

8.2 DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone

REPORT BY THE DUTY TOWN PLANNER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, DA0029/2023

RECOMMENDATION

That Council:

- A. receive the report by the Duty Town Planner on the DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone; and
- B. approve DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone subject to the following conditions:

CONDITIONS

PARAMETERS OF CONSENT

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein and/or any plan notations.

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Site Plan	01.2	03	Jun 2022	Mudgee Builder
Floor Plan	02.1	03	Jun 2022	Mudgee Builder
Dimensions	02.2	-	Jun 2022	Mudgee Builder
Elevation	03	03	Jun 2022	Mudgee Builder
Section	4	02	May 2022	Mudgee Builder
BASIX Certificate	1310054S	-	28/05/2022	Mudgee Builder P/L

2. This approval includes approval for a dwelling house only.
3. The dwelling shall not be used for tourist and visitor accommodation. If it is to be used for tourist or visitor accommodation, a separate change of use application must be lodged with Council, which must be supported by a Bushfire Assessment Report.
4. No trees are to be removed.

GENERAL

5. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the

subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

6. All stormwater from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties and must be managed within the site. Methods of disposal of excess stormwater, including overflow from tank, must also include adequate provision for the prevention of erosion and scouring.
7. Costs associated with all development works including any necessary alterations, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
8. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
9. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as Colorbond steel sheeting.
10. The existing access off from Coxs Creek Road is to be upgraded and constructed to ensure that the access is sealed with bitumen and has appropriately sized drainage pipes and culverts so as not to compromise the capacity of table drains. The specification for this upgraded vehicle access must be in accordance with Council's requirements and standards as outline in Council's "Access to Properties Policy" for rural road. Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.
11. A "slow down driveway ahead" sign (W2-207 Guide Signage) is to be erected in the Coxs Creek Road road reserve to the east of the existing access and to face west-bound traffic on Coxs Creek Road. No removal of significant vegetation and trees is to occur in the road reserve to improve visibility of the sign. However, minor trimming of branches and removal of non-native shrubs is permitted to improve sight distance requirements.
12. The internal driveway and vehicle manoeuvring areas must be constructed of compacted gravel. Measures to prevent erosion and scouring and the transport of sediment by stormwater runoff must be put in place and maintained at all times.
13. A minimum of 45,000 litres of domestic water storage is to be provided for the proposed dwelling. All roofwater is to be directed to this tank.
14. The following bushfire protection measures are to be implemented at the commencement of works, and maintained for the life of the development:
 - a) Asset Protection Zones
The intent of measures is to provide sufficient space, and maintain reduced fuel loads, so as to ensure radiant heat levels of buildings are below critical limits, and to prevent direct flame contact with a building.

At the commencement of works, and in perpetuity, the property around the asset shall be managed as follows in accordance with Section 3.2 and Appendix 4 of Planning for Bushfire Protection 2019 and the Rural Fire Service's document '*Standards for Asset Protection Zones*':

- i) North for a distance of 20m as an 'Inner Protection Area'.
- ii) South for a distance of 20m as an 'Inner Protection Area'.
- iii) East for a distance of 20m as an 'Inner Protection Area'.
- iv) West for a distance of 20m as an 'Inner Protection Area'.

b) **Water and Utilities**

The intent of measures is to provide adequate serviced of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- i) Water, electricity and gas are to comply with Section 6.8.3 of Planning for Bushfire Protection 2019.

- ii) In recognition that an unreliable water supply exists, a 20,000 litre dedicated water supply tank (non-flammable) shall be provided. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.

Note: Farm dams and swimming pools cannot be used as a dedicated water supply source for bushfire fighting purposes.

- iii) All associated fittings to the tank shall be non-combustible.
- iv) A pump shall be provided to supply water for fire suppression activities and shall be a minimum 5hp or 3kW and shall be petrol or diesel powered.
- v) Pumps for the water tank shall be adequately shielded from potential bushfire threat.
- vi) A 19mm hose, capable of reaching all parts of the perimeter of the building, shall be provided.
- vii) All above ground water and gas service pipes external to the building shall be metal, including and up to any taps.
- viii) A Static Water Supply marker (SWS) is to be obtained from the Rural Fire Service and fixed in a prominent location at the entry of the property.

c) **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack.

- i) New construction is to comply with AS 3959-2018 'Construction of buildings in bushfire prone areas' – Bushfire Attack Level 12.5
- ii) Roofing shall have guttering screened to prevent the build-up of flammable material.
- iii) Any sarking shall be:
 - Non-combustible; or
 - Comply with AS/NZS 4200.1, be installed on the outside of the frame and have a flammability index of no more than 5 as determined by AS1530.2.

- iv) **Garage doors are to be tight fitting to door jambs with gaps no greater than 5mm when closed, and any roller shutter is to be provided with an ember protection device at the top of the shutter that captures any embers where a gap of 2mm or greater exists on the external surface.**
- d) **Access**
The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bushfire, and for occupants faced with evacuation. To achieve this, the following requirements shall apply:
 - i) **Access shall comply with Section 3.4 and Appendix 3 of Planning for Bushfire Protection 2019.**
- e) **Landscaping**
Landscaping of the site is to comply with Section 3.7 and the principles of Appendix 4 of Planning for Bushfire Protection 2019.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- 15. **Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act, 1993* for the installation of an On Site Sewerage Management System is to be obtained from Mid-Western Regional Council.**
- 16. **Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.**

Note - The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

PRIOR TO THE COMMENCEMENT OF WORKS

- 17. **No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**
 - a) **the appointment of a Principal Certifying Authority; and**
 - b) **the date on which work will commence.**

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- 18. **The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.**
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

19. **A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**
 - a) **stating that unauthorised entry to the work site is prohibited;**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;**
 - c) **the name, address and telephone number of the principal certifying authority for the work; and**
 - d) **The sign shall be removed when the erection or demolition of the building has been completed.**
20. **With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulation 2000 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.**
21. **The contractor is required to contact Dial Before You Dig to obtain details of various services in the vicinity of the proposed dwelling. Dial Before You Dig may be contacted online via <https://www.1100.com.au> or by phone on 1100.**

