

# **DEVELOPMENT CONTROL COMPLIANCE TABLE**

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**PROPOSED SHOP TOP HOUSING INCLUDING TWO  
FLAT DWELLINGS AND MOTEL BUILDING  
INCLUDING SEVEN UNITS, DEMOLITION OF  
EXISTING STRUCTURES AND 11 LOT STRATA  
TITLE SUBDIVISION**

**AT 37 OGILVIE STREET, DENMAN NSW 2328  
(LOT 102 DP1178581)**



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## Muswellbrook Shire Development Control Plan

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>Section 1 - Introduction</b>			
<b>1.3 Aim of this DCP</b>	<p>The aims of the DCP are:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) To identify and to detail public notification requirements in accordance with section 74C of the EP &amp; A Act;</li> <li>c) To promote a more simplistic framework for dealing with Development Applications (DAs) consistent with the amended requirements of the EP &amp; A Act;</li> <li>d) To encourage and assist effective community participation in the decision-making process;</li> <li>e) To provide a more accessible and understandable set of guidelines to the general public; and</li> <li>f) To apply common or consistent requirements and procedures in the assessment of all applications.</li> </ul>	<p>The proposed development seeks development consent for shop top housing including two flat dwellings and motel building including seven units, demolition of existing structures and 11 lot strata title subdivision.</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
<b>Section 2 – Submitting an Application</b>			
<b>2.2 Pre Lodgement</b>	<p>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 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>	<p>It is noted a pre lodgement meeting was held with Council on 15 December 2021.</p>	Yes

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<b>2.3 The Development Application Process</b>	<p>In assessing a development application, Council must take into consideration the following matters:</p> <ul style="list-style-type: none"> <li>• The Environmental Planning and Assessment Act 1979 and Regulation 2000, in particular Section 79C of the Act;</li> <li>• Any relevant State Environmental Planning Policy (SEPP) including: <ul style="list-style-type: none"> <li>- SEPP No. 30 - Intensive Agriculture</li> <li>- SEPP No. 44- Koala Habitat Protection</li> <li>- SEPP No. 55 – Remediation of Land</li> <li>- SEPP No. 64 – Advertising and Signage</li> <li>- SEPP No. 65 – Design Quality of Residential Flat Development</li> <li>- SEPP (Seniors Living) 2004</li> <li>- SEPP (BASIX) 2004</li> <li>- SEPP (Rural Lands) 2008</li> <li>- SEPP (Infrastructure) 2007</li> </ul> </li> <li>• Hunter Regional Environmental Plan 1989;</li> <li>• Muswellbrook Local Environmental Plan;</li> <li>• Local Government Act 1993 and Regulations;</li> <li>• Building Code of Australia;</li> <li>• The requirements of Muswellbrook Development Control Plan;</li> <li>• Any relevant Acts of parliament;</li> <li>• Any directions of the Minister for Planning;</li> <li>• Any submissions received from the public following notification of the application;</li> <li>• Any submissions / comments received from Government agencies.</li> </ul>	<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"> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> </ul> <p>Compliance with the MLEP is detailed in the SoEE demonstrating the proposed development is compliant with the relevant MLEP and permits</p>	<p>Yes</p>

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		approval by the Consent Authority.	
<b>2.3 Information to Accompany a Development Application</b>	<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"> <li>• A completed application form;</li> <li>• Architectural drawings that show the existing / proposed works;</li> <li>• A site plan and/or site analysis plan (for larger developments);</li> <li>• 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;</li> <li>• An Environmental Impact Statement (in the case of designated development);</li> <li>• A4 notification plan;</li> </ul> <p>A development application might also include other information depending on what is proposed, such as:</p> <ul style="list-style-type: none"> <li>• 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),</li> <li>• BASIX Certificate,</li> <li>• Bushfire Report,</li> <li>• Heritage Impact Statement,</li> <li>• Stormwater Drainage plan,</li> <li>• Landscape Plan,</li> </ul>	<p>A SEE has been prepared in coordination with Vanessa Green ('the client') and other sub-consultants to demonstrate the relevant matters associated within the proposed development. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage.</p> <p>The SEE 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&amp;A Act) 1979 (s4.15).</p>	Yes

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	<ul style="list-style-type: none"> <li>• Traffic Study,</li> <li>• Schedule of Colours and Finishes,</li> <li>• Aboriginal Heritage Assessment,</li> <li>• Flora and Fauna Assessment,</li> <li>• Photographs,</li> <li>• Waste Management Plan,</li> <li>• Shadow Diagrams,</li> <li>• Sediment and Erosion Control plan,</li> <li>• List of existing and proposed fire safety measures,</li> <li>• Preliminary site contamination assessment,</li> <li>• Engineering report for flood affected land,</li> <li>• Acoustic assessment,</li> <li>• Social Impact Assessment.</li> </ul> <p>These items are listed in checklists available from Council or on Council's website.</p>	<p>The below subconsultant documents have been contained:</p> <ul style="list-style-type: none"> <li>- Architectural Plans</li> <li>- Landscape Plan</li> <li>- Stormwater management plan</li> <li>- Waste Management Plan</li> <li>- Access Report</li> <li>- Traffic Report</li> <li>- Structural Building Report</li> <li>- Building Cost Estimate</li> </ul>	
<b>Section 3 – Siter Analysis</b>			
<b>3.2 Site Analysis Required</b>	<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"> <li>• Plans – contain all the information that can be easily mapped.</li> <li>• Statements – issues such as character of the area are better addressed in text and photographs.</li> </ul>	<p>The SEE 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</p>	Yes

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		requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage	
<b>3.3 Site Analysis Plan</b>	<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"> <li>• The location, boundary dimensions of the site.</li> <li>• The position of true north.</li> <li>• The contours of the site (usually at 1 metre intervals) and the contours of adjoining allotments.</li> <li>• The movement of the sun across the site.</li> <li>• The prevailing wind direction and, if in an exposed area, the likely wind speed across the site.</li> <li>• The zone and the zone boundaries (if there are multiple zones), protected areas and riparian corridors.</li> <li>• The location of any slopes greater than 20% (1 in 5) and the direction or fall of drainage from those areas.</li> <li>• The location of existing vegetation. Specify the type of vegetation present.</li> <li>• Identify any noxious or environmental weeds.</li> <li>• The location of any significant natural features such as cliffs, rock outcrops, water holes.</li> </ul> <p>(ii) Drainage</p>	<p>Site analysis plan is contained the architectural plan set (<b>APPENDIX 6</b>).</p>	Yes

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	<ul style="list-style-type: none"> <li>• The location of existing stormwater controls such as easements, trenches, etc.</li> <li>• Drainage patterns on the site, areas of concentrated runoff, ponding, possible flooding.</li> <li>• Location of any watercourses, creek, wetlands, stream etc., on the site or any within 40 metres from the site.</li> </ul> <p>(iii) Services</p> <ul style="list-style-type: none"> <li>• The location of above or below ground services, including power, water, gas, sewer or wastewater systems / land application areas.</li> </ul> <p>(iv) Existing Development</p> <ul style="list-style-type: none"> <li>• Set backs, height and location of buildings on adjoining lands.</li> <li>• Any potential noise sources, private open space areas or windows from any adjoining buildings which may overlook the site.</li> <li>• Any areas of land degradation, identify likely causes.</li> <li>• The location of buildings or structures on the site including swimming pools, retaining walls and other hard surface areas.</li> <li>• 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.</li> <li>• 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.</li> </ul>		
<b>3.4 Site Analysis Statements</b>	<p>Attach a copy of the following information:</p> <p>(i) Photographs</p> <ul style="list-style-type: none"> <li>• Provide pictures of the character of the surrounding area (photograph buildings on adjoining sites and the adjacent streetscape).</li> </ul>	Site photos are contained throughout the SEE and subconsultant reports where applicable.	Yes



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	<ul style="list-style-type: none"> <li>• Include pictures of any significant features of the site (views to and from the land, vegetation, etc).</li> <li>(ii) Statement</li> <li>• Review the Certificate of Title for the property to determine whether any restrictions exist. For example a covenant or 88b restriction.</li> <li>• Provide a statement on the zoning of the land and whether the type of development proposed is permitted within that zoning.</li> <li>• 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).</li> <li>• 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.</li> </ul>	Certificate of title is contained in <b>APPENDIX 16</b> . Noting nothing on the DP or 88B instrument prohibits the proposed development.	
<b>Section 5 - Subdivision</b>			
<b>5.1.1 Application</b>	<p>As a matter of Council Policy, this DCP shall be taken into consideration when determining applications for consent under section 138 of the Roads Act 1993.</p> <p>Under the Roads Act, consent of the appropriate road authority is required for the following activities:</p> <ul style="list-style-type: none"> <li>• erect a structure or carry out a work in on or over a public road</li> <li>• dig up disturb the surface of a public road</li> <li>• remove or interfere with a structure, work or tree on a public road</li> </ul>	Access to the site will be via new vehicular access from Paxton Road on the eastern side of the site. Further access requirements or crossover will be achieved through an application for driveway access (Section 138) submitted to Council once the DA approval is received.	Yes

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	<ul style="list-style-type: none"> <li>• pump water into a public road from any land adjoining the road.</li> </ul> <p>Application forms and requirements for road opening permits and works under section 138 of the Roads Act can be obtained from Council.</p>		
<b>5.1.2 Purpose</b>	To provide detailed guidance to applicants in relation to preparation of development applications for subdivision.	<p>The application includes subsequent subdivision as strata title resulting in 11 lot strata subdivision including shop top housing and the tourist and accommodation including associated common property for central access and infrastructure.</p> <p>Subdivision is permitted with development consent under this clause and is not exempt development. Accordingly, relevant parts of this chapter have been assessed to demonstrate compliance.</p>	Yes
<b>5.5 Residential Subdivision</b>	This section applies to the subdivision of land within R1 and RU5 zones under the Muswellbrook LEP.	<p>The subject site is in RU5 Village zoning. The application seeks strata title subdivision resulting in 11 lot strata subdivision, a draft subdivision plan is contained in the architectural plan set in <b>APPENDIX 6.</b></p>	Yes

