new.</p> <p>New works in a heritage conservation area will be acceptable only if they serve to reinforce the physical character of the area. Works such as buildings that are visually intrusive or otherwise non-contributory to the character of the area will not be acceptable.</p>	<p>The proposed works are acceptable in terms of their potential impact on the adjacent Denman Heritage Conservation Area.</p>	NA
Part 2 – Heritage Items and Conservation Areas Design Controls	<p>15.2.2 General Design rules</p> <p>These priorities lead to some important rules for changes to buildings in heritage items or heritage conservation areas:</p>	<p>The proposed works are acceptable in terms of their potential impact on the adjacent Denman Heritage Conservation Area.</p>	NA

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(i) All features of significance should be conserved or re-instated. Further, if the opportunity presents, inappropriate alterations should be removed and original features reconstructed as well as possible.</p> <p>(ii) As much as possible of the original fabric should be kept. Missing elements may be replaced but only if they are known to have existed.</p> <p>(iii) When new work is added the scale and elements of the earlier building should determine how closely the new work should resemble the old. Combine only what goes well together, and never copy features that are out of character with other traditional buildings in the area.</p> <p>(iv) New work should never pretend to be original work and this should be apparent, at least on close inspection, though new building elements should be constructed with the original technology and original functional purpose of these elements in mind.</p> <p>(v) Completely new buildings should never seek to replicate older styles. They should be designed to be in sympathy with older buildings in their vicinity.</p> <p>(vi) When there is a choice, seek to improve the appearance and unity of a streetscape. Where there is a variety of buildings in a street or a row of buildings, features of the immediate neighbours should be taken as the reference point for proposed changes.</p>		

DCP 2009	Controls/Purpose	Review/Response	Comply
	As a general guide as to what new works might be appropriate most of Muswellbrook's older buildings exhibit a fairly limited range of stylistic details because local builders tended to work with the forms and materials they knew well. The exceptions to this are the houses that were built by the relatively well-off and some more substantial commercial building which tended to be more individual in terms of their layouts and overall forms though still fairly typical of their periods in their details and decoration.		
Section 16 – Car Parking and Access			
16.1.3 Aims and Objectives	16.1.3 Aims and Objectives Aims a) to provide a guide for developers of Council's minimum requirements for off street vehicular parking. b) to ensure that adequate off-street vehicular parking is provided for traffic generating developments. c) to ensure adequate car parking facilities are provided in association with developments; b) to ensure each development proposal is assessed consistently and equitably in relation to the provision of off-street vehicular parking; c) to ensure vehicular parking areas are designed in such a manner as to be functional, aesthetically	WGA were engaged by Two Rivers Development to advise on the traffic and parking matters of the proposed development. The report concludes the existing car parking arrangements are considered acceptable and appropriate owing to the following key considerations: <ul style="list-style-type: none"> During typical operations the cellar door is expected to operate a parking demand in the order of six (6) to eight (8) vehicles at any one time. There is ample on-site parking provided for the typical cellar door operations. On occasions where there is expected to be up to 200 patrons on site at any given time, the availability of overflow parking is considered 	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>pleasing in terms of landscaping, and safe for motorists and pedestrians; and</p> <p>d) to ensure all vehicles entering or leaving properties are driven in a forward direction.</p>	<p>adequate to accommodate all peak parking demands.</p> <p>The traffic impact assessment is contained in APPENDIX 11 and has been prepared to address the traffic and parking impacts of the proposed development. It is based on surveys and observations at the site and experience of similar developments elsewhere.</p>	
16.2 Residential Development	<p><u>Objectives</u></p> <p>a) To ensure adequate on site parking is provided to service residential developments</p> <p>b) To ensure that activities relating to car parking provision are undertaken to an acceptable standard to ensure residential amenity.</p> <p><u>Controls</u></p> <p>(i) Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP.</p> <p>(ii) The location and construction of car parking complies with Section 6 of this DCP.</p> <p>(iii) On site parking facilities are designed and constructed to comply with the provisions of AS2890.1.</p>	<p>The proposed development does not include residential development.</p>	NA