DURING CONSTRUCTION

22. **All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.**
23. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
24. **All mandatory inspections required by the *Environmental Planning and Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority are to be notified by the developer (providing no less than 24 hours' notice) and carried out during the relevant stage of construction.**
25. **Construction work noise that is audible at other premises is to be restricted to the following times:**
 - a) **Monday to Saturday - 7.00am to 5.00pm**
 - b) **No construction work noise is permitted on Sundays or Public Holidays.**
26. **The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
27. **Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
 - a) **the method of protection; and**
 - b) **the date of installation of the system; and**
 - c) **where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
 - d) **the need to maintain and inspect the system on a regular basis.**

28. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
29. The requirements of BASIX Certificate number 1310054S issued on 28 May 2022 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
30. All stormwater is to discharge to a water tank and the over flow discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
31. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

32. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
33. Prior to use of the dwelling and/or the issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
34. Prior to the issue of an Occupation Certificate, the driveway upgrade works, approved in accordance with Section 138 of the Roads Act 1993, are to be completed.
35. Prior to the issue of an Occupation Certificate, a “slow down driveway ahead” sign is to be erected on Coxs Creek Road to the east of the existing access and facing westbound traffic.
36. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No 1310054S, dated 28 May 2022, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

REASONS FOR DECISION

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

Executive summary

OWNER/S	Peter A Shelley & Doreen A Shelley
APPLICANT:	Mudgee Builder Pty Ltd
PROPERTY DESCRIPTION	18 Coxs Creek Road, Rylstone (Lot 1 DP817671)
PROPOSED DEVELOPMENT	Dwelling House
ESTIMATED COST OF DEVELOPMENT:	\$785,000
REASON FOR REPORTING TO COUNCIL:	A Councillor is the owner of the land
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a development application that seeks approval for a dwelling house at 18 Cox Creek Road, Rylstone (Lot 1 DP817671).

The proposed development seeks to construct a new single storey, five bedroom dwelling with 3 bathrooms. The dwelling will be erected towards the centre of the 40.03 ha property.

The application was not required to be notified or advertised in accordance with the Mid-Western Regional Community Participation Plan 2019. No submissions were received during the assessment period.

As the property the subject of the development application is owned by a Councillor, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

Disclosure of Interest

The application identifies Councillor Peter Shelley as the owner of the land.

Detailed report

SITE DESCRIPTION

The subject site is located on the corner of Bylong Valley Way and Coxs Creek Road, Rylstone. The site has an area of 40.03 hectares with a frontage of approximately 260m to Coxs Creek Road and a frontage of approximately 860m to Bylong Valley Way. The property is approximately 800m to the north of Rylstone.

There are no buildings erected on the land.

The terrain across the site is undulating.

There is a 25m wide easement for electricity transmission that crosses the site in a north-south direction.

The site is predominantly grassland. A number of trees are scattered throughout the site.

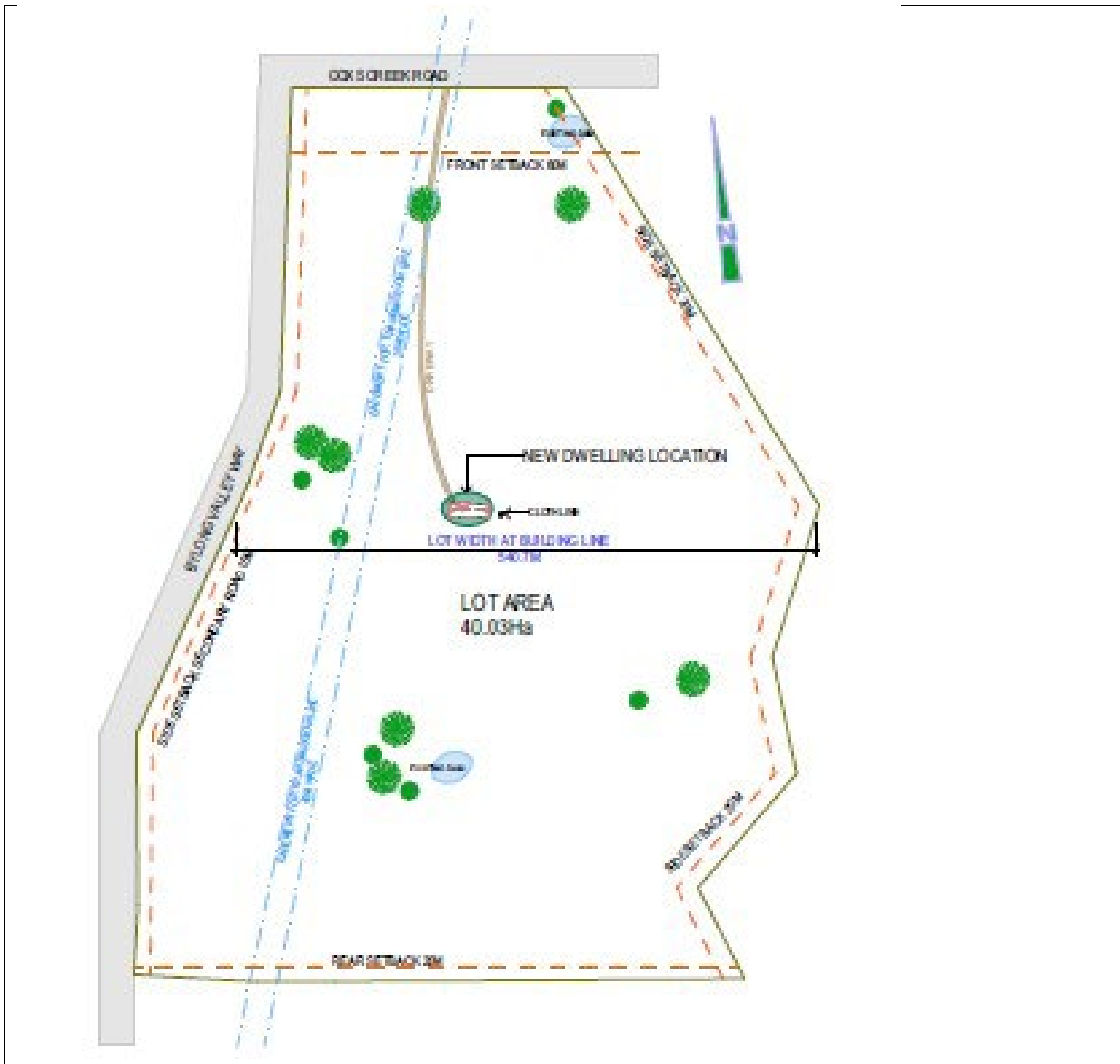


Figure 1 – Site Plan

PROPOSED DEVELOPMENT

The proposed development is a dwelling house. The dwelling will contain five (5) bedrooms, three (3) ensuites, one (1) bathroom, a combined living/kitchen and dining room and double garage.

