



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 23 JULY 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
18 July 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Atherstone Room, Campbells Corner, 1st Floor 80 Bridge Street, Muswellbrook on **Tuesday 23 July 2024** commencing at 6:00 pm.

Derek Finnigan
GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be



strictly enforced by the chairperson.



Declarations of Interest

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of interest.

Section 451 of the Local Government Act requires that if a Councillor or Member of a Council or committee has a pecuniary interest in any matter before the Council or Committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A Councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.



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- 1. Applications for Attendance via Audio Visual Link**
- 2. Acknowledgement of Country**
- 3. Civic Prayer**
- 4. Apologies and Applications for a Leave of Absence**
- 5. Confirmation of Minutes**

Ordinary Council Meeting held in 23 June, 2024

RECOMMENDATION

The Minutes of the Ordinary Council Meeting held on **23 June, 2024** a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

- 6. Disclosure of any Pecuniary or Non-Pecuniary Interests**
- 7. Mayoral Minute**

Nil
- 8. Public Participation**
- 9. Business Arising (From Previous Meetings)**

Nil



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Development Application No. 100/2023 - Demolition of Existing Structures, Construction of 9 Serviced Apartments, Construction of 2 New Shop Fronts and Strata Subdivision - 37 Ogilvie Street Denman

Attachments:	1. Attachment A - DA 2023/100 Section 4.15 Development Assessment Report [10.1.1.1 - 23 pages]
	2. Attachment B - DA 2023/100 - Recommended Conditions of Consent [10.1.1.2 - 15 pages]
	3. Attachment C - DA 2023/100 - Plans [10.1.1.3 - 11 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Donna Watson (Senior Land Use Planner)
Community Plan Issue:	1 - Economic Prosperity
Community Plan Goal:	A culturally rich and diverse Community with strong identities, history and sense of belonging.
Community Strategy:	Plan 1.1.1 - Facilitate the expansion of and establishment of new industries and business.
	1.2.1.3 - Progress opportunities to grow the visitor economy.

PURPOSE

The report provides advice to Council in the determination of DA 2023/100 involving the demolition of existing structures, construction of 9 serviced apartments, construction of 2 new shop fronts, and subdivision at 37 Ogilvie Street Denman.

The application has been reported to Council for determination given Council's interest in the enhancement of the Denman CBD heritage and tourism values and because the proposal involves a variation to the off-street car parking development standards under the Muswellbrook Development Control Plan.

OFFICER'S RECOMMENDATION

Council grants development consent to DA 2023/100 for the demolition of existing structures, construction of 9 serviced apartments, construction of 2 new shop fronts, and a strata subdivision at Lot 102 DP 1178581, 37 Ogilvie Street Denman, subject to the recommended conditions of consent included as Attachment B to the report.

Moved: _____ **Seconded:** _____



DESCRIPTON OF THE PROPOSED DEVELOPMENT

The proposal involves:

1. Commercial Premises

Two Shops located on the ground floor, with frontage to Ogilvie Street, both comprising shop floor space, storeroom, kitchen, and bathroom. The development includes an awning over Ogilvie Street and Paxton Street to the kerb and gutter.

- Shop 1 floor area - 33m²
- Shop 2 floor area - 34.2m²

Proposed occupants of the shops are unknown at this stage, however, are anticipated to be enterprises servicing the needs of the local Denman community and tourist economy.

2. Service apartments (comprising 9 units):

- Unit 1 to Unit 3 – adjoining units with ground frontage to Paxton Street, including open plan kitchen, living room and bedroom, separate bathroom. Floor area of each unit is 32.2m²
- Unit 4 – accessible unit ground floor unit with frontage to Paxton Street. The unit will contain an open plan kitchen, living room and bedroom, with separate accessible bathroom
- Unit 5 to Unit 7 – second floor units facing Paxton Street, including open plan kitchen, living room and bedroom, separate bathroom. Floor area of each unit is 32.2m²
- Units 8 and 9 – second floor units located above the proposed shops, including open plan kitchen, living room and bedroom, separate bathroom. Floor area of each unit is 39.6m².
- Shared laundry and storage area for serviced apartments adjoining Shop 2.

3. Strata title subdivision:

- 11 lot strata subdivision with associated common property.

4. Carparking

- 10 carparks, including an accessible carpark.