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5.5.1 Local Street Design	Controls	Ogilvie Street is a local road under the care and management of Muswellbrook Shire Council. It runs in an east-west alignment between Turner Street and Stony Creek. At the site frontage and to the west of Paxton Street it has a wide sealed carriageway with a width of approximately 13 metres which accommodates one lane of traffic in each direction and kerbside parallel on both sides. To the east of Paxton Street it has a reduced carriageway width of approximately 9 metres which accommodates a through lane in the westbound direction only and kerbside parking on both sides.  The proposed driveway has been positioned clear of the intersection of Paxton Street and Ogilvie Street and provides for two-way access, in line with the requirements outlined in the	Yes																												
	i) Design specifications for public streets shall generally be as follows:																														
	<table><tr><th>No. Of Allotments</th><th>Road Reserve Width (metres)</th><th>Minimum Carriage Way Width</th><th>Parking Provision</th><th>Kerb Type</th><th>Footpath requirement (metres)</th><th>Cycleway requirement (metres)</th></tr><tr><td>&lt;10 (local road – or up to 300 vehicle trips per day)</td><td>13.0m*</td><td>6.0m</td><td>Verge</td><td>Rollover</td><td>Nil – unless part of nominated network</td><td>Nil – unless part of adopted network</td></tr><tr><td>10 – 200 (local road – or up to 2000 vehicle trips per day)</td><td>18.0m (4.0m verges)</td><td>7.5m (up to 1000 vehicles) or otherwise 9.0m</td><td>Carriage way</td><td>Rollover/ barrier</td><td>1.2m (on one side of street)</td><td>Nil – unless part of adopted network</td></tr><tr><td>200 – 400 (urban collector – or up to 3000 vehicle trips</td><td>20.0m (4.0m verges)</td><td>11.0m</td><td>Carriage way</td><td>Barrier</td><td>1.2m (both sides of street)</td><td>Nil – unless part of adopted network</td></tr></table>	No. Of Allotments	Road Reserve Width (metres)	Minimum Carriage Way Width	Parking Provision	Kerb Type	Footpath requirement (metres)	Cycleway requirement (metres)	<10 (local road – or up to 300 vehicle trips per day)	13.0m*	6.0m	Verge	Rollover	Nil – unless part of nominated network	Nil – unless part of adopted network	10 – 200 (local road – or up to 2000 vehicle trips per day)	18.0m (4.0m verges)	7.5m (up to 1000 vehicles) or otherwise 9.0m	Carriage way	Rollover/ barrier	1.2m (on one side of street)	Nil – unless part of adopted network	200 – 400 (urban collector – or up to 3000 vehicle trips	20.0m (4.0m verges)	11.0m	Carriage way	Barrier	1.2m (both sides of street)	Nil – unless part of adopted network		
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		<p>DCP. The assessment indicates that the access has been designed in accordance with the dimensional requirements and intent of AS/NZS 2890.1:2004 and the DCP.</p> <p>Near the site it has a carriageway width in the order of 10.5 metres which accommodates a through lane in each direction and kerbside parallel parking on both sides. A concrete footpath is provided on the western side of the road and on the eastern side near Ogilvie Street. A loading zone is provided on the eastern side of the road, opposite the site.</p>	
<b>5.5.2 Access Way Design</b>	<p>Controls</p> <ul style="list-style-type: none"> <li>i) Access ways are to be designed in accordance with AUSSPEC and AS2890.1.</li> <li>ii) Access ways shall have a minimum sealed width of 3.0 metres.</li> <li>iii) Access ways shall not serve more than three (3) lots.</li> <li>(iv) Access ways shall be nominated as reciprocal rights of way on the plan of subdivision.</li> <li>(v) Access ways shall have a maximum grade of 25% (1:4) at any point.</li> </ul>	<p>Pursuant to the traffic impact statement contained in <b>APPENDIX 12</b></p> <p>An assessment of the site access arrangements against the requirements of AS/NZS 2890.1:2004 and the aims, objectives and controls of the DCP, is provided below:</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply								
	<p>(vi) The following standards apply to lots with battle axe handles:</p> <table><tr><th>No. Of Allotments</th><th>Minimum Width Of Battle-Axe Access Handle (Metres)</th></tr><tr><td>1</td><td>3.5</td></tr><tr><td>2</td><td>5.0</td></tr><tr><td>3</td><td>2.0 per lot</td></tr></table> <p>(vii) Access ways shall be sited away from noise and visually sensitive components of existing and future dwellings.</p> <p>(viii)Where possible access ways shall be located on the south side of existing and future dwellings.</p> <p>(ix) Access ways are to provide interest and variety and avoid lengthy straight sections.</p> <p>(x) Where the site is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or an area with high pedestrian traffic, access ways are to be designed so that vehicles can be driven both onto and off the property in a forward direction.</p> <p>(xi) Where vehicles would otherwise have to reverse more than 50 metres, a turning area is to be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.</p> <p>(xii) Passing bays shall be provided every 30 metres in accordance with AS 2890.1</p>	No. Of Allotments	Minimum Width Of Battle-Axe Access Handle (Metres)	1	3.5	2	5.0	3	2.0 per lot	<ul style="list-style-type: none"><li>• All vehicles are able to enter and exit the site in a forward direction.</li><li>• An area to accommodate a pedestrian sight splay is provided on the departure (north) side of the access point, which extends approximately 750mm along the site frontage and 2.5 metres along the access from the site frontage. This area will provide a clear view of pedestrians on the footpath adjacent to the site and meets the intent of the Australian Standard. The road safety risks to pedestrians are very low given that all motorists will be travelling in a forward direction, the low vehicle speeds, and the low traffic and pedestrian volumes expected.</li><li>• The proposed driveway has been positioned clear of the intersection of Paxton Street and Ogilvie Street and provides for two-way access, in line with</li></ul>	
No. Of Allotments	Minimum Width Of Battle-Axe Access Handle (Metres)										
1	3.5										
2	5.0										
3	2.0 per lot										

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		<p>the requirements outlined in the DCP.</p> <p>The traffic impact assessment indicates that the access has been designed in accordance with the dimensional requirements and intent of AS/NZS 2890.1:2004 and the DCP.</p>	
<b>5.5.3 Pedestrians and Cyclists</b>	<p>i) No footpaths are required on streets with a traffic volume less than 300 vehicles per day as pedestrians can share the road surface with vehicles in a low speed environment.</p> <p>ii) Pedestrian and cycleways shall be designed in accordance with AUS-SPEC No 1 (as varied by Council) Development Specification as follows:</p> <ul style="list-style-type: none"> <li>• Pedestrian Movements: D9 Cycleway and Pathway Design.</li> </ul> <p>iii) In all but exceptional circumstances, Council will require the provision of pedestrian pathways at the end of a cul-de-sac to facilitate pedestrian access to community facilities such as open space, schools and neighbourhood shops and to ensure that provision is made to alternative access to and from cul-de-sacs.</p> <p>iv) Footpaths are to be provided on one side of streets with traffic volumes between 300 vehicles per day and 2,000 vehicles per day and on both side of streets with traffic volumes over 2,000 vehicles per day.</p>	<p>An area to accommodate a pedestrian sight splay is provided on the departure (north) side of the access point, which extends approximately 750mm along the site frontage and 2.5 metres along the access from the site frontage. This area will provide a clear view of pedestrians on the footpath adjacent to the site and meets the intent of the Australian Standard. The road safety risks to pedestrians are very low given that all motorists will be travelling in a forward direction, the low vehicle speeds, and the low traffic and pedestrian volumes expected.</p>	<p>Yes</p>

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<b>5.5.4 Utility Services</b>	(i) Sewerage services are to be provided in accordance with the written requirements of Council. (ii) Water supply services are to be provided in accordance with the written requirements of Council. (iii) Street lighting is required in all streets in accordance with the requirements of the energy utility. (iv) Provision of written evidence of compliance with the requirements of all relevant service authorities (electricity, telephone, etc.) prior to release of construction certificate or subdivision certificate, as may be appropriate. (v) Underground power must be provided to all lots in new release areas.	The site has available connection to reticulated water, telecommunication, electricity, and sewer. In addition, the application demonstrates that stormwater drainage resulting from future roof and hard stand areas can be catered for in accordance with Council requirements ( <b>APPENDIX 4</b> )	Yes
<b>5.5.5 Stormwater Management</b>	Controls (i) Storm water management systems shall be designed and constructed in accordance with section 25 of this DCP	A Stormwater Management Plan has been prepared by DRB Consulting Engineers and is contained as ( <b>APPENDIX 9</b> ). The proposed stormwater philosophy is as follows: the existing site generally falls to the Paxton road reserve. the development proposes to maintain the general flow characteristics for the site and discharge stormwater to council's stormwater drainage network in Paxton street. • All roof water will be captured and directed to the below ground OSD tank.	Yes

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		<ul style="list-style-type: none"> <li>• The driveway area will be captured in a series of pits and pipes and captured in the OSD tank.</li> <li>• The OSD tank will limit the post developed peak flows to pre developed-peak flows rates. The drains modelling results can be seen on CIV-025 in the civil plan set.</li> <li>• Sag pits in the driveway will be fitted with spel stormsacks to capture gross pollutants before stormwater leaves the site.</li> </ul>	
<b>5.5.6 Lot Size and Shape</b>	<p>(i) In order to ensure consistency with section 6 of this DCP (densities) allotment specifically identified as suitable for multi dwelling housing should be nominated as dual occupancy or multi dwelling housing lots in DAs for residential subdivision of &gt; 10 lots and must be &lt;20% of lots in a subdivision.</p> <p>(ii) "Battleaxe" or "Hatchet" shaped lots shall have a minimum area of 750m<sup>2</sup>.</p> <p>(ii) Allotments shall have a minimum width of 18 metres at the building line. Council may consider a lesser dimension but only as part of an integrated housing development.</p> <p>(iii) An allotment shall not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the</p>	<p>The proposed development consists of 11 lot strata subdivision consisting of shop top housing and tourist and visitor (motel) premises resulting in each individual shop/unit being identified as a separate strata lot resulting in 11 lot strata subdivision. The proposal is not classified as multi dwelling housing or dual occupancy development. The site is situated on a corner lot and is 17.63 in width from the</p>	<p>Yes</p>