The dwelling will be constructed on a concrete slab, with brick veneer walls and Colorbond custom orb roofing.

The dwelling will be located centrally within the property.

No tree removal is proposed.

The dwelling is proposed to be connected to a solar power supply.

Rainwater tanks are proposed for water supply.

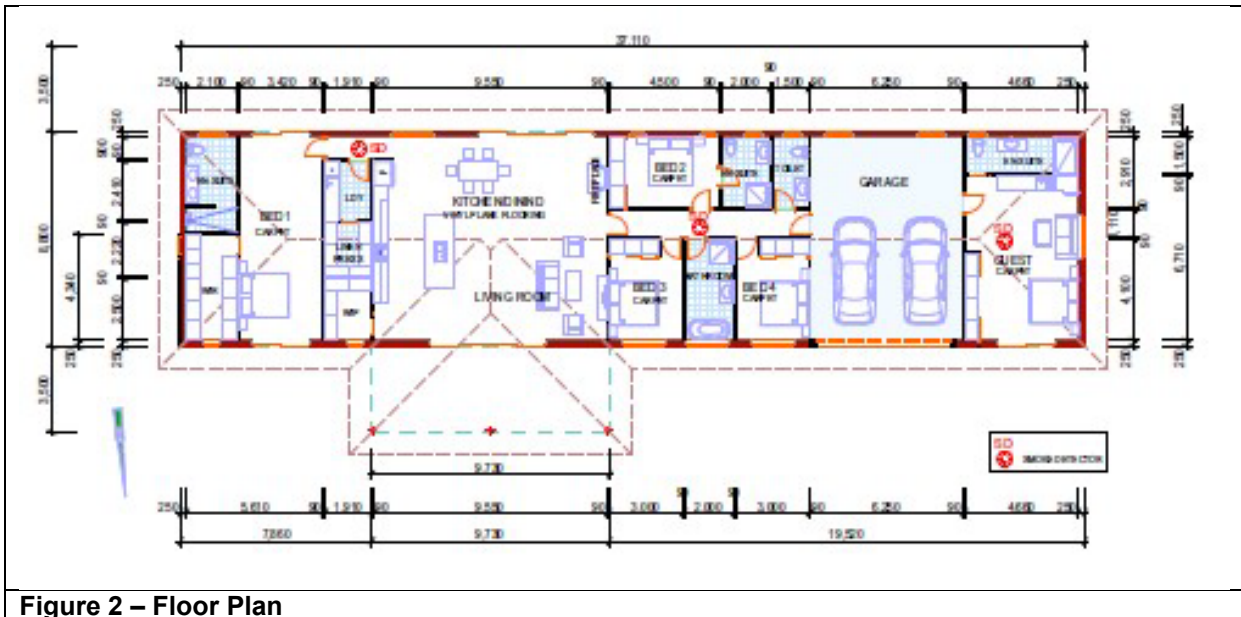


Figure 2 – Floor Plan

LEGISLATIVE REQUIREMENTS

Biodiversity Conservation Act 2016 (BC Act)

The proposed development does not involve the removal of any trees. No further consideration of the BC Act is required for this assessment.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Designated Development

Not Applicable

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Integrated Development

The proposed development does not trigger integrated development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979*.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

The application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The main issues are addressed below as follows.

(a) Provisions of any Environmental Planning Instrument and any draft EPI – 4.15(1)(a)(i) and (ii)

State Environmental Planning Policy (Resilience and Hazards) 2021

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

(a) Clause 2.48 – Development likely to affect electricity transmission network.

Not Applicable

The proposed dwelling is set back approximately 60m from the easement for the electricity line.

(b) Clause 2.119 – Development with frontage to classified roads.

Bylong Valley Way is identified as classified road for the purpose of this clause.

The proposed development satisfies the requirements of this clause as follows:

- Access to the property is provided from a road other than the classified road;
- The proposed development will not adversely affect the operation of the classified roads;
- The proposed development will not emit smoke or dust;
- The proposed development will result in only a marginal increase in the number of vehicle movements. There is sufficient capacity in the local road network to accommodate the additional vehicle movements; and
- The proposed development will not be adversely impacted upon by potential traffic noise and vehicle emissions from the operation of the classified road.

State Environmental Planning Policy (Biodiversity and Conservation) 2011

This SEPP applies to the proposal as Mid-Western Regional Council is listed within Schedule 2 of the SEPP and the area of land associated with the proposal is greater than 1 hectare in size. However, the proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal involves development that requires the issue of a BASIX certificate. The applicant has provided the relevant BASIX certificate and a condition of consent has been included ensuring that the commitments be met as listed in the certificate.

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The following clauses of the MWRLEP 2012 have been assessed as being relevant and matters for consideration in the assessment of the Development Application.

Clause 1.2 Aims of Plan

The application is not contrary to the relevant aims and objectives of the plan.

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as a:

Dwelling house means a building containing only one dwelling.

Note: Dwelling houses are a type of **residential accommodation**.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned RU1 Primary Production and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use Table/ Permissibility

The land is zoned RU1 – Primary Production pursuant to MWRLEP 2012. The proposed dwelling house is permissible with the consent of Council in the zone.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

1. *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment The proposal does not significantly impact upon the ability of the land to be used for the purposes of primary production.

2. *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

Comment The proposal will not hinder the ability of the land to be used for a diversity of primary industry enterprises.