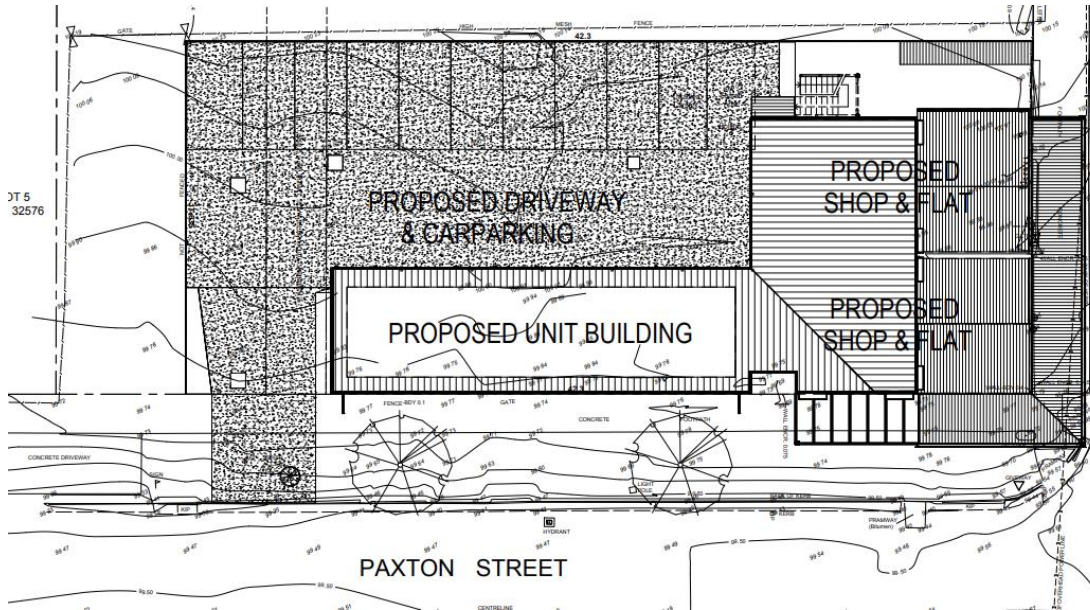


Figure 1 – Extract of site plan submitted with the application.

ASSESSMENT SUMMARY

Council officers have assessed the proposal under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A). Key Section 4.15 assessment findings are:

- The proposed development complies with the relevant provisions of the Muswellbrook Local Environmental Plan 2009 (MLEP 2009).
- The proposed development would be compatible with the requirements of relevant State Environmental Planning Policies.
- Council's Heritage Advisor raised no objection from a heritage impact perspective.
- Referral comments were also received from Council's Building Surveyor, Senior Environmental Health Officer, Water and Wastewater Engineers, Roads and Drainage Engineers, who recommend the inclusion of conditions of consent.
- The proposed development involves a variation of the rate of car parking required by Council's Development Control Plan (DCP). The proposed development would provide ten (10) off-street car parking spaces. A total of thirteen (13) off-street car parking spaces are required under the related DCP.

Council Officers have completed a merit assessment of the reduced rate of off-street car parking against the related DCP objectives. Council Officers recommend the following improvement works to pedestrian and parking infrastructure in the adjacent road reserve to compensate for the reduction in car parking spaces:

- New kerb and gutter along the frontage of Ogilvie Street and part way down Paxton Street;
- New pram ramps on both Ogilvie Street and Paxton Street frontages;
- New footpath along the Ogilvie Street frontage of the development in accordance with the Denman town Centre Masterplan; and
- Resheeting of the road surface along Ogilvie Street and Paxton Street frontages of the development.



Council Officers consider that the development may be supported as being compatible with the related DCP objectives, where these on-street footpath and parking improvements are carried out.

The proposed developments would be compatible with other DCP requirements.

PUBLIC CONSULTATION

The application was notified to adjoining owners from 18 September 2023 to 2 October 2023. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

No submissions were received during the notification period.

Due to a request for more information, the applicant submitted amended plans requiring the application to be renotified.

In this regard, the application was renotified to the same property owners from 12 April 2024 to 26 April 2024. During this period, Council received no submissions.

CONCLUSION

The assessment of the development has considered all relevant matters under section 4.15 of the *Environmental Planning & Assessment Act* (EP&A Act), and the objects of the EP&A Act. No submissions were received during the public notification period.

The development meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the EP&A Act.

Accordingly, the development is recommended for approval subject to conditions.