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	<p>availability of suitable space for other activities normally associated with a dwelling.</p> <p>(iv) The dimensions for access corridors for battle-axe shaped allotments are as follows: Maximum Length = 60 metres Minimum Width = 3.5 metres Minimum width of shared access corridor = 5.0 metres</p> <p>(v) No more than 3 allotments are served by a private access way.</p> <p>(vi) Vegetation which adds significantly to the visual amenity of a locality and/or which is environmentally significant or of habitat value should be conserved in the design of the subdivision proposal.</p> <p>(vii) Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1 metre from the natural ground level.</p> <p>(viii) Lots should be able to accommodate a building envelope of 200m2 with a minimum dimension of 10 metres. (ix) Lot layouts minimise the number of lots that have direct access to rivers, creeks, or streams.</p>	<p>building line and 40 metres in depth with a total site area of 745.8m2. The development of the land achieves the highest and best use of the site whilst ensuring no adverse impacts on the existing character or amenity of the area.</p>	
<b>Section 6 – Residential Development</b>			
<b>6.1.1 Context</b>	<p>Controls</p> <p>(i) Undertake a site analysis in accordance with Section 3 of this DCP.</p> <p>(ii) Design the development to respond to the issues identified in the site analysis.</p>	<p>The proposed application consists of shop top housing and tourist and visitor accommodation (motel). Pursuant to this the residential flat building component of the shop top housing would form parts of this section and accordingly relevant parts have been addressed below to confirm compliance.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>6.1.4 Building Height and Scale</b>	<ul style="list-style-type: none"> <li>(i) Where a building is part of a uniform group of buildings of similar character locate any additions or alterations to the rear and not visible from the street or any public place.</li> <li>(ii) Where a building is to be located amongst buildings having a consistent façade repeat the size, location and proportions of window, door openings and other distinctive features such as roof form.</li> <li>(iii) Dual occupancies, multi dwelling housing and residential flat building developments must be designed and constructed in a form and scale that resembles the detached character of dwelling-houses in the surrounding neighbourhood.</li> <li>(iv) Finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments.</li> <li>(v) Traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roof guttering detailing.</li> <li>(vi) The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimized.</li> </ul>	<p>The proposed retail premises, mirrors the original corner shop structure, will significantly enhancing the overall visual appeal of Ogilvie Street's streetscape. The inclusion of shops on the lower level and residential accommodations at the rear is carefully designed to ensure that it does not compromise the historical character of the conservation area in terms of its scale and character. The new design is thoughtfully designed to harmonise with the surrounding locality and neighbouring buildings, thus preserving the area's heritage value. These modifications align well with the contemporary functional requirements for a viable commercial development of the property. Considering the aforementioned evaluation, the heritage aspects of this proposal warrant approval.</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>6.1.8 Accessibility and Adaptability</b>	<p>Controls</p> <p>(i) Provide a minimum of 10% (or part thereof) of dwellings as adaptable housing designed in accordance with the provisions of AS4299.</p> <p>(ii) The required adaptable housing units are to be designed with accessible features for people with disabilities, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standard 4299.</p> <p>(iii) Integrate the adaptable housing components, do not isolate them or use a different standard of materials and finishes - show proposed adaptable units on any development application plans submitted.</p>	<p>An access report has been obtained to support this development proposal and is contained in <b>APPENDIX 11</b>. Accordingly, the access report confirms that the drawings presented for assessment, for the purposes of a development application, are capable of compliance with current statutory requirements. Including Accessibility requirements to guide the detailed design and best practice options are provided to encourage implementation into the design.</p>	<p>Yes</p>
<b>6.1.9 Reflective Materials</b>	<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) Avoid extensive use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings. Use factory pre-coloured materials with low reflective properties.</p> <p>(iii) If highly reflective materials are proposed to be used, the applicant must demonstrate to the satisfaction of Council that the proposed material compliments the surrounding locality, is the most appropriate</p>	<p>The proposal has been designed with reference to the Denman Style Guide as follows:</p> <p>Materials - Use of timber and light colour palettes commonly found within Denman's architecture (such as white or yellow) has been incorporated.</p> <p>Roof Form - A clearly defined gable roof with corrugated</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>outcome for the site, and that no nearby or adjoining properties will be adversely affected by glare nuisance. The applicant 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>	<p>metal cladding, combined with stepped parapets, has been implemented on the front of the retail premises, as is commonly found on retail and commercial premises in Denman.</p> <p>Expressed flat or skillion roofs have been avoided.</p> <p>Characteristic parapets have been employed to screen the flat roofs on the rear accommodation buildings.</p> <p>Awnings - Awnings and verandahs are proposed to be utilised over walkways and external storage to help rationalise larger built forms and create refuge to visitors. The street front verandah is to be reinstated with its original wide post spacing and unembellished form. The addition of uncharacteristic balustrades, screens or fretwork has been avoided.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>Frontage - The original large format shop windows are to be reinstated in the retail premises, to create open and inviting facades at ground level.</p> <p>Stepped and angular parapets, as commonly found in Ogilvie Street, are to be incorporated on the street facades to create a congruent visual form.</p> <p>The Paxton Street facade, although having a wider expanse, is articulated and broken up with recesses, windows with complementary proportions, and varying materials and colours which together reduce visual bulk and provide appropriate scale and visual interest along this secondary frontage.</p> <p>Decoration - Decorative elements on the proposed buildings are minimal, to be</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>consistent with the Denman township character.</p> <p>Signage - Although signage is not part of this application, there is scope on the buildings as proposed to provide clear, simple, legible signage elements that are consistent with signage in the Denman retail precinct.</p> <p>Scale &amp; The proposal -includes inviting pedestrian scale entrances to the retail premises and between the retail buildings through to the accommodation at the rear.</p>	
<b>6.2.2 Carparking</b>	<p>Controls</p> <p>(i) Provide on-site carparking in accordance with AS2890.1 and Section 16 of this DCP.</p> <p>(iii) Design access ways and driveways for multi dwelling housing and residential flat buildings to enable vehicles to: - Enter the parking space or garage in a single turning movement. - Leave the parking space in no more than two turning movements. - Avoid queuing on public roads</p>	<p>Access to the site will be via new vehicular access from Paxton Road on the eastern side of the site. Further access requirements or crossover will be achieved through an application for driveway access (Section 138) submitted to Council once the DA approval is received.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(iv) Comply with AS 1428 - Design for Access and Mobility for multi dwelling housing and residential flat buildings where adaptable housing units are to be provided.</p> <p>(v) Provide manoeuvring space on site for multi dwelling housing and residential flat buildings to allow cars to enter and leave the site in a forward direction.</p> <p>(vi) Provide separate driveway and pedestrian access for multi dwelling housing and residential flat buildings. (vii) Designate disable and visitor carparking for multi dwelling housing and residential flat buildings as common property in any strata plan.</p>	<p>The proposed parking arrangement meets the requirements outlined in the Development Control Plan (DCP) for visitors staying at the motel and the staff and residents of the shop top housing.</p> <p>There is available parking capacity in close proximity to the site, both on-street and off-street. This includes 7 parking spaces along the site's edges, which are suitable for customers and visitors. The site is anticipated to generate a maximum of 13 vehicle trips during peak hours which is a volume that can be easily accommodated by the surrounding road network. The site's access has been appropriately designed to facilitate two-way vehicle movements. Including the design of the car park layout adheres to the guidelines specified in AS/NZS</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>2890.1:2004 and the DCP requirements. Additionally, the waste collection and loading arrangements have been considered appropriate.</p> <p>In conclusion, the traffic and parking aspects of the proposed development are deemed satisfactory. The development's impact on the surrounding traffic and transportation environment is anticipated to be minimal. The development is not anticipated to have any significant adverse impacts on access, transport or traffic.</p> <p>Traffic Impact Study is contained in <b>APPENDIX 12.</b></p>	
<b>6.2.4</b> <b>Landscaping</b>	<p>Controls</p> <p>(i) Include locally occurring native species to extend habitats for fauna and reduce water and fertilizer requirements.</p> <p>(ii) Minimise disturbance of natural ground levels, native vegetation and topography in the vicinity of identified significant trees.</p>	<p>The proposed landscaping layout is considered sufficient for the proposed development and will enhance the design and built form. A landscape plan has been prepared to</p>	<p>Yes</p>



DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>support this application. (APPENDIX 8).</p> <p>The landscape plan incorporates existing site features to craft an appealing and functional environment. Guided by key principles, it retains Ogilvie Street's, street tree while introducing additional trees along Paxton Street for visual enhancement.</p> <p>Landscaping is seamlessly integrated, especially along boundaries, enhancing site ambience and connection with the surroundings. Plant species are chosen considering local climate conditions and maintenance needs including diverse plant varieties to ensure seasonal variation and mitigate species-related risks. This comprehensive approach harmonises existing elements with curated enhancements, promising an enduring, visually pleasing landscape that enriches the development's</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		character and its interaction with the surroundings.	
<b>6.3.4 Acoustic Privacy</b>	<p>Controls</p> <ul style="list-style-type: none"> <li>(i) Site layouts ensure parking areas, streets and shared driveways have a line of sight separation of at least 3m from bedroom windows.</li> <li>(ii) Openings of adjacent dwelling are separated by a distance of at least 3m.</li> <li>(iii) Shared walls and floors between dwellings are constructed to limit noise transmission.</li> <li>(iv) Dwellings adjacent to high levels of uncontrollable external noise are designed to minimise the entry of that noise.</li> <li>(v) Site layout and design separates active recreational areas, parking areas, vehicle access ways, and service equipment areas from bedroom areas of dwellings.</li> <li>(vi) Mechanical plant or equipment is designed, located or enclosed to minimise noise nuisance.</li> <li>(vii) Development adjacent to rail corridors identified in clause 31 of the LEP 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: - - Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning - Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process - Guidelines for applicants - consideration of rail noise and vibration in the planning process</li> </ul>	<p>The motel units have been meticulously designed to maintain a considerable separation distance, exceeding the prescribed minimum of 3 meters, from the designated parking area.</p> <p>As a result, there is a substantial 7-meter clearance between the motel units and the allocated parking space.</p> <p>Moreover, the openings of each individual unit are strategically positioned with a separation of 6 meters between them, ensuring optimal privacy and a sense of spaciousness for the occupants.</p> <p>In addition to the careful spacing of the units and openings, the design and construction of both the motel and the adjacent top shop housing have been carefully</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>considered to effectively mitigate the transmission of noise.</p> <p>Special attention has been paid to incorporating noise-limiting construction techniques, utilising sound-absorbing materials, and implementing architectural elements that minimize sound propagation.</p> <p>This comprehensive approach to noise reduction underscores the commitment to creating an inviting and comfortable environment for both the motel guests and the residents of the top shop housing.</p>	
<b>6.4.1 Energy Conservation</b>	<p>(i) Complete a site analysis as referred to in Section 3 of this DCP.</p> <p>(ii) The requirements of any BASIX certificate issued for the proposed development are complied with. (iii) For minor alterations and additions to which BASIX does not apply, incorporate the following measures into the building design and construction where applicable:-</p> <ul style="list-style-type: none"> <li>- Hot water systems installed in dwellings have an energy star rating of at least 3.5 stars.</li> </ul>	<p>A BASIX Certificate is contained in <b>APPENDIX 7</b>. This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out in the BAXIS Certificate.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> <li>- Incorporate insulated walls and ceilings to contribute to the effectiveness of thermal mass</li> <li>- Thermal insulation complies with Australian Standard AS 2627 Part 1-1993</li> <li>- Use water saving shower roses or shower flow restrictors, with a water conservation rating of 'AAA' or better in all dwellings - Use water saving dual flush cisterns in all dwellings</li> <li>- Install pool cover where proposed development includes a swimming pool</li> </ul>		
<b>Section 7 – Village Zones</b>			
<b>7.1 Introduction</b>	<p><b>7.1.3 Aims and Objectives</b></p> <p>The aims and objectives of this plan are to:</p> <ul style="list-style-type: none"> <li>a) ensure that new development retains and enhances the rural village atmosphere of Denman and Sandy Hollow;</li> <li>b) preserve the local environment in terms of its visual appearance and natural quality;</li> <li>c) outline design requirements for new development in Denman and Sandy Hollow relating to style, density and form of construction that is appropriate to the local context;</li> <li>d) ensure that new buildings are connected to reticulated sewerage or in Sandy Hollow designed and located to allow sufficient area for on-site disposal of waste water;</li> <li>e) ensure that individual allotments have adequate private open space and landscaped areas.</li> </ul>	<p>The proposed development will provide two flat dwellings which forms part of the shop top housing and will provide new housing opportunities. The two shops will provide new commercial opportunities and seven tourist and visitor accommodation units at the rear to encourage diverse use of the village zone. The density of the site will be increased from the existing use and structures and will remain consistent with the village commercial nature seen in the area. The proposed development is sympathetic to</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		the existing village and commercial amenity and character. The development has been designed in a way to ensure it fits sympathetically within its locality and surrounding area.	
<b>7.2 Assessment Process</b>	<b>7.2.1 Local Environmental Plan</b> Any development proposal for Denman and Sandy Hollow must first satisfy the relevant provisions in the LEP. In particular, any proposal must comply with the zone objectives for the RU5 Village zone. Failure to adequately address those controls may mean that the development cannot be approved by Council.	The subject site is zoned RU5 Village. The Land Use Table of the LEP identifies the following objectives for the RU5 zone: <ul style="list-style-type: none"> <li>• To provide for a range of land uses, services and facilities that are associated with a rural village.</li> <li>• To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.</li> <li>• To allow for future development of residential, commercial, or low-impact land use within the town of Denman and village of Sandy Hollow.</li> <li>• To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.</li> </ul>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		<ul style="list-style-type: none"> <li>• To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.</li> </ul> <p>The proposed development is designed to promote a diverse range of uses within the village zone. The development has been designed to complement the established commercial character prevalent in the area. The proposed development aligns sympathetically with the existing village and commercial ambience and has been meticulously planned to seamlessly integrate within its local context and the surrounding vicinity whilst respecting and enhancing the localities established character.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><b>7.2.2 Development Control Plan</b></p> <p>In order to facilitate the provision of an RU5 – Village zone, it is considered appropriate that a DCP which controls locations for certain development is required to ensure that land use conflicts do not arise, while still allowing flexibility in the assessment process to allow for development to meet the needs of the local community.</p> <p>This section of the DCP therefore represents additional requirements to those provisions within the DCP to guide appropriate development outcomes arising from development proposals under consideration, or that have been lodged with Council for determination.</p>	Noted, please refer to relevant sections addressed below.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><b>7.2.3 Character Statements</b></p> <p><u>Objectives</u></p> <p>a) To ensure that new development reflects and reinforces the existing, and desired future character of the village zone</p> <p><u>Controls</u></p> <p>(i) Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the character statement for Denman</p> <p>(ii) Council must not grant development consent to new development in Sandy Hollow that would result in an inconsistency or compromise the integrity of the character statement for Sandy Hollow</p> <p>a) Denman character statement</p> <p>The main street of Denman (comprising Ogilvie Street and adjoining side streets) is a community focal point that encourages community interaction and is characterised by smaller scale specialty shops that serve local needs.</p> <p>The hospital, aged care facilities, child care facilities, sports facilities, pubs and clubs, parks and boutique shops are highly valued facilities within Denman and should be reinforced by future development.</p> <p>Future development should comprise elements of rural residential development to contribute to the existing semi-rural lifestyle.</p>	<p>The proposed development has been meticulously designed to fulfill the stipulated objectives which prioritise the preservation and enhancement of the village zone's existing and envisioned character. In alignment with the established controls, the proposal demonstrates the commitment to ensuring that the character and essence of Denman main street are upheld and enriched.</p> <p>A Statement of Heritage Impact has been prepared to support this application (<b>APPENDIX 15</b>). The proposed retail premises, mirrors the original corner shop structure, will significantly enhancing the overall visual appeal of Ogilvie Street's streetscape. The inclusion of shops on the lower level and residential accommodations at the rear is carefully designed to ensure that it does not compromise the historical character of the conservation area in terms of its</p>	Yes



DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>scale and character. The new design is thoughtfully designed to harmonise with the surrounding locality and neighbouring buildings, thus preserving the area's heritage value. These modifications align well with the contemporary functional requirements for a viable commercial development of the property. Considering the aforementioned evaluation, the heritage aspects of this proposal warrant approval.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>7.3 Residential Development</b>	<p><b>7.3.1 General</b></p> <p>The design considerations outlined in this section apply to applications received for new residential buildings and the renovation or alteration of existing buildings in the village zone.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>a) To ensure that new residential development reflects a desired future character for the village zone</li> <li>b) To ensure that new residential development appropriately responds to its context</li> <li>c) New residential development does not result in adverse impacts to village amenity</li> </ul> <p><u>Controls</u></p> <ul style="list-style-type: none"> <li>(i) New residential development complies with the provisions of Section 6 of this DCP</li> </ul>	<p>The site is appropriately zoned RU5 Village which facilitates the shop top housing and tourist and visitor accommodation proposed for this development. It is noted no adverse impact on the existing character or amenity of the area will result from the proposed development.</p> <p>The proposed development will have a positive economic and social impact on the surrounding community by creating short term construction jobs and contributes to local diversity of shop, housing and tourist accommodation. Whilst achieving the highest and best use of the site which directly benefits the community through providing additional saleable units to meet the housing needs of the growing community population.</p> <p>Pursuant to Chapter 6 this is applicable for single dwellings,</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>dual occupancies and residential flat building.</p> <p>The proposed development application is for the construction of shop top housing and motel building including seven units and 11 lot strata title subdivision. Relevant section of Chapter 6 that are applicable to the flat dwelling has been covered in this DCP.</p>	
	<p><b>7.3.2 Waste Water Disposal</b></p> <p><u>Objectives</u></p> <p>a) To ensure that new development reflects and reinforces the existing, and desired future character of the village zone</p> <p><u>Controls</u></p> <p>(i) Where connection to a reticulated sewerage system is not reasonably available (eg. within 75m of the development), on-site waste water disposal must be designed and constructed to comply with Australian Standard AS 1547-2000 and Council's Development Control Plan Section 23 - Onsite Wastewater Management Systems.</p> <p>(ii) Onsite waste water disposal areas may be incorporated into area calculations for landscaped area.</p> <p>(iii) Compliance with section 23 of this DCP.</p>	<p>A Before You Australia searched was conducted on 15 May 2023 and identifies the site has access to reticulated water and sewer. Refer to <b>(APPENDIX 4)</b> for search results.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>7.4 Non-Residential Development</b>	<p><b>7.4.1 Location</b></p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>a) To ensure that non-residential developments do not result in adverse impacts to adjoining residential amenity</li> <li>b) To ensure that business or retail uses do not detract from the social amenity provided by the main street of the village</li> <li>c) To maintain the economic viability of small scale businesses within the business precinct</li> </ul> <p><u>Controls</u></p> <ul style="list-style-type: none"> <li>(i) New commercial, business or retail development shall be located within the village Business Precinct identified on the map attached as an appendix to this section adjacent to existing commercial land uses.</li> <li>(ii) Council may vary the above provision where it can be demonstrated to the satisfaction of Council that the proposed residential location will result in a better planning outcome that will meet an unmet need of the community, and three or more of the following criteria is satisfied. <ul style="list-style-type: none"> <li>(a) The gross floor area of the proposed use will not exceed 100m<sup>2</sup></li> <li>(b) There are no suitable vacant sites available within the business precinct and reasons and details are provided of investigation of this issue to the satisfaction of Council.</li> <li>(c) The on site car parking requirements of section 16 of this DCP can be met by the development.</li> <li>(d) The proposal is considered to be in the public interest and will provide important social and economic benefits for the local community.</li> <li>(e) The proposed business is intended to replace an existing business located outside the business precinct.</li> </ul> </li> </ul>	<p>The proposed development is identified in the Business Precinct. The context of the site is a mix of commercial and civic buildings interspersed with single storey detached dwellings along Ogilvie Street, with detached, single storey residential development predominating along Paxton Street, to the rear of the site. The proposed development is consistent and will enhance the business precinct. The shop top housing fronting Ogilvie Street reinstates the shop front forms that are characteristic of the traditional retail premises along Ogilvie Street. The redevelopment of this site culminates in a harmonious blend of functional and aesthetic elements, designed to enrich the character of Ogilvie Street whilst preserving the historical value.</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(iii) Depending on the nature and scale of the proposed development, Council may also require the submission of a social and economic impact assessment to demonstrate that the proposed development or activity will not result in adverse impacts to existing business or retail activity within the village.</p>	<p>The proposed use of the commercial space in both shop fronts does not exceed 100m2.</p> <p>The proposed development will enhance the cultural life of the community through increasing the number of commercial shopfronts and short-stay accommodation within the Denman area, which will in turn contribute to cultural and community activities when available. Accordingly this development will provide the opportunity to increase land use diversity within the wider Muswellbrook area and provides for greater commercial, residential and tourist &amp; visitor accommodation choice.</p> <p>Therefore there are no anticipated adverse economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality through an increase in</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		residents and commercial and tourist opportunity. The proposed development is not out of character with the existing urban context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity, or cohesiveness, rather will contribute to the increase of these aspects in the locality.	
	<p><b>7.4.2 Design Guidelines</b></p> <p><u>Objectives</u></p> <p>a) To ensure that new developments reflect and reinforce the existing character of the business precinct</p> <p><u>Controls</u></p> <p>(i) Commercial developments must be designed with entries onto the street with active street level uses.</p> <p>(ii) Building design must reinforce the existing streetscape character with elevations of a consistent scale, proportion and detail to surrounding development.</p> <p>(iii) In Denman, building materials shall be consistent with the heritage character statement provided in section 15 of this DCP</p> <p>(iv) The colours and texture of buildings shall reflect the character of the neighbourhood and adjacent rural environment. Suggested colours are blues, greens and lighter natural tones.</p>	The proposed development was designed with integration that resonates with and augments the distinctive character of Ogilvie Street. By thoughtfully incorporating elements including building materials and light natural colours palettes to complement the existing architectural and cultural fabric, the development not only maintains but also elevates the established heritage values that define this locality.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(v) Long, continuous facades and rooflines must be avoided in larger buildings.</p> <p>(vi) Buildings on corner blocks should be designed with an active frontage to both streets.</p>		
	<p><b>7.4.3 Vehicle Parking</b></p> <p><u>Objectives</u></p> <p>b) To ensure adequate provision of car parking is provided to service the development</p> <p><u>Controls</u></p> <p>(i) On site car parking shall be provided in accordance with Section 16 of this DCP</p>	<p>The proposed parking arrangement is designed for visitors staying at the motel and the staff and residents of the shop top housing. There is available parking capacity in close proximity to the site, both on-street and off-street. This includes 7 parking spaces along the site's edges, which are suitable for customers and visitors. The site is anticipated to generate a maximum of 13 vehicle trips during peak hours</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>which is a volume that can be easily accommodated by the surrounding road network. The site's access has been appropriately designed to facilitate two-way vehicle movements. Including the design of the car park layout adheres to the guidelines specified in AS/NZS 2890.1:2004 and the DCP requirements. Additionally, the waste collection and loading arrangements have been considered appropriate.</p> <p>Section 16 of this DCP is explored below in further detail including traffic impact assessment contained in <b>APPENDIX 12.</b></p>	



DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><b>7.4.4 Signage and Use of Footpaths</b></p> <p><u>Objectives</u></p> <p>a) To ensure signage and the use of footpaths is controlled to maintain pedestrian amenity</p> <p>b) To ensure the consistent application of development controls</p> <p><u>Controls</u></p> <p>(i) Advertising and signage shall only be permitted in accordance with Section 14 - Outdoor Signage or exempt development provisions of Muswellbrook Local Environmental Plan 2008.</p> <p>(ii) Use of the footpath may be permitted in accordance with Section 19 – Use of Public Footpaths of this DCP.</p>	<p>Noted. Signage is not proposed in this development application and all works are proposed within the property boundaries.</p>	<p>Yes</p>
	<p><b>7.4.5 Waste Water Disposal</b></p> <p><u>Objectives</u></p> <p>a) To ensure waste water is appropriately disposed of relative to the availability of sewerage servicing.</p> <p><u>Controls</u></p> <p>(i) Any development within 75m of a reticulated sewerage system is connected to that system.</p> <p>(ii) On-site waste water disposal must be designed and constructed to comply with Australian Standard AS 1547-2000 and Section 23 - Onsite Wastewater Management Systems of this DCP.</p> <p>(iii) Council may consider the use of pump-out systems for commercial properties in Sandy Hollow (other than residential accommodation).</p>	<p>A Before You Dig search conducted on 15 May 2023 identifies that the site has access to reticulated water and sewer. Refer to <b>(APPENDIX 4)</b> for search results.</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><b>7.4.6 Form, Massing and Scale</b></p> <p><u>Objectives</u></p> <p>a) To ensure that new buildings do not dominate the surrounding built environment</p> <p>b) To ensure that new buildings reinforce the existing characteristic built form of the locality</p> <p><u>Controls</u></p> <p>(i) New commercial buildings are not significantly larger than surrounding buildings</p> <p>(ii) New commercial buildings are designed to meet the heritage character statement in section 15 of this DCP.</p>	<p>The inclusion of shops on the lower level and residential accommodations at the rear is carefully designed to ensure that it does not compromise or dominant the existing built environment and maintains the historical character of the conservation area in terms of its scale and character.</p> <p>The development aligns well with the contemporary functional requirements for a viable commercial development of the property. Considering the aforementioned evaluation, the heritage aspects of this proposal warrant approval. The proposed development will not negatively impact on the visual amenity of the locality through the appropriate sitting and style of the development. The proposed development will positively contribute to the local area by improving the visual amenity of the site. Accordingly, the development has been designed in a way and style</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		that complements the area and does not increase building bulk.	
	<p><b>7.4.7 Access</b></p> <p><u>Objectives</u></p> <p>a) To ensure the equitable provision of access for people with disabilities or the aged</p> <p><u>Controls</u></p> <p>(i) Equitable access for people with disabilities is provided to new buildings in accordance with the provisions of AS1428.1 and the Disability Discrimination Act.</p> <p>(ii) Where alterations or additions involve more than 50% of the building fabric, compliance with (i) above is required.</p> <p>(iii) Vehicular access to, and within, the development shall be provided in accordance with Section 16 – Car Parking and Development of this DCP</p>	Access to the site will be via new vehicular access from Paxton Road on the eastern side of the site. Further access requirements or crossover will be achieved through an application for driveway access (Section 138) submitted to Council once the DA approval is received.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><b>7.4.8 Setbacks</b></p> <p><u>Objectives</u></p> <p>a) To ensure that new development does not dominate the streetscape and reflects the characteristic pattern of setbacks on adjoining sites</p> <p><u>Controls</u></p> <p>(i) Front and side setbacks shall be consistent with the established building line and setbacks for the locality or streetscape.</p> <p>(ii) Where there are no characteristic setbacks, new buildings shall have regard to the future use of the public domain and impacts arising from potential future development to follow the proposed setback.</p>	<p>The proposed development is consistent with the established front and side setbacks of the established building line in Ogilvie Street. This detailed design adheres to the existing spatial parameters not only preserves including the visual continuity of Ogilvie Street whilst also demonstrates a conscientious effort to harmonise the proposed development with the established architectural fabric. Accordingly, by respecting and reflecting the established setbacks, the development ensures a cohesive and balanced streetscape that contributes to the overall character and aesthetic appeal of Ogilvie Street.</p>	Yes
	<p><b>7.4.9 Landscaping</b></p> <p><u>Objectives</u></p> <p>a) To ensure that landscaping elements are included to soften and enhance the appearance of new developments</p> <p>b) To ensure that new developments contribute positively to the streetscape</p>	<p>The proposed landscaping layout is considered sufficient for the proposed development and will enhance the design and built form. A landscape plan has been prepared to</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>Controls</p> <ul style="list-style-type: none"> <li>(i) Applications for new business or retail development are to include a landscape plan prepared by a suitably qualified professional showing existing trees and proposed landscaping.</li> <li>(ii) Landscaping is to be provided in the front setback area, along driveways and to screen car parking areas, where applicable.</li> <li>(iii) Landscape planting shall predominately incorporate native species, and particularly species endemic to the area.</li> <li>(iv) Landscaping along the site frontage create an attractive and harmonious streetscape that blends with the adjacent public reserve areas.</li> </ul>	<p>support this application. (APPENDIX 8).</p> <p>The landscape plan incorporates existing site features to craft an appealing and functional environment. Guided by key principles, it retains Ogilvie Street's, street tree while introducing additional trees along Paxton Street for visual enhancement.</p> <p>Landscaping is seamlessly integrated, especially along boundaries, enhancing site ambience and connection with the surroundings. Plant species are chosen considering local climate conditions and maintenance needs including diverse plant varieties to ensure seasonal variation and mitigate species-related risks. This comprehensive approach harmonises existing elements with curated enhancements, promising an enduring, visually pleasing landscape that enriches the development's</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		character and its interaction with the surroundings.	
<b>Section 9 – Local Centre Development</b>			
9.1.1 Building Design	<p>Objectives</p> <ul style="list-style-type: none"> <li>a) To provide for the integration of new development into local centres.</li> <li>b) To ensure the design of buildings complements and enhances existing local centres.</li> <li>c) To maintain the heritage character/ value and streetscape of the business centre of Muswellbrook.</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>(i) The design of new buildings should reflect and enhance the existing character of local centres. (Refer to section 15 of this DCP for further guidance on development in the Bridge Street area)</li> <li>(ii) Building design should relate to its retail/commercial/office function.</li> <li>(iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.</li> <li>(iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres</li> <li>(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</li> </ul>	<p>The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the surrounding locality as there are multiple developments and revitalisation projects occurring with the Village precinct of Denman.</p> <p>The proposal has been designed with reference to the Denman Style Guide as follows: Materials - Use of timber and light colour palettes commonly found within Denman's architecture (such as white or yellow) has been incorporated.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.</p> <p>(ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>(x) Building entrances should be well defined and well lit.</p> <p>(xi) New residential development shall be located above street level.</p> <p>(xii) Incorporate areas for future signage into the building design.</p>	<p>Roof Form - A clearly defined gable roof with corrugated metal cladding, combined with stepped parapets, has been implemented on the front of the retail premises, as is commonly found on retail and commercial premises in Denman.</p> <p>Expressed flat or skillion roofs have been avoided.</p> <p>Characteristic parapets have been employed to screen the flat roofs on the rear accommodation buildings.</p> <p>Awnings - Awnings and verandahs are proposed to be utilised over walkways and external storage to help rationalise larger built forms and create refuge to visitors. The street front verandah is to be reinstated with its original wide post spacing and unembellished form. The addition of uncharacteristic balustrades, screens or fretwork has been avoided.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>Frontage - The original large format shop windows are to be reinstated in the retail premises, to create open and inviting facades at ground level. Stepped and angular parapets, as commonly found in Ogilvie Street, are to be incorporated on the street facades to create a congruent visual form.</p> <p>The Paxton Street facade, although having a wider expanse, is articulated and broken up with recesses, windows with complementary proportions, and varying materials and colours which together reduce visual bulk and provide appropriate scale and visual interest along this secondary frontage.</p> <p>Decoration - Decorative elements on the proposed buildings are minimal, to be consistent with the Denman township character.</p>	



DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>Signage - Although signage is not part of this application, there is scope on the buildings as proposed to provide clear, simple, legible signage elements that are consistent with signage in the Denman retail precinct.</p> <p>Scale &amp; The proposal -includes inviting pedestrian scale entrances to the retail premises and between the retail buildings through to the accommodation at the rear</p>	
9.1.2 Building Height	<p>Controls</p> <p>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	<p>As shown within the Architectural plans contained as (<b>APPENDIX 6</b>), the maximum height of the proposed structures are as follows:</p> <p>Shop 1 and Dwelling 1 – 6.1m</p> <p>Shop 2 and Dwelling 2 – 6.1m</p> <p>Motel Units – 6.1m</p> <p>The maximum height of each proposed dwelling is consistent with the LEP.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>Although two storey, the height of the proposed development is commensurate with the height of existing commercial and civic development in the immediate vicinity</p> <p>Measures taken to ensure the height of the proposed two storey buildings are minimal include:</p> <ul style="list-style-type: none"> <li>- The ceiling heights in the proposed flats and serviced apartments are minimal as required to comply with the NCC.</li> <li>- The new rear roof has a minimum pitch</li> <li>- The rear two storey building has a scale, proportions, form and materials that are unobtrusive and respect the scale and materiality of surrounding development</li> <li>- The building is articulated with a stepped form and varied materials and colours to reduce visual bulk</li> </ul>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		The two storey portion of the proposal is located to the rear and is modest in height and scale to ensure there will be no adverse impact on the scale and character of the Denman HCA.	
9.1.3 Setbacks	<p>Controls</p> <p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p> <p>(v) Development adjacent to rail corridors identified in clause 31 of the LEP 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"> <li>- Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning</li> <li>- Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process</li> <li>- Guidelines for applicants - consideration of rail noise and vibration in the planning process</li> </ul>	<p>Measures have been taken to ensure the proposed two storey development respects the scale and character of the immediate context, as follows:</p> <p>The two storey portion of the development is located with a substantial setback from Ogilvie Street to ensure the proposal presents to the principal street frontage with a single storey scale.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
<p>9.1.4 Accessibility</p>	<p>Objectives</p> <p>a) To ensure that equitable access is provided to new commercial buildings and existing buildings undergoing a change of use or alterations and additions.</p> <p>b) To ensure that developments comply with the provisions of the Disability Discrimination Act 1992. Controls</p> <p>(i) New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS 1428.1.</p> <p>(ii) Continuous accessible paths of travel shall be provided: • from parking spaces, public streets and walkways to building entrance(s); • between buildings, facilities and spaces that are on the same site; • to connect the building entrance(s) with all spaces and facilities within the building; and • to minimise travel distance between each accessible element of the building and of facilities within it.</p> <p>(iii) For the purposes of subsection 9.1.4(ii), access shall be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.</p> <p>(iv) Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation.</p> <p>Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:</p> <ul style="list-style-type: none"> <li>• Whether there is a benefit or a detriment to any person concerned;</li> <li>• How it affects the disability of the person concerned; and</li> </ul>	<p>An access report has been obtained to support this development proposal and is contained in <b>APPENDIX 11</b>.</p> <p>Accordingly, the access report confirms that the drawings presented for assessment, for the purposes of a development application, are capable of compliance with current statutory requirements.</p> <p>Including Accessibility requirements to guide the detailed design and best practice options are provided to encourage implementation into the design.</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> <li>• The financial cost.</li> </ul>		
9.2.1 Landscaping	<p>Objectives</p> <p>a) To enhance the character of the town centre.</p> <p>b) To provide landscaping which enhances the amenity of a development by allowing for adequate open space, sunlight and shade.</p> <p>Controls</p> <p>(i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.</p> <p>(ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area.</p> <p>(iii) Landscaping should be used to soften the impact of hard surfaces where necessary.</p> <p>(iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application.</p>	<p>The proposed landscaping layout is considered sufficient for the proposed development and will enhance the design and built form. A landscape plan has been prepared to support this application. <b>(APPENDIX 8).</b></p> <p>The landscape plan incorporates existing site features to craft an appealing and functional environment. Guided by key principles, it retains Ogilvie Street's, street tree while introducing additional trees along Paxton Street for visual enhancement.</p> <p>Landscaping is seamlessly integrated, especially along boundaries, enhancing site ambience and connection with the surroundings. Plant species are chosen considering local climate conditions and maintenance needs including</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		diverse plant varieties to ensure seasonal variation and mitigate species-related risks. This comprehensive approach harmonises existing elements with curated enhancements, promising an enduring, visually pleasing landscape that enriches the development's character and its interaction with the surroundings.	
9.2.2 Car Parking	<p>Controls</p> <ul style="list-style-type: none"> <li>(i) Car parking and loading facilities is to be provided in accordance with the parking rates prescribed by Section 17 – Car Parking.</li> <li>(ii) The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1.</li> <li>(iii) All vehicles should be able to enter and exit a site in a forward direction.</li> <li>(iv) Car parking should be screened from residential areas.</li> <li>(v) Vehicular access to properties fronting the New England Highway should be from laneways or shared driveways.</li> <li>(vi) Parking areas shall be sealed in accordance with Section 16.4.6 Construction Materials.</li> </ul>	<p>Car parking rates are detailed in Section 17 of the DCP.</p> <p>Access to the site will be via new vehicular access from Paxton Road on the eastern side of the site. Further access requirements or crossover will be achieved through an application for driveway access (Section 138) submitted to Council once the DA approval is received.</p> <p>The proposed parking arrangement meets the requirements outlined in the Development Control Plan</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>(DCP) for visitors staying at the motel and the staff and residents of the shop top housing.</p> <p>There is available parking capacity in close proximity to the site, both on-street and off-street. This includes 7 parking spaces along the site's edges, which are suitable for customers and visitors. The site is anticipated to generate a maximum of 13 vehicle trips during peak hours which is a volume that can be easily accommodated by the surrounding road network. The site's access has been appropriately designed to facilitate two-way vehicle movements. Including the design of the car park layout adheres to the guidelines specified in AS/NZS 2890.1:2004 and the DCP requirements. Additionally, the waste collection and loading</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>arrangements have been considered appropriate.</p> <p>In conclusion, the traffic and parking aspects of the proposed development are deemed satisfactory. The development's impact on the surrounding traffic and transportation environment is anticipated to be minimal. The development is not anticipated to have any significant adverse impacts on access, transport or traffic.</p> <p>Traffic Impact Study is contained in <b>APPENDIX 12.</b></p>	
9.2.3 Outdoor eating area	<p>Controls</p> <p>(i) Any outdoor eating areas should be located directly adjacent to cafes or restaurants.</p> <p>(ii) A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic.</p> <p>(iii) Outdoor eating areas are required to comply with section 19 of this DCP.</p>	The application does not propose outdoor dining area.	N/A