3. *To minimise the fragmentation and alienation of resource lands.*

Comment The proposal does not contribute to unreasonable fragmentation of rural land.

4. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment The proposal will not result in any significant conflict with adjoining land uses subject to compliance with conditions of the consent.

5. *To maintain the visual amenity and landscape quality of the Mid-Western Region by preserving the area's open rural landscapes and environmental and cultural heritage values.*

Comment The proposal will not result in any significant impact upon the immediate visual amenity or environmental/cultural heritage values of the site.

6. *To promote the unique rural character of the Mid-Western Region and facilitate a variety of tourist land uses.*

Comment The proposal will not hinder the use of the land for tourist uses.

Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones

This clause applies as the land is zoned RU1 and the application involves the erection of a dwelling.

In order for the property to benefit from a 'dwelling entitlement', it must satisfy one of the provisions contained within clause 4.2A(3). A review of Council's records and the details submitted with the application has revealed that the property complies with clause 4.2A(3)(b), as the property was created by a subdivision for which development consent (or equivalent) was granted before MWRLEP commenced and on which the erection of a dwelling house was permissible under a previous planning instrument. Subsequently, the consent authority can consider the development application for the erection of a dwelling.

Clause 4.3 Height of buildings

The subject site is not mapped for a maximum height limit.

Clause 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, a condition will be placed on the consent ensuring that work is ceased should an item be discovered during construction.

Clause 5.21 Flood planning

The subject site is not identified as being within the flood planning area in accordance with Council's maps and Floodplain Study and Management Plan. No further consideration is necessary.

Clause 6.1 Salinity

The proposal only involves minimal earthworks and is not expected to significantly affect the process of salinisation.

Clause 6.3 Earthworks

The proposal involves only minor earthworks to prepare the site for development. The proposed earthworks will not be significant in terms of the matters for consideration identified in this clause. Conditions have been applied to ensure and earthworks related activities are carried out appropriately and minimise impacts on neighbouring properties.

Clause 6.4 Groundwater Vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination,

adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development, as follows:

- An 80,000 litre rainwater tank is proposed for the supply of water. Water is also available from a dam on site;
- It is proposed to provide solar panels for the provision of electricity;
- A septic system is proposed for the management of sewage;
- Stormwater runoff will be directed to the rainwater tank and disposed of on-site; and
- The existing access into the property will be utilised. Conditions will be applied requiring this access to be upgraded.

Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the land to which the development application relates.

(b) The provisions of any Development Control Plan or Council Policy – 4.15(1)(a)(iii)

Mid-Western Regional Development Control Plan 2013 (the DCP)

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application.

Part 4.7 Tree Preservation Order

No trees to be removed.

Part 5.1 Car Parking

Land Use	Required	Compliance/Comments
Dwelling	2 spaces per dwelling – 1 space to be a garage	Complies. Two spaces within proposed garage.

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater.

Part 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

Part 6.1 Dwellings in Rural Areas

- *Services*

The dwelling is not proposed on a lot within 500m of the R1 or R2 zone.

- *Dwellings adjacent to Village Zones*

The dwelling is not proposed on a lot within 500m of the RU5 zone.

- *Setbacks*

The minimum front setback as prescribed within the table is 60 m to Coxs Creek Road. The proposed dwelling is set back approximately 400m from the primary road frontage to Coxs Creek Road. Accordingly, the proposal complies.

The minimum front setback to a classified road is 100m. The proposed dwelling is set back approximately 215m from Bylong Valley Way. Accordingly, the proposal complies.

The minimum side/rear setback as prescribed within the table is 20 m. The proposed dwelling is set back approximately 260m from the nearest side boundary. Accordingly, the proposal complies.

- *Out-buildings and Farm Buildings*

Not Applicable – no new outbuildings or farm buildings proposed.

(c) Provisions of any Planning Agreement or Draft Planning Agreement – 4.15(1)(a)(iia)

No planning agreement applicable

(d) Regulations – 4.15(1)(a)(iv)

No matters prescribed by the Regulations impact determination of the Development Application.

(e) The likely impacts of development – 4.15(1)(b)

Not Applicable

Context and Setting & Site Design and Internal Design

The proposal is appropriate with regards to the surrounding rural context and setting.

Access, transport and traffic

Council's Development Engineer has advised that the existing access is to be upgraded with a bitumen pavement in accordance with Council's *Access to Properties Policy*. The location of the existing crossover does not comply with sight distance requirements. A condition will be included in the recommendation requiring the installation of a "slow down driveway ahead" sign to face west-bound traffic on Coxs Creek Road. The local traffic network is capable of absorbing the increase in traffic to be generated by the proposed dwelling house. The proposal provides a sufficient number of parking spaces for the proposed use.

Public Domain

The development will not impact the public domain in terms of recreations opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

Utilities

All relevant utilities are available or can be made readily available to the site.

Heritage

Not Applicable

Other land resources

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.

Water

The proposed development includes rainwater tanks. The proposal is not expected to create any water pollution issues, subject to a condition for sediment erosion controls during construction.

Soils

The proposed development will not have any negative impacts on soils, subject to a condition for sediment erosion controls during construction. The dwelling footprint is not mapped as being affected by saline soils. Despite this, a condition will be applied to ensure that the concrete used in the floor

slab is Class 25 MPa concrete, to resist saline damage, which is common in the Local Government Area. The site is not considered to be effected by unstable soils or contaminants.

Air and Microclimate

The development is not expected to impact air quality or microclimatic conditions.

Flora and Fauna

Not Applicable

Waste

Not Applicable

Energy

Not Applicable

Noise and vibration.

Not Applicable

Natural Hazards

The site is not identified as being effected by geological/soil instability or flooding.

The site is identified as bushfire prone. The applicant has provided a bushfire risk assessment that demonstrates the risk has been minimised subject to incorporating the appropriate measures within the development. The building is to be constructed to BAL 12.5 standard with an Asset Protection Zone (APZ) of 20m to be maintained and the standard water supply to be provided. All these measures have been incorporated into the conditions of consent.

Technological Hazards

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

Economic impact in the locality

Generally positive.

Social impact on the locality

Generally positive.

Construction

The impacts of construction activities may be regulated by conditions.