Extended
DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT 102 DP 1178581 37 Ogilvie Street DENMAN
APPLICATION No:	2023/100
PROPOSAL:	Demolition, 2 Shops, 9 Serviced apartments, strata subdivision
OWNER:	Green Integritas Pty Ltd
APPLICANT:	Perception Planning Pty Ltd Po Box 107 Clarence Town NSW 2321
AUTHOR:	Donna Watson
DATE LODGED:	01/09/2023
DATE OF REPORT:	9 July 2024

1. RECOMMENDATION

It is recommended that development consent be granted to DA 2023/100 for Demolition, 2 Shops, 2 Dwellings, Motel Building, strata subdivision subject to the recommended conditions of consent.

2. SITE LOCALITY AND DESCRIPTION

The subject site is known as Lot 102 DP 1178581 and referred to as 37 Ogilvie Street Denman. The site is located on the corner of Ogilvie and Paxton Street with vehicle access off Paxton Street and has an area of 746m².

The site currently contains an existing dwelling and a vacant shed. The site is relatively flat with a variation across the site of 500mm.

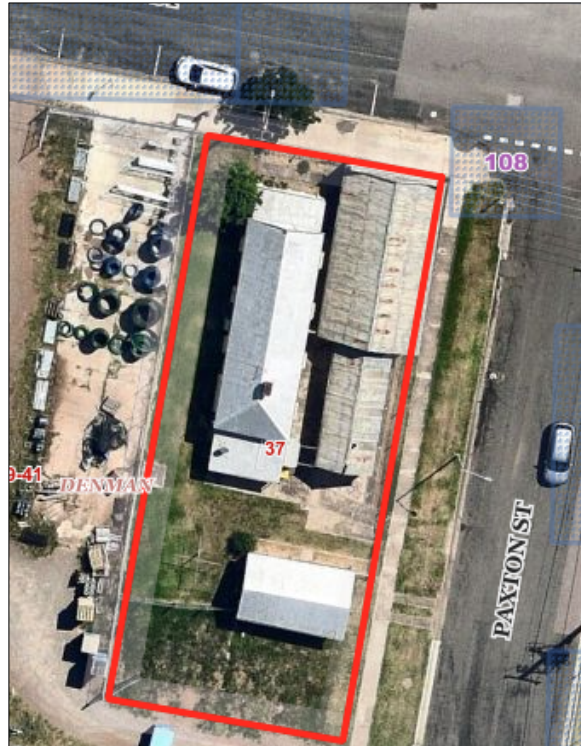


Figure 1. – Site Aerial Image



Figure 2 - Paxton Street - Street view – google Maps



Figure 3 – Ogilvie Street – Street View – google maps

The subject site is affected by the following constraints:

Flood Prone Land (protected by the Denman Levee bank)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Bushfire Prone Land	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Terrestrial Vegetation	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Item	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Zone	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Contaminated Land	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Mine Subsidence	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Classified Road Frontage	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Council Infrastructure within Site	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Council Officers have considered applicable site constraints referenced in the table above under related sub-headings in this report. Council Officers are satisfied that the proposal appropriately addresses these constraints and that they would not inhibit the development of the site where carried out in accordance with recommended conditions.

3. SECTION 88B INSTRUMENT AND DEPOSITED PLAN

There are no matters identified on the 88B instrument or deposited plan that would impact upon the proposed development.

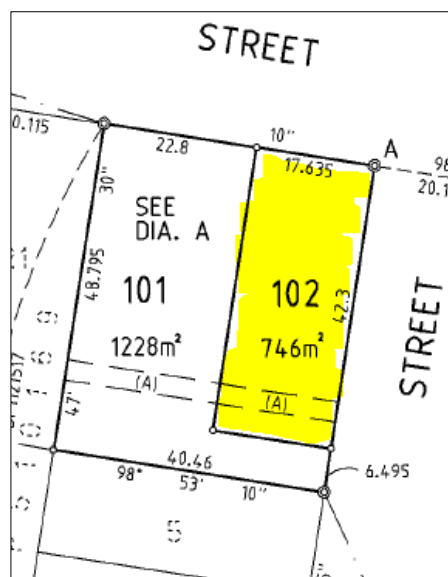


Figure 4. – Extract from DP

The site has a three wide sewer easement which is in favour of Muswellbrook Shire Council, located at the rear of the site. The proposed building would not be located over Council's easement.

Figure 5. – Extract from Section 88B Document.

4. SITE INSPECTION

A site inspection was undertaken on 17 May 2024. Photographs of the site are shown below.