DCP 2009	Controls/Purpose	Review/Response	Comply
9.2.4 Signage and advertising	<p>Objectives</p> <p>a) To ensure signage is compatible with the scale of surrounding buildings and the locality.</p> <p>b) To maximise the effectiveness of advertising whilst minimising visual clutter through the proliferation of signs.</p> <p>c) To ensure signage complements the character and amenity of the locality and the development on which advertisements are displayed.</p> <p>Controls</p> <p>(i) Proposed signage to be in accordance with Section 15 – Outdoor Advertising.</p> <p>(ii) Signage should be compatible with the scale and character of development in the area and the number and size of signs should be limited to avoid clutter and unnecessary repetition.</p> <p>(iii) Signage should form an integrated part of the building façade, architectural design, and scale of the building.</p> <p>(iv) No signage is permitted on a building wall abutting or facing a residential area.</p>	Although signage is not part of this application, there is scope on the buildings as proposed to provide clear, simple, legible signage elements that are consistent with signage in the Denman retail precinct.	Yes
<b>Section 13 – Floodplain Management</b> <b>The site is not identified a flood prone land; accordingly this chapter is not relevant to the subject site.</b>			
<b>Section 15 – Heritage Conservation</b>			
15.1	<p><b>15.1.2 Objectives</b></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>	The site is identified with Schedule 5 of the MLEP 2009 as heritage conservation area being Denman Heritage Conservation Area. The site of	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> <li>• 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 ;</li> <li>• 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;</li> <li>• Integration of heritage conservation practices into its statutory planning;</li> <li>• Public familiarity with and understanding of heritage conservation practices;</li> <li>• Public involvement in the conservation of the area's environmental heritage;</li> <li>• A fair and objective approach to conservation of privately and publicly owned heritage items for both the public good and private benefit;</li> <li>• 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 out in the Burra Charter and for natural heritage in the Australian Natural Heritage Charter.</li> <li>• Ensuring that new works and maintenance do not cause harm to or cause any loss of the significance of any heritage item.</li> </ul>	<p>37 Ogilvie Street is not identified as a heritage listed item. The proposed works are acceptable in terms of their potential impact on the identified heritage significance of the Denman Heritage Conservation Area.</p> <p>A statement of heritage impact has been prepared to support this application and is contained in <b>APPENIDX 15</b>.</p>	
	<p><b>15.1.5 Aboriginal Heritage &amp; Conservation</b></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</p>	<p>A search of the Aboriginal Heritage Information Services (AHIMS) database (26 June 2023) did not identify the subject site as containing any Aboriginal sites or places as shown in <b>(APPENDIX 3)</b>.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>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"> <li>• The local Aboriginal Land Council (Wanaruah)</li> <li>• Registrar of Aboriginal Owners</li> <li>• The Department of Environment and Climate Change</li> <li>• Native Title Services</li> </ul> <p>This is a preferable course of action for:-</p> <ul style="list-style-type: none"> <li>• subdivisions of undeveloped land</li> <li>• where the scale of the development is likely to result in significant ground disturbance</li> <li>• where the proposal is located within 100m of a waterhole, river or stream</li> <li>• where the site contains rock outcrops, caves, platforms</li> </ul> <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>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>	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>What changes are acceptable?</p> <p><b>15.1.12 Generally</b></p> <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>	Noted.	Yes
	<p><b>15.1.14 Heritage Conservation Areas</b></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>	The site is identified with Schedule 5 of the MLEP 2009 as heritage conservation area being Denman Heritage Conservation Area. The site of 37 Ogilvie Street is not	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<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>identified as a heritage listed item. The proposed works are acceptable in terms of their potential impact on the identified heritage significance of the Denman Heritage Conservation Area.</p> <p>A statement of heritage impact has been prepared to support this application and is contained in <b>APPENIDX 15</b>.</p>	
<b>Part 2 – Heritage Items and Conservation Areas Design Controls</b>	<p><b>15.2.2 General Design rules</b></p> <p>These priorities lead to some important rules for changes to buildings in heritage items or heritage conservation areas:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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.</li> <li>(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.</li> </ul>	<p>Pursuant to the SHI this demonstrates how the proposal is consistent with the Controls for Heritage Conservation Areas including a response to each items below:</p> <p>(i) - The feature that makes the greatest contribution to the historic streetscape of Ogilvie Street is the corner shop building. This building is proposed to be reinstated, replicating the original roof form, parapeted facade, materials, window details and awning.</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	<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> <p>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.</p>	<p>(ii) The current condition of the buildings on the subject site is such that it is not feasible to retain existing fabric. It is recommended that a thorough archival recording of the existing buildings is carried out prior to demolition, so that the shop can be reconstructed to matching detail. The front awning has already been lost, however there are old photographs available to inform its reconstruction.</p> <p>(iii) The new, second retail premises has been designed to be consistent with the form, scale and materiality of the existing shop building and other retail buildings along Ogilvie Street, to reinforce the traditional character of the streetscape. The visitor accommodation and shop-top flats also make use of sympathetic materials, proportions and detailing (such as parapeted facades).</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>(iv) The shop buildings are to be constructed to contemporary construction standards, using current technology, methods and building materials. The buildings will be legible as contemporary on close inspection, however the traditional form, cladding, fenestration, trim profiles and architectural detailing will replicate the original building to ensure a traditional appearance is maintained.</p> <p>(v) Where new uses are introduced (visitor accommodation and shop-top housing), the buildings take a respectful but distinctly different form that does not seek to copy the shop topology, to ensure legibility between original and new building types.</p> <p>(vi) The proposal seeks to improve the unity of Ogilvie Street by reinforcing and extending the character of the retail precinct to the west of Paxton Street. The retention</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>(reconstruction) of the existing contributory corner shop building and addition of a second retail premises of similar scale and form will reinforce the integrity of the streetscape.</p> <p>The proposed works are acceptable in terms of their potential impact on the identified heritage significance of the Denman Heritage Conservation Area.</p> <p>The new single storey retail premises, that replicate the original corner shop building, will make a substantial contribution to the integrity of the streetscape of Ogilvie Street. The shops-top flats and visitor accommodation to the rear will have no adverse effect on the scale and character of the HCA. The new work has been designed with appropriate scale, form and character to be sympathetic to the conservation area and contributory buildings in the vicinity, so will have no</p>	



DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>detrimental impact on the identified heritage significance of the place.</p> <p>The changes are compatible with reasonable expectations of contemporary use of the property as a viable commercial development. Having regard to the above assessment, the heritage aspects of this application are worthy of approval.</p>	
<b>Section 16 – Car Parking and Access</b>			
<b>16.1</b> <b>Introduction</b>	<b>16.1.3 Aims and Objectives</b> Aims <ul style="list-style-type: none"> <li>a) to provide a guide for developers of Council's minimum requirements for off street vehicular parking.</li> <li>b) to ensure that adequate off-street vehicular parking is provided for traffic generating developments.</li> <li>c) to ensure adequate car parking facilities are provided in association with developments;</li> <li>b) to ensure each development proposal is assessed consistently and equitably in relation to the provision of off-street vehicular parking;</li> <li>c) to ensure vehicular parking areas are designed in such a manner as to be functional, aesthetically pleasing in terms of landscaping, and safe for motorists and pedestrians; and</li> </ul>	<p>Amber Organisation Pty Ltd has been engaged by Vanessa Green to advise on the traffic and parking matters of the proposed development.</p> <p>The proposal involves the construction of two ground floor shops which are to include individual shop top dwellings. It also includes the provision of seven studio serviced apartments. A total of 10 parking spaces, including one accessible space, are proposed on-site which would be</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	d) to ensure all vehicles entering or leaving properties are driven in a forward direction.	<p>accessed via a new double-width crossover to Paxton Street.</p> <p>The traffic impact assessment is contained in <b>APPENDIX 12</b> 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>	
<b>16.2 Residential Development</b>	<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>Section 16.6 of the (DCP) outlines the parking requirements for land uses with the requirements for the proposed land uses resulting the below breakdown.</p> <p><b>Shop Top Housing</b> – studio component (2x studio shop top housing units resulting in 1 space to each studio. <b>Totalling 2 car parking spaces.</b></p> <p><b>Commercial Premises</b> – 2 x 31sqm shops (62sqm total) resulting in 1 space per 20sqm GFA. <b>Totalling 4 car parking spaces required.</b></p>	Minor Variation

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p><b>Motel Units – 7 x motel units (1 space to each studio unit). Totalling 7 car parking spaces.</b></p> <p>This overall results in a total of 13 car parking spaces being required.</p> <p>As shown, the proposal has a requirement to provide 13 car parking spaces. It is proposed to provide 7 car parking spaces to the motel units (one space each), 2 spaces to the shop top housing (one space each), and the accessible parking space would be provided as communal parking. Accordingly, the proposal seeks a reduction of 4 spaces associated with the retail tenancies.</p> <p>The retail tenancies are not expected to generate an off-site parking demand associated with staff, as the staff are expected to live within the shop top housing and are allocated a</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>parking space on-site. Therefore, the parking demand of 4 spaces is associated with customers who would generate a short-term parking demand and be accommodated within the adjacent on and off street car parking.</p> <p>Accordingly, there is capacity in the nearby on and off-street parking areas near the site. This includes along the site frontages to Ogilvie Street and Paxton Street where a total of 7 parking spaces are available. These on and off-street spaces are suitable to accommodate the parking demands associated with customers and visitors to the retail tenancies.</p> <p>It is also noted that future tourists/guests to the serviced apartments are most likely to arrive in the morning or evening, when on-street parking demands in Denman would be expected to be lowest.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
		<p>Given the above factors, the proposed parking provision is considered appropriate with all long term parking demands accommodated on-site and the customer parking demand accommodated within the readily available on and off-street car parking adjacent to the site.</p>	
<b>16.4 Design Guidelines for off-street vehicular parking areas</b>	<p><b>16.4.1 Access to the Site</b></p> <p><u>Objectives</u></p> <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"> <li>• be located no closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary.</li> <li>• not be located within 12 metres on the approaches to a “stop” or “give way” sign.</li> </ul>	<p>An assessment of the site access arrangements against the requirements of AS/NZS 2890.1:2004 and the aims, objectives and controls of the DCP, is provided below:</p> <ul style="list-style-type: none"> <li>• All vehicles are able to enter and exit the site in a forward direction.</li> <li>• An area to accommodate a pedestrian sight splay is provided on the departure (north) side of the access point, which extends approximately 750mm along the site frontage</li> </ul>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> <li>• cross the footpath or footway at right angles to the centreline of the road.</li> <li>• 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;</li> <li>• be clear of obstructions which may prevent drivers having a timely view of pedestrians;</li> <li>• be properly signposted by the use of “in” or “entrance” and “out” or “exit” signs, where appropriate; and</li> <li>• be designed and constructed to suit design traffic loads.</li> </ul> <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>and 2.5 metres along the access from the site frontage. This area will provide a clear view of pedestrians on the footpath adjacent to the site and meets the intent of the Australian Standard. The road safety risks to pedestrians are very low given that all motorists will be travelling in a forward direction, the low vehicle speeds, and the low traffic and pedestrian volumes expected.</p> <ul style="list-style-type: none"> <li>• The proposed driveway has been positioned clear of the intersection of Paxton Street and Ogilvie Street and provides for two-way access, in line with the requirements outlined in the DCP.</li> </ul> <p>The assessment indicates that the access has been designed in accordance with the dimensional requirements and intent of AS/NZS 2890.1:2004 and the DCP.</p>	

