



Proposed Modification 24/8/23

**PROPOSED
COMMERCIAL STORAGE
SHED
39 Ogilvie St, Denman**

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1 INTRODUCTION

This report has been prepared by Casson Planning & Development Services to support the construction of a commercial storage shed which is owned and operated by the proponents in conjunction with their Rural Industries business on the opposite side of the road.

The building is designed the shed as a barn style which is considered to be in line with the heritage significance of the town. Neutral colour of shale grey has been chosen to be respectful of the town centre.

The shed will be utilised in conjunction with Denman Rural business operating on this block and across the road at 38-40 Ogilvie St. Amenities are not proposed in the shed as these are available in the Denman Rural building.

The subject land has entry points from both Ogilvie and Paxton Streets and will provide a convenient storage facility which customers can also pick up rural goods, from.

The building is located at 39 Ogilvie Street, Denman which is vacant. A former storage building was demolished quite recently (with council consent) due to its poor structural condition. This building is effectively a replacement for the previous structure on site.

The main use of the building will be for storage of excess feed, seed, fertilizer and fencing materials.

Modification Comment: *The application to modify the consent represents a very minor variation to the approved development. A variation of 500mm to the side boundary setback (from 1.0m to 1.5m) is proposed as shown on accompanying plans. There are positive benefits to the owner, attributable to reduced construction costs. There are no identifiable adverse impacts from the modification that is sought – which remains for all intents and purposes the same development.*

2 DETAILS OF LAND

Description:	Lot 101 DP 780911, 39 Ogilvie Street, Denman
Owner:	DC & MS Shibble Superannuation Fund.
LGA:	Muswellbrook Shire
Parish:	Denman
County:	Brisbane.

3 Zoning and Planning Instruments

3.1 Muswellbrook Shire Local Environmental Plan 2009 (MLEP)

The subject land is zoned RU5 Village and within the Denman Residential Heritage Conservation Area, as shown below.

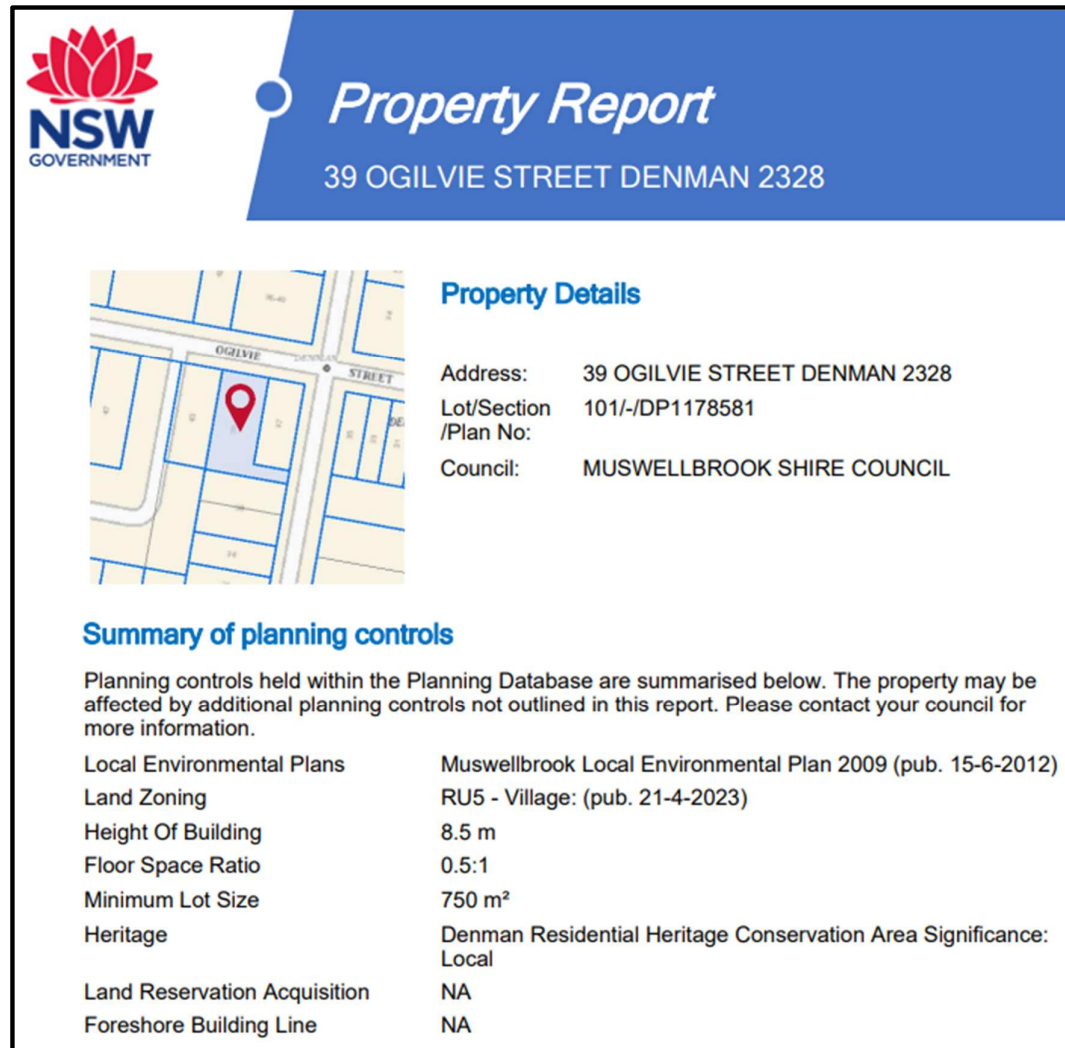


Figure 1 Planning Portal Details

The objectives of the zones are:

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.
- To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.
- To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.

- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

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

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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.

4.2 Bushfire Risk

The subject land is within the commercial area of Denman and is not subject to any bushfire prone vegetation.

4.3 Flora and Fauna

The site has been cleared and there is no vegetation on it. The construction work does not require removal of any trees on the land

4.4 Lot Shape and Size

The construction of the commercial storage shed is essentially a replacement building for one which was demolished relatively recently and serving the same purpose. The work has no impact on the lots size and shape which is of regular shape. The proximity of the building to the side boundary will, however, require additional construction methods to satisfy the fire safety provisions.

(Modification Comment: *The intent is to amend the setback to the side boundary from 1m to 1.5m. This modification will have minimal if any impact from the development. The modification does however allow a lower level of construction (60/60/60 in lieu of 90/90/90) for those walls within 3m of the side boundary – and reduced costs overall)*

4.5 Impact on adjacent properties

There is a mix of building types along Ogilvie Street. The building footprint is significantly less than the building which was previously on the site (demolished) which extended to front boundary. As shown on the site plan – the new building is some 16m from the front boundary. It is located similarly in terms of distance from side boundaries.

(Modification Comment: *The increase in the side setback to 1.5m is considered to have minimal if any impact on adjacent properties.)*

The intended use of the building / land is consistent with past, long-established usage.

4.6 Traffic Considerations

This proposal is effectively seeking consent to replace a storage building on the site, which was used by the operator who also owns Denman Rural

Supplies on the opposite of the road for many years.

The building footprint for the new structure is smaller than the previous building that was previously on the site. Movements to and from the land are available from two street frontages. It is envisaged however that deliver vehicles will enter the site via Ogilvie St and exist via Paxton St (as was the scenario in the past).

There is no increase in the traffic perceived due to the construction of the replacement building.

4.6.1 Traffic Generation

The construction and use of the building should have minimal impacts on the local traffic. It is envisaged that the traffic generation will be no more than equal to the previous movements and quite possibly less, based on the reduced size of the footprint.

4.6.2 Road Network

The existing road network caters well for the situation and the two entry / exit options are advantageous to the operations.

4.6.3 Parking

Section 16 of Council's DCP indicates that 4-5 car spaces would be recommended for a bulk storage operation – which is considered a reasonable description of the building's use.

The owner has indicated the following relevant points in respect of the use of the land:

- There will be no staff parking on the site.
- There will be no customer parking required on the site.
- Customers will drive onto the land for pickup of goods only.
- There is adequate space for carparking (if required) at the front of the Ogilvie St elevation – see site plan attached.

4.6.3 Road Works Engineering Design

There is no proposed public work for this development.

4.7 Methods of Sewerage Effluent Disposal

The sewerage system is available to the land, however given the proximity of the building to the Denman Rural operations on the other side of the road and limited occupation of the building by staff, the owners do not consider that additional amenities are warranted in the circumstances.

4.8 Availability of Utility Services, Power, Telephone, Water, Sewer

Power, telephone, water and sewer utility services are available to the development.

4.9 Social and Economic Effects

The construction of the replacement building will provide increased 'covered' storage capacity for the Denman Rural operations. The ability to store more stock is advantageous to the business and will provide easy delivery and pick up options for the customers. The investment recognizes the owner's confidence in the business and will provide improved services to the local community.

4.10 Anticipated Impact of Noise Levels to the site and the locality

The development will create some additional noise levels during the construction process. Once operational, hours of work will be the same as they currently are, consistent with Denman Rural's hours, and will have minimal if any additional impact on noise levels in the locality

4.11 Archaeological/Heritage Items

The subject land is within a long established and developed area. The subject land not contain any items of Environmental Heritage, nor does it adjoin any.

The land is within a Heritage Conservation Area.

Due consideration has been given to these factors – there is no knowledge or likelihood of any Archaeological Items being on the subject land.

5 CONCLUSION

In support of this application we highlight the following points covered within this report:

- The proposal is effectively for the replacement of a storage building previously used in conjunction with Denman Rural

on the opposite side of Ogilvie Street,

- The proposal has taken into consideration the Heritage considerations of being with a Heritage Conservation Area. The building has been designed with a relatively steep roof line and set well back off the front boundary. Colours have been chosen to be in keeping with the streetscape and it is suggested that the design and features do not detract from heritage values.
- Limited car parking is required for the operation of the building – however there is ample room on the site to satisfy DCP recommendations if deemed necessary
- There are positive social and economic benefits to the local community.
- **Modification comment:** *The minor change to the side boundary setback does not result in negative impacts on the subject land or to adjacent properties. The amendment does provide the owner with some cost savings in the construction of the building. The modification is therefore consistent with the development that has already been approved for the subject land*

I believe this application complies with council's overall objectives for development within the zone and for the reasons abovementioned and detailed in this report should be approved.

Yours faithfully,



David Casson

Casson Planning & Development Services