Cumulative impacts

There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality?

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

Are the site attributes conducive to development?

Yes. The proposed development is designed to respond to the bushfire constraints on the site. No adjoining land uses will have an adverse impact on the proposed development. The proposed development will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

(g) Submissions made in accordance with Act or Regulations – 4.15(1)(d)

Public submissions

The application was not required to be notified or advertised in accordance with the *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

Submissions from public authorities

No submissions were sought or received from public authorities.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

No significant issues in the interests of the public are expected as a result of the proposed development.

Covenants and easements effecting the proposal

There is an easement for an electricity line running through the property. The proposed dwelling is approximately 60m away from this easement.

CONSULTATIONS

Health and Building

Council's Health and Building section have recommended conditions to address the detailed building matters. These conditions are incorporated in the recommendation.

Development Engineer

Council's Development Engineer has provided conditions to address the detailed engineering matters. These conditions are incorporated in the recommendation.

DEVELOPER CONTRIBUTIONS

Section 7.11 Contributions

Not Applicable

The proposal involves a dwelling house on a lot created in an earlier subdivision. Pursuant to *Mid-Western Regional Contributions Plan 2019*, the development is exempt from Section 7.11 contributions.

Section 64 Water and Sewer Developer Services Charges

Not Applicable

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the development does not increase the demand or loading upon Councils infrastructure or require additional water, sewer or trade waste services to the land or building. No charges can therefore be applied under the plan.

Community Plan implications

Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

Strategic implications

Council Strategies & Plans

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Development Servicing Plan

Council Policies

Access to Properties Policy

Legislation

Environmental Planning and Assessment Act 1979

Financial implications

Not Applicable

Associated Risks

The recommendation of staff is to approve the development subject to conditions provided above. Should Council refuse the development application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

ILIJA SUSNJA
DUTY TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

29 July 2022

Attachments: 1. Plans of proposed development.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



FRONT RENDERED IMAGE



REAR RENDERED IMAGE

**MUDGEE
BUILDER**

JASON BOXSELL
 PH 0428 727 559
 JASON.BOXSELL@GIPOND.COM

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PROJECT ADDRESS
 / TITLE

18 COXS CREEK RD
 RYLSTONE NSW
 2849

DP
 817671

LOT
 1

CLIENT
 PETER & DOREEN
 SHELLEY

DATE JUN 2022

DRAWING NAME
 SITE RENDERED

REVISION VER. 03

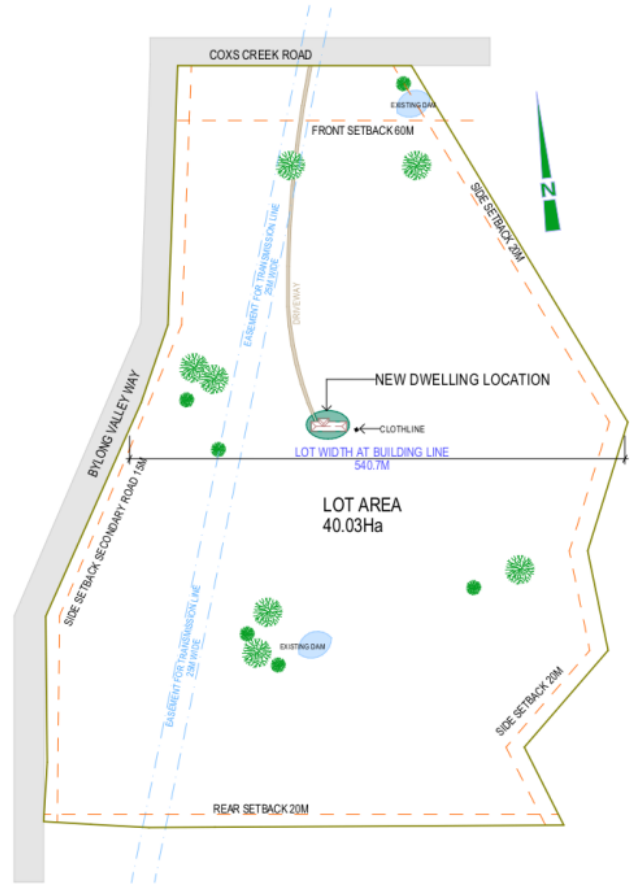
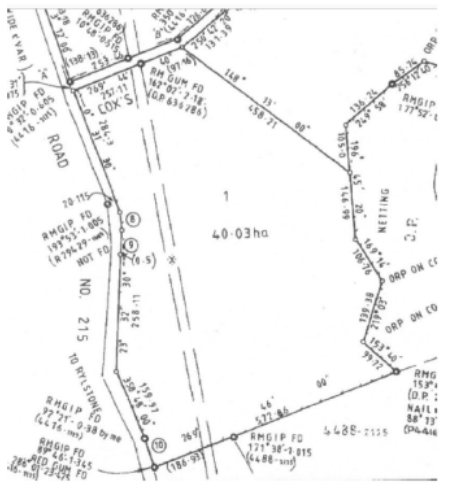
SCALE N/A


SHEET ID.

01.1 PAPER
 SIZE
 A3

- GROUND LEVELS, FINISHED FLOOR LEVELS, SITE WORKS AND RETAINING AREA INDICATIVE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION. SITE PLANS ARE TO BE READ IN CONJUNCTION WITH ANY SURVEY/ENGINEERING PLANS AVAILABLE.
- ALL DIMENSIONS ARE TO BE CHECKED WITH EXISTING AND PROPOSED SITE CONDITIONS.
- WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
- NO VARIATION MAY BE MADE TO THESE DRAWINGS WITHOUT THE PRIOR APPROVAL OF THE BUILDING DESIGNER.
- REFER TO ENGINEERS' DESIGN, DOCUMENTATION AND CALCULATION FOR DETAILS ON SLAB, FOOTINGS, STRUCTURE RETAINING WALLS, FINISHED FLOOR LEVELS, SITEWORKS AND STORMWATER DETAILS.
- THIS DRAWING IS TO BE READ IN CONDUCTION WITH ALL OTHER DRAWINGS SHEETS, CONSULTANTS DRAWINGS, DOCUMENTS, SCHEDULES AND SPECIFICATIONS (AS APPLICABLE).
- THE BUILDER AND SUBCONTRACTOR SHALL ENSURE THAT ALL STORMWATER DRAINS, SEWER PIPES AND THE LIKE ARE LOCATED AS A SUFFICIENT DISTANCE FROM ANY BUILDINGS FOOTING AND/OR SLAB EDGE BEAMS SO AS TO PREVENT GENERAL MOISTURE PENETRATION, DAMPNESS, WEAKENING AND UNDERMINING OF ANY BUILDING AND ITS FOOTING SYSTEM.
- LOCATION OF ALL EXISTING ON-SITE SERVICES TO BE CONFIRMED ON-SITE PRIOR TO CONSTRUCTION.
- REFER TO THE SURVEY PLAN AND/OR DP PLAN FOR SITE INFORMATION.
- SOIL CLASS IS 1M