16.4 Design Guidelines for off-street	<p>16.4.1 Access to the Site</p> <p><u>Objectives</u></p>	<p>WGA were engaged by Two Rivers Development to advise on the traffic and parking matters of the proposed development.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
vehicular parking areas	<p>a) To ensure that access to sites operate in a safe and efficient manner.</p> <p><u>Controls</u></p> <p>(i) all works required to service the development are to be designed and constructed in accordance with the relevant provisions of AS2890</p> <p>(ii) any works on public land or in the public road reserve that are to revert to the care and control of Council are to be designed and constructed in accordance with the relevant provisions of AUSPEC.</p> <p>(iii) A vehicular driveway must:</p> <ul style="list-style-type: none"> • be located no closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary. • not be located within 12 metres on the approaches to a "stop" or "give way" sign. • cross the footpath or footway at right angles to the centreline of the road. • be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street; • be clear of obstructions which may prevent drivers having a timely view of pedestrians; • be properly signposted by the use of "in" or "entrance" and "out" or "exit" signs, where appropriate; and 	<p>The report concludes that access to the site will be continued to be provided via an unsealed driveway from Yarrowa Road, which measures approximately 1.9km in length. The site access driveway is capable of accommodating two-way movements whilst providing overflow parking within the grassed verges during peak periods.</p> <p>The traffic impact assessment is contained in APPENDIX 11 and has been prepared to address the traffic and parking impacts of the proposed development. It is based on surveys and observations at the site and experience of similar developments elsewhere.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> • be designed and constructed to suit design traffic loads. <p>The Roads and Traffic Authority has adopted seven types of access driveways – Type 1 to 5 for cars (or light vehicles) and types 6 and 7 for heavy vehicles. Table 1 shows entry and exit driveway widths and separation between the two where applicable. Table 2 shows types of driveways to serve certain numbers of parking spaces.</p>		
	<p>16.4.2 Car Park Design</p> <p><u>Controls</u></p> <p>(i) The minimum dimensions of each off street parking space and the distance separating parking spaces shall be in accordance with AS2890.1.</p> <p>(ii) Adequate on site manoeuvring and circulating areas shall be provided to ensure that all vehicles enter and leave the site do so in a forward direction.</p> <p>(iii) Parking spaces for visitors and customers should be provided where they are clearly visible from the street so their use is encouraged.</p> <p>(iv) Parking spaces for employees and for longer duration parking may be located more remotely from the street.</p> <p>(v) All signage (whether viewed from internal areas on the site or from external areas) are to be</p>	<p>WGA were engaged by Two Rivers Development to advise on the traffic and parking matters of the proposed development.</p> <p>The report advises that there is no formal linemarked car parking spaces are proposed to be provided on-site, with the existing car parking arrangements intended to be retained.</p> <p>However, given the ample availability of parking on site, it is expected that the on-site car parking arrangements will continue to operate effectively, with satisfactory aisle widths and accessways enabling efficient circulation through the site's internal car parking areas.</p> <p>The traffic impact assessment is contained in APPENDIX 11.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA.</p> <p>(vi) The location of the parking area on the site should be determined having regard to:</p> <p>(a) site conditions such as slope and drainage;</p> <p>(b) visual amenity;</p> <p>(c) the location of the building; and</p> <p>(d) the proximity to any neighbouring residential development.</p>		
	<p>16.4.3 Parking for People with Disabilities</p> <p>Special parking spaces for people with disabilities are to be provided at the rate of two percent (2%) of the overall spaces provided for a retail/business/industry development. These spaces must be clearly signposted and marked and have a minimum width of 3.2 metres and comply with the provisions of AS2890.1.</p>	Existing disability parking arrangements will continue under the proposed development.	Yes
