

**2 Permitted without consent.**

*Home occupations*

**3 Permitted with consent.**

*Amusement centres; Attached dwellings; Boarding houses; Camping grounds; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Mortuaries; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Roads; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water supply systems; Wholesale supplies*

**4 Prohibited**

*Restricted premises; Any other development not specified in item 2 or 3*

The proposal is for the construction of a commercial storage building which is permissible within the zone.

The subject land is within a Heritage Conservation Zone. Section 5.10 of the MLEP is therefore a relevant consideration:

**5.10 Heritage**

**conservation**

**Note.**

*Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.*

**(1) Objectives** The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Muswellbrook,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

**(2) Requirement for consent** Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

3.2 Muswellbrook Development Control Plan

Section 15 of the Muswellbrook Development Plan (MDCP) refers to Heritage Conservation.

The objectives of this section are outlined in 15.1.2

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:

- Compliance with the provisions of the Heritage Act 1977, the National

*Parks and Wildlife Act 1974, and the Environment Protection and Biodiversity Conservation Act 1999 ;*

- *Conservation of items and groupings of items which have played a part in creating the area's identity and which provide insights into early periods of the region's development;*
- *Integration of heritage conservation practices into its statutory planning;*
- *Public familiarity with and understanding of heritage conservation practices;*
- *Public involvement in the conservation of the area's environmental heritage;*
- *A fair and objective approach to conservation of privately and publicly owned heritage items for both the public good and private benefit;*
- *Carrying out all new development affecting items of the area's environmental heritage in a manner that is consistent with conservation best practice as set out in the Burra Charter and for natural heritage in the Australian Natural Heritage Charter*
- *Ensuring that new works and maintenance do not cause harm to or cause any loss of the significance of any heritage item.*

As mentioned, – the land is currently vacant of buildings. The land has however continued to be used in conjunction with the Rural Business owned by the proponents on the opposite side of the road as shown below.



Figure 2 Ogilvie St



Figure 3 Paxton St



The proponents have chosen a style of building which is considered appropriate for the setting which together with its frontage setback of over 16m will mitigate any perceived impact within the Heritage Conservation Area

#### 4 STATEMENT OF ENVIRONMENTAL EFFECTS

#### 4.1 Flooding, Drainage, Landslip and Soil Erosion

The subject land is not subject to flooding as indicated in figure 7 below.



Figure 4 Extract from Muswellbrook DCP - Sec 13 - Flood Prone Land

There are no issues known with landslip or soil erosion at the site. Appropriate erosion and sedimentation control will be provided on site during the construction process.