LOT AREA	40.03Ha
LOT WITH AT THE BUILDING LINE	540.7m
MINIMUM SETBACK FROM PRIMARY ROAD	60m
MINIMUM SETBACK FROM SECONDARY ROAD	15m
MINIMUM REQUIRED SETBACK FROM EACH SIDE BOUNDARY	20m
MINIMUM SETBACK FROM REAR BOUNDARY	20m





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DATE JUN 2022

DRAWING NAME
 SITE PLAN

REVISION 03

SCALE 1:10000

SHEET ID.

01.2 PAPER SIZE **A3**

NOTES - TILE LAYOUT INDICATIVE ONLY - PROVIDE LEFT OFF HINGES TO W/C DOORS - TO BCA REQUIREMENTS - CONFIRM LEVEL ON SITE TO ALL EXTERNAL DOORS IF STEPS ARE REQUIRED - TO COMPLY WITH BCA	BASIX Project Commitments Proposed: Separate dwelling house Address: 18 Coxs Creek Road, Rylstone NSW 2849 Lot 297 DP 755434	Thermal Comfort External walls Brick veneer Internal walls Cavity walls, direct fix plasterboard, single gap	Specification R 2.6 Reflective foil with bulk insulation no gap No insulation	Ventilation Bathroom exhaust Control switch Kitchen exhaust Control switch Laundry control switch	Natural ventilation n/a Natural ventilation Manual switch on/off Individual fan/ not ducted Manual switch on/off
	Alternative water details Individual rain water tank size Garden and lawn areas All toilets Laundry Pool top-up	80,000litre Yes Yes Yes n/a	External ceiling Plasterboard Roof (horizontal area) Corrugated iron Floors Concrete slab on ground Windows Aluminium frame ALM-002-01 Site Orientation of nominal north elevation Energy Hotwater Individual system	R 4.0 (up), Unventilated roof space Dark color, foil/sarking insulation, No insulation Aluminium frame, Single glazed, Clear, 900mm eave As shown on plans Specification Gas instantaneous with higher energy rating	Cooling Individual systems- living areas individual systems- bedroom areas Heating Individual systems- living areas individual systems- bedroom areas Appliances Cooktop / oven Ventilated Fridge space Indoor cloth line Outdoor cloth line Alternative energy Solar panel

AREA	
FRONT PORCH AREA:	34.06 m2
CONDITIONAL AREA	251.17 m2
UNCONDITIONAL AREA	75.4 m2
GARAGE AREA	53.44 m2
TOTAL FLOOR AREA (WITHOUT PORCH)	326.57 m2
ROOF AREA	452.80 m2



02.1 FLOOR PLAN
1:200

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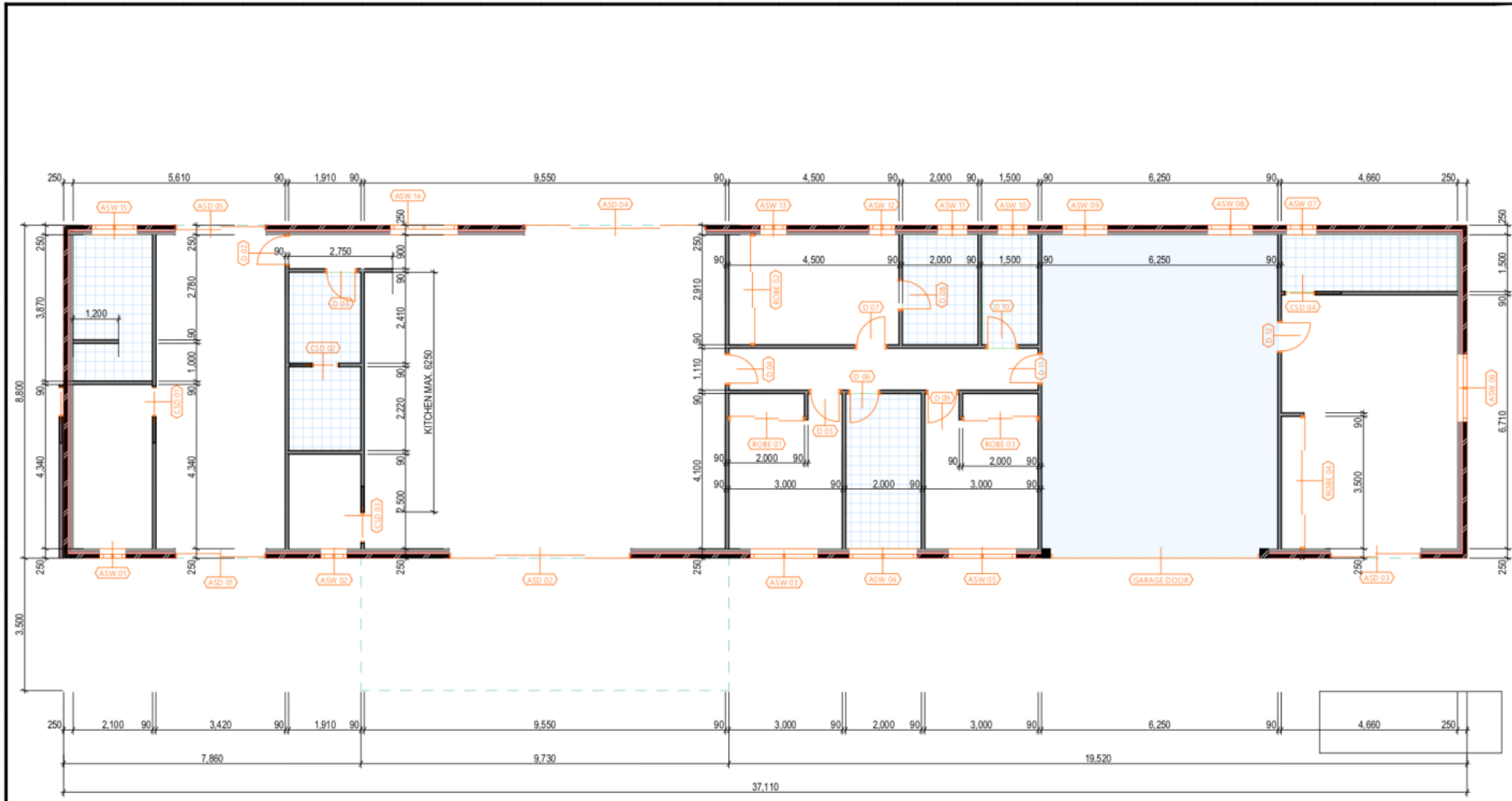
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DATE JUN 2022