Figure 6 – View from Paxton Street.



Figure 7 – rear view of the dwelling standing on Paxton Street.



Figure 8 – Existing footpath, Kerb and Gutter and pram ramp. Intersection of Paxton and Ogilvie Street.



Figure 9 –Existing building, taken from Ogilvie Street



Figure 10 – western boundary taken from Ogilvie Street



Figure 11 – Footpath along Ogilvie Street frontage.



Figure 12 – example of footpath improvements that will be required should the application be approved.

5. DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the demolition of existing structures, construction of commercial premises (comprising of two shops), service apartments (comprising of 9 units) and strata subdivision.

The proposal involves:

1. Commercial Premises
 - Two Shops – located on the ground floor with frontage to Ogilvie Street both comprising separate shop floor space, storeroom, kitchen and bathroom.
 - Shop 1 floor area - 33m²
 - Shop 2 floor area - 34.2m²

The use of each shop will be commercial enterprises servicing the needs of the local Denman community and tourist population. The proposal includes an awning over Ogilvie and Paxton Street to the kerb and gutter.

2. Service apartments (comprising of 9 units):
 - Unit 1 to Unit 3 – adjoining units with ground frontage to Paxton Street, ground floor units including open plan kitchen, living room and bedroom, separate bathroom. Floor area of units are 32.2m²
 - Unit 4 – accessible unit ground floor unit with frontage to Paxton Street. Unit will contain an open plan kitchen, living room and bedroom with separate accessible bathroom
 - Unit 5 to Unit 7 – second floor units facing Paxton Street including open plan kitchen, living room and bedroom, separate bathroom. Floor area of units are 32.2m²

- Units 8 and 9 – second floor units located above the proposed shops including open plan kitchen, living room and bedroom, separate bathroom. Floor area of units are 39.6m²
3. Strata title subdivision:
 - 11 lot strata subdivision with associated common property.
 4. Shared laundry storage area adjoining Shop 2 servicing the serviced apartments.
 5. 10 carparks, including an accessible carpark and shared space.
 6. Demolition of existing structures on site and proposed landscaping.

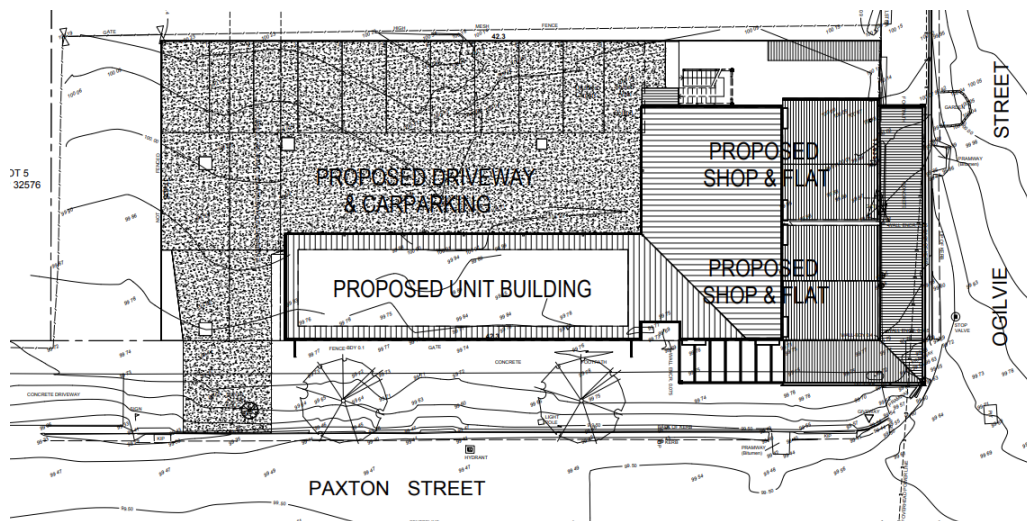


Figure 13 – Site Plan (Source: Applicant)

6. RELEVANT HISTORY

Previous Approvals

A search of Council records identified a single previous application related to the site (DA118/2010). This application involved the subdivision/boundary adjustment of the subject site along with the adjoining land at Lot 101 DP 1178581. This development application was approved by Council Officers and the related subdivision completed to create the current lot arrangement.

No records have been found in relation to the existing dwelling or other structures located on the site.