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><b>16.4.2 Car Park Design</b></p> <p><u>Controls</u></p> <ul style="list-style-type: none"> <li>(i) The minimum dimensions of each off street parking space and the distance separating parking spaces shall be in accordance with AS2890.1.</li> <li>(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.</li> <li>(iii) Parking spaces for visitors and customers should be provided where they are clearly visible from the street so their use is encouraged.</li> <li>(iv) Parking spaces for employees and for longer duration parking may be located more remotely from the street.</li> <li>(v) All signage (whether viewed from internal areas on the site or from external areas) are to be provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA.</li> <li>(vi) The location of the parking area on the site should be determined having regard to: <ul style="list-style-type: none"> <li>(a) site conditions such as slope and drainage;</li> <li>(b) visual amenity;</li> <li>(c) the location of the building; and</li> <li>(d) the proximity to any neighbouring residential development.</li> </ul> </li> </ul>	<p>An assessment of the car park layout against the requirements of AS/NZS 2890.1:2004.</p> <p>The parking spaces have all been designed with a width of 2.6 metres and a length of 5.4 metres, accessed via a minimum aisle width of 5.8 metres, meeting the dimensional requirements for 'Class 3' users.</p> <p>The parking space located adjacent the southern boundary has been widened to improve access.</p>	Yes
	<p><b>16.4.3 Parking for People with Disabilities</b></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</p>	<p>The accessible parking space has been provided with a width of 2.4 metres and a length of 5.4 metres, with an associated</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	signposted and marked and have a minimum width of 3.2 metres and comply with the provisions of AS2890.1.	shared area and bollard, in accordance with AS/NZS 2890.6:2009. Accordingly, the one accessible space will be clearly signposted and marked.	
	<p><b>16.4.4 Loading/Unloading Facilities</b></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>(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>It is noted the largest service vehicle is expected to be a van and would be able to utilise the on-site parking areas on the site during off-peak times for the loading and unloading of goods. Other one-off and infrequent loading activities are able to be undertaken on street in available spaces nearby.</p> <p>Accordingly, the waste collection and loading arrangements for the proposal are concluded to be appropriate.</p>	Yes



DCP 2009	Controls/Purpose	Review/Response	Comply
	(v) The loading/unloading areas must be designed to ensure that vehicles stand entirely within the site during loading and unloading operations.		
	<p><b>16.4.5 Internal Roads</b></p> <p><u>Objectives</u></p> <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>	Pursuant to Table 4 this demonstrates a 3.5m wide circulation roadway width is required. Accordingly pursuant to the architectural plans, the proposed layout of the carpark permits 5.98m wide circulation space in this internal roadway.	Yes
	<p><b>16.4.7 Landscaping</b></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 attract large numbers of birds should be avoided in parking areas.</p>	Pursuant to the landscape plans contained in <b>APPENDIX 8</b> . The landscaping has been incorporated into the development where possible, particularly along the boundaries, to assist in enhancing the amenity of the site.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>Section 20 – Erosion and Sediment Control</b>			
<b>Objectives &amp; Controls</b>	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> <li>a) To apply appropriate erosion and sedimentation controls on individual development sites;</li> <li>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;</li> <li>c) To identify all aspects of site disturbance, erosion and sediment control and address with appropriate control measures;</li> <li>d) To stage works as required to reduce potential for erosion and sedimentation to occur;</li> <li>e) To remove existing vegetation only as required;</li> <li>f) To address site rehabilitation for the duration of the project;</li> <li>g) To provide a mechanism for any remaining exposed soil to be treated and for ongoing site maintenance;</li> <li>h) To cover the contingency of change or delay in the project implementation, activity or work scope.</li> </ul> <p><u>Controls:</u></p> <ul style="list-style-type: none"> <li>(i) Areas of disturbance less than 250 m2 which are environmentally sensitive (ie within 100m of a water course), on steep sites (gradient greater than 20o ) require the completion of an Erosion and Sediment Control Plan;</li> <li>(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;</li> </ul>	<p>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.</p> <p>In addition, the installation and maintenance of erosion and sedimentation controls will occur during construction.</p>	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<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> <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>		
<b>Section 21 – Contaminated Land</b>			

DCP 2009	Controls/Purpose	Review/Response	Comply
<b>Objectives &amp; Controls</b>	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> <li>• Ensure that the potential for the contamination of land is considered in the planning and development process;</li> <li>• Ensure that strategic planning and development decisions appreciate matters relating to the potential for previous land uses to contaminate land;</li> <li>• Ensure that the Council exercises its functions relating to land development with all reasonable care and due diligence;</li> <li>• Ensure that the development of contaminated land does not result in unacceptable levels of risk to public health or the environment;</li> <li>• Ensure that site investigations are undertaken in a satisfactory manner in accordance with appropriate legislation, regulations, guidelines and standards;</li> <li>• Ensure that the community is not negatively impacted through increased health and environmental risks from land contamination issues.</li> </ul> <p><u>Controls:</u></p> <ul style="list-style-type: none"> <li>(i) Identification of previous land uses which may have caused potential contamination risks to land</li> <li>(ii) Identification of potential pollutants which may have contaminated land</li> <li>(iii) Assessment of site specific contamination relevant to the redevelopment or rezoning of land and appropriate proposed land uses</li> <li>(iv) Investigation and assessment of contamination in accordance with appropriate legislation, regulations, guidelines and standards</li> <li>(v) Remediation of contaminated land to a standard appropriate for the proposed land use</li> </ul>	<p>The site is currently zoned RU5 and has existing structures that are vacant, including a residential dwelling, old shop front and shed with no evidence of previous contaminating uses. To this extent, the subject site is land considered suitable for the proposed development and future residential occupation.</p> <p>Considering the age of the existing structures, it is anticipated that it may contain asbestos. Asbestos removal will be undertaken by a licenced asbestos contractor and in compliance with the NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2019. Accordingly, the subject site is suitable for the proposed development.</p>	<p>Yes</p>

DCP 2009	Controls/Purpose	Review/Response	Comply
	(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.		
<b>Section 22 – Land Use Buffers</b>			
<b>Section 24 – Waste Minimisation and Management</b>			
<b>24.3 Assessment Criteria/Controls for all Development</b>	<b>24.3.1 Demolition of Buildings or Structures</b> The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof. The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities. <u>Objectives</u> <ul style="list-style-type: none"> <li>• Optimise adaptive reuse opportunities of existing building/structures.</li> <li>• Maximise reuse and recycling of materials.</li> <li>• Minimise waste generation.</li> <li>• Ensure appropriate storage and collection of waste.</li> <li>• Minimise the environmental impacts associated with waste management.</li> <li>• Avoid illegal dumping.</li> <li>• Promote improved project management. Controls/Requirements</li> <li>• A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application.</li> <li>• Identify all waste likely to result from the demolition, and opportunities for reuse of materials.</li> </ul>	Please refer to waste management plan.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> <li>• Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.</li> <li>• Reuse or recycle salvaged materials onsite where possible.</li> <li>• 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).</li> <li>• Provide separate collection bins or areas for the storage of residual waste.</li> <li>• Clearly 'signpost' the purpose and content of the bins and storage areas.</li> <li>• Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.</li> </ul>		
	<p><b>24.3.2. Construction of Buildings or Structures</b></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"> <li>• Maximise reuse and recycling of materials.</li> <li>• Minimise waste generation.</li> <li>• Ensure appropriate collection and storage of waste.</li> <li>• Minimise the environmental impacts associated with waste management.</li> <li>• Avoid illegal dumping.</li> <li>• Promote improved project management.</li> </ul> <p><u>Controls / Requirements</u></p>		Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<ul style="list-style-type: none"> <li>• A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.</li> <li>• The SWMMP shall identify all waste likely to result from the construction process, and the opportunities for the reuse and recycling of these materials.</li> <li>• Incorporate the use of prefabricated components and recycled materials.</li> <li>• 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.</li> <li>• Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.</li> <li>• 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 regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.</li> </ul>		
<b>24.4</b> <b>Development-Specific</b> <b>Assessment</b> <b>Criteria/Controls</b>	<p><b>24.4.4 MIXED USE DEVELOPMENTS (Residential/Non-Residential)</b></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>	Please refer to waste management plan.	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>• Ensure appropriate waste storage and collection facilities.</li> <li>• Maximise source separation and recovery of recyclables.</li> <li>• Ensure waste management facilities are safely and easily accessible to occupants and service providers.</li> <li>• Ensure appropriate resourcing of waste management systems, including servicing.</li> <li>• Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.</li> <li>• Minimise adverse environmental impacts associated with waste management.</li> <li>• Discourage illegal dumping by providing on site storage, and removal services.</li> </ul> <p><u>Controls/ Requirements</u></p> <ul style="list-style-type: none"> <li>• A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.</li> <li>• The controls at Section 24.4.2. Multi-Unit Dwellings apply to the residential component of mixed-use development.</li> <li>• The controls at Section 24.4.3. Commercial Developments apply to the non-residential component of mixed-use development.</li> <li>• Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component.</li> <li>• In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components.</li> </ul>		



DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>		
<b>Section 25 – Water Management</b>			
<b>25.1 Preamble</b>	<p><b>25.1.1 Aims</b></p> <p>The aims of this section of the DCP are to:</p> <ul style="list-style-type: none"> <li>• Ensure stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties</li> <li>• Manage natural drainage lines and water bodies to sustainably protect the health of the receiving waterway.</li> <li>• Mitigate pollutants from entering waterways.</li> <li>• Ensure appropriate easements are provided over existing drainage systems on private property.</li> <li>• Assist in the efficient use of water.</li> </ul>	A Stormwater Management Plan has been prepared by DRB Consulting Engineers and is contained as <b>(APPENDIX 9)</b> .	Yes
<b>25.2 General</b>	<p><b>25.2.2 Existing Drainage Systems</b></p> <p>Where a drainage system serving other lands is located on the development site, that system is to 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</p>	A Stormwater Management Plan has been prepared by DRB Consulting Engineers and is contained as <b>(APPENDIX 9)</b> . The proposed stormwater philosophy is as follows:	Yes

DCP 2009	Controls/Purpose	Review/Response	Comply
	<p>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>	<ul style="list-style-type: none"> <li>- The existing site generally falls to the Paxton road reserve. the development proposes to maintain the general flow characteristics for the site and discharge stormwater to council's stormwater drainage network in Paxton Street.</li> <li>- All roof water will be captured and directed to the below ground OSD tank.</li> <li>- The driveway area will be captured in a series of pits and pipes and captured in the OSD tank.</li> <li>- The OSD tank will limit the post developed peak flows to pre developed-peak flows rates. The drains modelling results can be seen on CIV-025 in the civil plan set.</li> <li>- Sag pits in the driveway will be fitted with spel stormsacks to capture gross pollutants before stormwater leaves the site.</li> </ul>	