DRAWING NAME
 FLOOR PLAN

REVISION VER. 03
 SCALE 1:200
 SHEET ID.

02.1 PAPER SIZE
 A3



02.2

02.2 DIMENSIONS
 1:100

<p>MUDGEE BUILDER</p>	JASON BOXSELL PH: 0439 77 559 JASON.BOXSELL@BUD.COM.AU	PROJECT ADDRESS/ TITLE 18 COXS CREEK RD RYLSTONE NSW 2849	DP 817671	LOT 1	SCALE 1:100	Drawing ID. 02.2
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	SHELLEY	REVISION/DRAWN BY				


DOOR SCHEDULE									
ID	ASD 01	ASD 02	ASD 03	ASD 04	ASD 05	CSD 01	CSD 02	CSD 03	CSD 04
Nominal W x H Size	2,400x2,100	4,800x2,100	2,400x2,100	4,800x2,100	2,400x2,100	820x2,100	720x2,100	820x2,100	820x2,100
Type	External Sliding Doors	External Sliding Doors	External Sliding Doors	External Sliding Doors	External Sliding Doors	CAVITY DOOR	CAVITY DOOR	CAVITY DOOR	CAVITY DOOR
Material	Aluminium / Single glaze	Aluminium /Single glaze	Aluminium /Single glaze	Aluminium /Single glaze	Aluminium /Single glaze	Timber	Timber	Timber	Timber
2D Plan Preview									
NOTE	Clear	Clear	Clear	Clear	Clear				

DOOR SCHEDULE									
ID	D 01	D 02	D 03	D 04	D 05	D 06	D 07	D 08	D 09
Nominal W x H Size	820x2,100	820x2,100	820x2,100	820x2,100	820x2,100	820x2,100	820x2,100	820x2,100	820x2,100
Type	HINGED DOOR	HINGED DOOR	HINGED DOOR	HINGED DOOR	HINGED DOOR	HINGED DOOR	HINGED DOOR	HINGED DOOR	HINGED DOOR
Material	Timber	Timber	Timber	Timber	Timber	Timber	Timber	Timber	Timber
2D Plan Preview									
NOTE									

DOOR SCHEDULE							
ID	D 10	D 11	D 12	ROBE 01	ROBE 02	ROBE 03	ROBE 04
Nominal W x H Size	820x2,100	820x2,100	820x2,100	5,540x2,032	2,000x2,340	2,910x2,340	2,000x2,340
Type	HINGED DOOR	HINGED DOOR	HINGED DOOR	GARAGE DOOR	WARDROBE DOORS	WARDROBE DOORS	WARDROBE DOORS
Material	Timber	Timber	Timber	Steel colourbond	Timber	Timber	Timber
2D Plan Preview							
NOTE				DOOR SIZE TO BE MEASURED			

02.3
-

02.3 DOOR SCHEDULE



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DATE JUN 2022

DRAWING NAME
 DOOR SCHEDULE

REVISION VER. 03
 SCALE 1:1
 SHEET ID.

02.3 PAPER SIZE
 A3


N

WINDOW SCHEDULE								
ID	ASW 01	ASW 02	ASW 03	ASW 04	ASW 05	ASW 06	ASW 07	ASW 08
Nominal W x H Size	700x1,200	700x1,200	1,800x1,200	1,800x1,200	1,800x1,200	1,800x1,200	800x600	1,200x1,200
2D								
ELEVATION								
Frame material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Glazing	Single, Clear	Single, Clear	Single, Clear	Single, Clear (Next to bathtub)	Single, Clear	Single, Clear	Single, Frosted	Single, Clear

WINDOW SCHEDULE							
ID	ASW 09	ASW 10	ASW 11	ASW 12	ASW 13	ASW 14	ASW 15
Nominal W x H Size	1,200x1,200	800x600	800x600	700x1,200	700x1,200	1,800x1,200	1,200x1,200
2D							
ELEVATION							
Frame material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Glazing	Single, Clear	Single, Frosted	Single, Frosted	Single, Clear	Single, Clear	Single, Clear	Single, Clear (En-suite)