	<p>16.4.4 Loading/Unloading Facilities</p> <p><u>Objectives</u></p> <p>a) To ensure that loading and unloading can be undertaken on site.</p> <p>b) To ensure that loading and unloading operations do not adversely interfere with vehicle and pedestrian movements.</p> <p><u>Controls</u></p>	<p>Existing loading and waste collection activities associated with the site are proposed to be retained, with the site continuing to be serviced by commercial and waste collection vehicles in line with existing conditions.</p> <p>The traffic impact assessment is contained in APPENDIX 11.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(i) In the case of all commercial, retail and industrial development, adequate provision must be made on the development site for the loading and unloading of service vehicles.</p> <p>(ii) The number and dimensions of loading bays required in any particular case will be assessed by Council having regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved. Details regarding the estimated size and frequency of goods delivery vehicles visiting the premises are required to be submitted with the development application.</p> <p>(iii) Loading/unloading bays must be designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of vehicle and pedestrian traffic on site or in the adjacent streets.</p> <p>(iv) The loading/unloading areas is to be designed to accommodate the turning path of appropriate service vehicles detailed in Table 3.</p> <p>(v) The loading/unloading areas must be designed to ensure that vehicles stand entirely within the site during loading and unloading operations.</p>		
	<p>16.4.5 Internal Roads</p> <p><u>Objectives</u></p>	WGA were engaged by Two Rivers Development to advise on the traffic and parking matters of the proposed development.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>a) To ensure that internal roads are sufficient to cater for expected vehicle movements.</p> <p><u>Controls</u></p> <p>(i) For internal roads between the driveway and the parking area the recommended minimum carriageway width depends on the number of parking spaces and service bays. These minimum widths are provided in Table 4.</p>	<p>The existing unsealed car parking areas are considered to be able to accommodate 30 vehicles, with the grassed verges along the site access driveway able to accommodate overflow car parking demands during peak periods (i.e. weddings, Christmas carols, etc.)</p> <p>The traffic impact assessment is contained in APPENDIX 11.</p>	
	<p>16.4.7 Landscaping</p> <p><u>Objectives</u></p> <p>a) To ensure that the visual impacts of car parking are minimised.</p> <p><u>Controls</u></p> <p>(i) A minimum of 10% of the total area of the car park shall be appropriately landscaped.</p> <p>(ii) Long stretches of parking bays are to be dispersed with screen planting. A good rule of thumb would be to have no more than 10 parking bays before breaking with planting.</p> <p>(iii) Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter.</p> <p>(iv) Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which</p>	<p>Pursuant to the landscape plans contained in APPENDIX 5. The landscaping has been incorporated into the development where possible, particularly along the boundaries, to assist in enhancing the amenity of the site.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	attract large numbers of birds should be avoided in parking areas.		
Section 20 – Erosion and Sediment Control			
Objectives & Controls	<u>Objectives:</u> a) To apply appropriate erosion and sedimentation controls on individual development sites; b) To demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250 m2 of disturbance that appropriate controls are planned to be installed; c) To identify all aspects of site disturbance, erosion and sediment control and address with appropriate control measures; d) To stage works as required to reduce potential for erosion and sedimentation to occur; e) To remove existing vegetation only as required; f) To address site rehabilitation for the duration of the project; g) To provide a mechanism for any remaining exposed soil to be treated and for ongoing site maintenance; h) To cover the contingency of change or delay in the project implementation, activity or work scope. <u>Controls:</u> (i) Areas of disturbance less than 250 m2 which are environmentally sensitive (ie within 100m of a	No trees or significant vegetation will be required to be removed in order to facilitate the proposed development. As the site is not located within a recognised area of biodiverse value, it is not anticipated the proposed development will have a detrimental impact on the ecology on the site or surrounding area. In addition, the installation and maintenance of erosion and sedimentation controls will occur during construction.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>water course), on steep sites (gradient greater than 20o) require the completion of an Erosion and Sediment Control Plan;</p> <p>(ii) Areas of disturbance 250 m2 to 1000m2 must submit an Erosion and Sediment Control Plan and a schedule of works with a development application;</p> <p>(iii) Areas of disturbance 1000 m2 to 2500 m2 must submit an Erosion and Sediment Control Plan and Landscape Plan with a schedule of works with development application;</p> <p>(iv) Areas of disturbance greater than 2500 m2 must submit Erosion and Sediment Control Plan, a Soil and Water Management Plan and a Landscape Plan with a schedule of works;</p> <p>(v) All subdivisions which are proposed as staged developments must provide a staged Erosion and Sediment Control Strategy with an associated schedule of works;</p> <p>(vi) Completion of the Erosion and Sediment Control Plan must be undertaken by a suitably qualified person in accordance with this section of the DCP and contain all elements detailed by 22.2;</p> <p>(vii) A regular maintenance program for all erosion and sediment controls must be submitted with any plan or strategy;</p>		