02.4
-

02.4 WINDOW SCHEDULE



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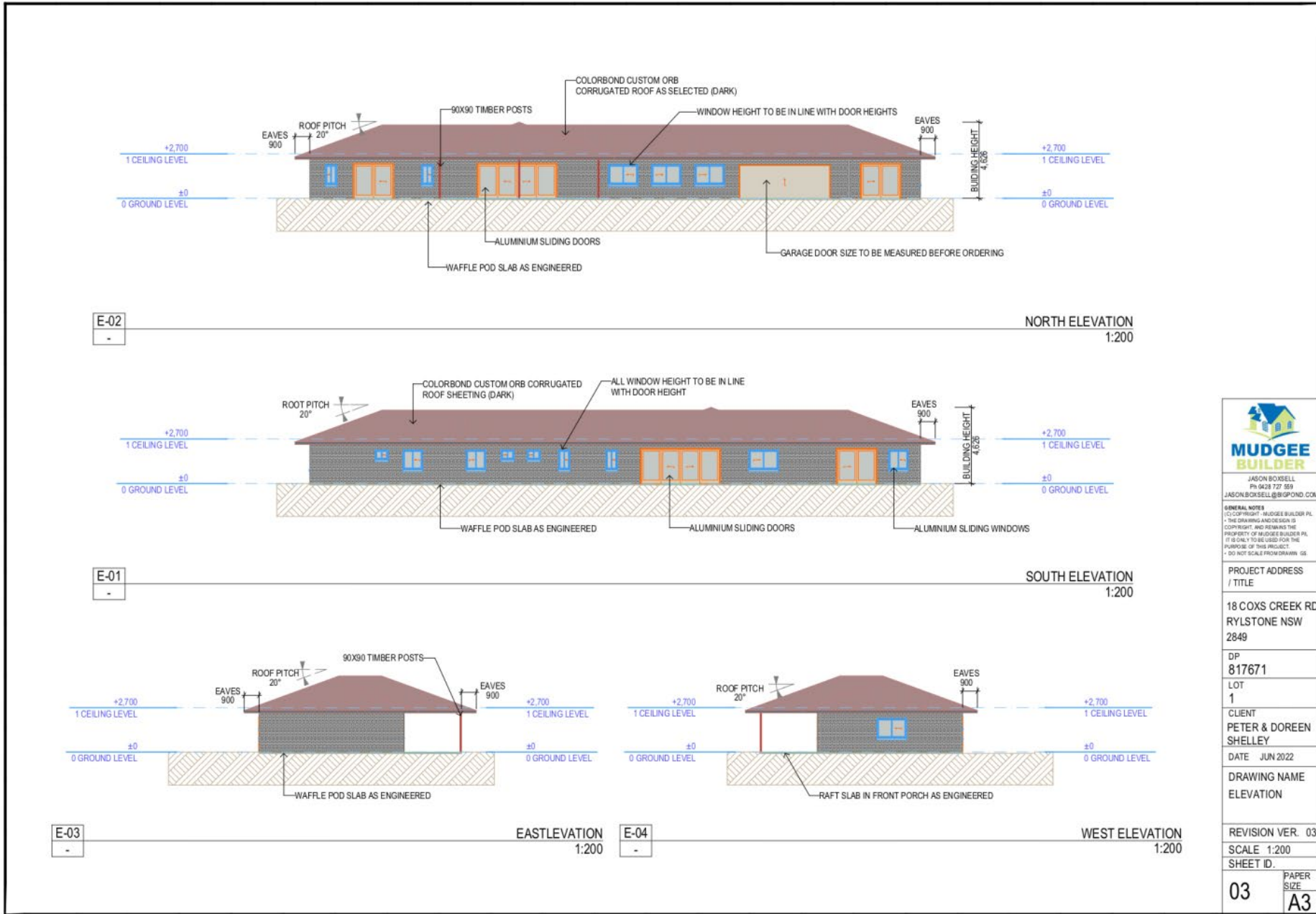
DRAWING NAME
WINDOW SCHEDULE

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02.4 PAPER
SIZE
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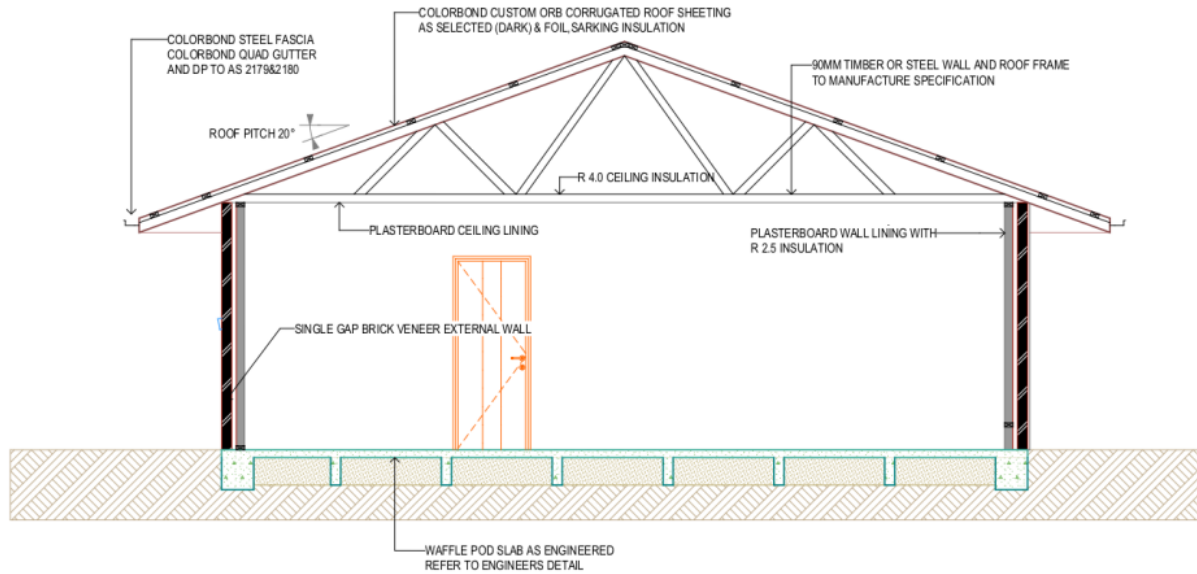
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 ELEVATION

REVISION VER. 03
 SCALE 1:200
 SHEET ID.
 03

PAPER SIZE
 A3

NOTE
 FINAL INSULATION REQUIREMENTS
 ARE SUBJECT TO ENERGY REPORT.
 BUILDER TO CONFIRM DETAILS



S-01
 -

SECTION
 1:50

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 PETER & DOREEN
 SHELLEY

DATE MAY 2022

DRAWING NAME
 SECTION

REVISION VER. 02

SCALE 1:50

SHEET ID.

4

PAPER
 SIZE
 A3