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(viii) Existing vegetation must not be cleared in areas not relevant to direct impact from the development;</p> <p>(ix) Vegetation must not be cleared prior to development approval being granted or before erosion and sediment controls are fully installed;</p> <p>(x) All proposed controls must be consistent with this section of the DCP and the Managing Urban Stormwater: Soils and Construction manual prepared by Landcom.</p>		
Section 21 – Contaminated Land			
Objectives & Controls	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> • Ensure that the potential for the contamination of land is considered in the planning and development process; • Ensure that strategic planning and development decisions appreciate matters relating to the potential for previous land uses to contaminate land; • Ensure that the Council exercises its functions relating to land development with all reasonable care and due diligence; • Ensure that the development of contaminated land does not result in unacceptable levels of risk to public health or the environment; • Ensure that site investigations are undertaken in a satisfactory manner in accordance with 	The development site is not considered to be contaminated.	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>appropriate legislation, regulations, guidelines and standards;</p> <ul style="list-style-type: none"> • Ensure that the community is not negatively impacted through increased health and environmental risks from land contamination issues. <p><u>Controls:</u></p> <ul style="list-style-type: none"> (i) Identification of previous land uses which may have caused potential contamination risks to land (ii) Identification of potential pollutants which may have contaminated land (iii) Assessment of site specific contamination relevant to the redevelopment or rezoning of land and appropriate proposed land uses (iv) Investigation and assessment of contamination in accordance with appropriate legislation, regulations, guidelines and standards (v) Remediation of contaminated land to a standard appropriate for the proposed land use (vi) Identification of potential off site impacts associated with land contamination (vii) Notification of significant risk of harm to the Department of Environment & Climate Change if required. 		
Section 22 – Land Use Buffers			

DCP 2009	Controls/Purpose	Review/Response	Comply
Section 23 - On-Site Sewage Management Systems			
Objectives And Controls	<p>Objectives:</p> <ul style="list-style-type: none"> • Ensure that development including rezoning, subdivision and single lot developments are not approved unless there is sufficient suitable land for the disposal of effluent on-site. • Ensure all new applications are adequately assessed in accordance with the guidelines. • Identify areas of future development for Council's sewer network. • Discourage the use of above ground irrigation in areas where environmental harm is likely to result. • To outline the requirements as set out in the 2010 On-site Sewage Management Strategy. • To provide clarity where existing guidelines or standards do not clearly set out requirements. • To promote the sustainable use of water and waste resources. 	Please refer to Waste Water Management Report contained in APPENDIX 8 .	Yes
Section 24 – Waste Minimisation and Management			
24.3 Assessment Criteria/Control	<p>24.3.1 Demolition of Buildings or Structures</p> <p>The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities</p>	Please refer to Waste Minimisation and Management Plan contained in APPENDIX 10 .	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
s for all Development	<p>of existing buildings/structures, reuse of materials or parts thereof.</p> <p>The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • Optimise adaptive reuse opportunities of existing building/structures. • Maximise reuse and recycling of materials. • Minimise waste generation. • Ensure appropriate storage and collection of waste. • Minimise the environmental impacts associated with waste management. • Avoid illegal dumping. • Promote improved project management. <p><u>Controls/Requirements</u></p> <ul style="list-style-type: none"> • A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application. • Identify all waste likely to result from the demolition, and opportunities for reuse of materials. • Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted. • Reuse or recycle salvaged materials onsite where possible. 		

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> • Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements). • Provide separate collection bins or areas for the storage of residual waste. • Clearly 'signpost' the purpose and content of the bins and storage areas. • Implement measures to prevent damage by the elements, odour and health risks, and windborne litter. 		
	<p>24.3.2. Construction of Buildings or Structures</p> <p>Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste.</p> <p>The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • Maximise reuse and recycling of materials. • Minimise waste generation. • Ensure appropriate collection and storage of waste. • Minimise the environmental impacts associated with waste management. 	<p>Please refer to Waste Minimisation and Management Plan contained in APPENDIX 10.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> • Avoid illegal dumping. • Promote improved project management. <p><u>Controls / Requirements</u></p> <ul style="list-style-type: none"> • A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application. • The SWMMP shall identify all waste likely to result from the construction process, and the opportunities for the reuse and recycling of these materials. • Incorporate the use of prefabricated components and recycled materials. • Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation). Provide separate collection bins or areas for the storage of residual waste and clearly 'signpost' the purpose and content of the bins and storage areas. • Implement measures to prevent damage by the elements, odour and health risks, and windborne litter. • Ensure that all waste is transported to a place that can lawfully be used as a waste facility. Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by 		

DCP 2009	Controls/Purpose	Review/Response	Comply
	regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.		
24.4 Development-Specific Assessment Criteria/Controls	<p>24.4.4 MIXED USE DEVELOPMENTS (Residential/Non-Residential)</p> <p>Where residential and commercial land uses occur within the one building or development waste management will necessitate a balancing of variable demands, including preservation of residential amenity.</p> <p>This section aims to ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • Ensure appropriate waste storage and collection facilities. • Maximise source separation and recovery of recyclables. • Ensure waste management facilities are safely and easily accessible to occupants and service providers. • Ensure appropriate resourcing of waste management systems, including servicing. 	Please refer to Waste Minimisation and Management Plan contained in APPENDIX 10 .	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> • Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene. • Minimise adverse environmental impacts associated with waste management. • Discourage illegal dumping by providing on site storage, and removal services. <p><u>Controls/ Requirements</u></p> <ul style="list-style-type: none"> • A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application. • The controls at Section 24.4.2. Multi-Unit Dwellings apply to the residential component of mixed-use development. • The controls at Section 24.4.3. Commercial Developments apply to the non-residential component of mixed-use development. • Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. • In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa. 		

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping. 		
Section 25 – Stormwater Management			
25.1 Preamble	25.1.1 Aims The aims of this section of the DCP are to: <ul style="list-style-type: none"> Ensure stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties Manage natural drainage lines and water bodies to sustainably protect the health of the receiving waterway. Mitigate pollutants from entering waterways. Ensure appropriate easements are provided over existing drainage systems on private property. Assist in the efficient use of water. 	A Stormwater Management Plan has been prepared by Lewis Engineering and is contained as (APPENDIX 9) .	Yes
25.2 General	25.2.2 Existing Drainage Systems Where a drainage system serving other lands is located on the development site, that system is to	A Stormwater Management Plan has been prepared by Lewis Engineering and is contained as (APPENDIX 9) .	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement. This is not practical where there is a building located over the easement.</p> <p><u>Objectives</u></p> <p>a) To ensure that appropriate long term arrangements are in place to allow for continued use and maintenance of existing drainage systems</p> <p><u>Controls</u></p> <p>i) New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.</p> <p>ii) Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created.</p> <p>iii) Where an existing drainage system across the site is retained, access to the existing system is not to be affected by the proposed development. Also, the development is to be designed so as not to degrade the structural integrity of the system.</p>		