7. REFERRAL COMMENTS

Internal referrals

The application was referred to the following internal sections of Council for consideration and comment. The outcomes of the referrals are outlined below.

Section	Discussion
CI – Roads and Drainage	The application has been supported subject to recommended conditions of consent.
	Conditions recommended relate to:

	<ol style="list-style-type: none"> 1. the demolition and replacement of the Ogilvie Street footpath adjacent the site with a new footpath compatible with Denman CBD masterplan footpath style guide and the footpath installed in Ogilvie Street east of the site. 2. Replacement and resheeting of road pavement adjacent the site to restore the road pavement at the shoulder/on-street parking area adjacent the site. <p>Council Officers have formed the view that the proposed conditions are reasonable and related to the proposal. This has been informed by the following:</p> <ul style="list-style-type: none"> - The proposed development involves a substantive development in the Ogilvie Street CBD. The existing footpath pavement would be impacted through the carrying out of the work. Given the scope of the proposal and that it adjoins the end of the existing precinct where footpath improvements have been carried out in line with Council's Masterplan, the replacement of the footpath pavement in a style consistent with the plan is reasonable. - The proposed development does not achieve the minimum rate of off-street car parking required by Council's DCP. The proposed development (particularly the commercial shops) would be supported by on-street parking and parking. Accordingly, there is a nexus between the requested road resheeting, footpath connectivity and the proposed development.
CI – Water and Waste	Council's Water and Waste section have reviewed the application and provided conditions to be included in the determination. The referral comments included the calculation on water and sewer headworks charges under the Water Management Act 2000.
Building Surveyor	The application was referred to Council's Building Surveyors for consideration and comment. They have raised some BCA concerns which need to be addressed at the Construction Certificate stage.
Heritage Advisor	Council's Heritage Advisor has supported the application with no specific conditions.

External referrals

The application was referred to Ausgrid due to proximity to the power lines. They have supported the application subject to the inclusion of several conditions in the determination.

8. ASSESSMENT – Statutory Considerations

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In addition to the above matters considered under Section 4.15(1), the following further sections of the Act are applicable to the assessment of the proposed development.

Notification Required	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Notification Dates	18 September to 2 October 2023 12 April to 26 April 2024
Number of Submissions	0
Standard Local Development	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Regionally Significant Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Designated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Integrated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

Section 1.7 – Biodiversity considerations

The site is not identified on the Biodiversity Values Map (BVM) as being land with high biodiversity value, as denied by the Biodiversity Conservation Regulation 2017.

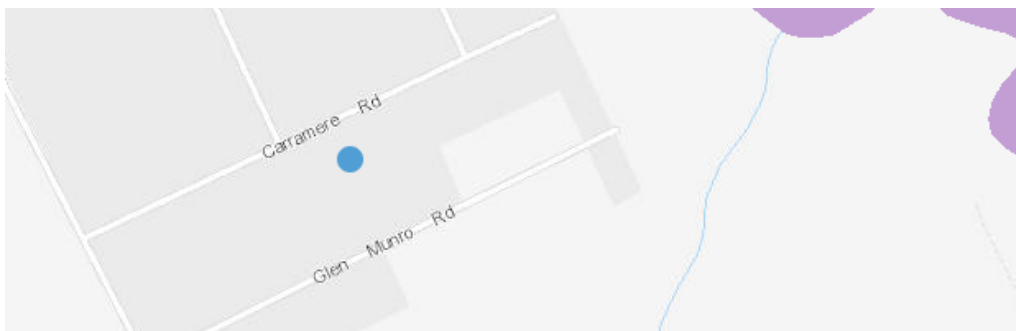


Figure 14 - Extract from Biodiversity Map

The site is not likely to have a significant impact on the threatened ecological communities, species or their habitats.

The site will not exceed the extent of native vegetation clearing identified in the Act as summarised in the table below.

Having regard for Section 1.7 of the Environmental Planning and Assessment Act, the proposed development will not have any impact upon threatened/endangered species or their habitat. The proposed development is not considered to be a threatening process.

Section 4.10 – Designated Development

Is the development proposal <u>Designated</u> Development?	N
Is the proposal for alterations or additions to development (whether existing or approved) that fits the definition of designated development?	N

Section 4.14 – Certain bushfire prone Land

The site is not located on bushfire prone land.

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

Section 4.15(1)(a)(i) of the Environment Planning and Assessment Act required the consent authority to consider the provisions of environmental planning instruments (EPIs), which include State Environmental Planning Policies (SEPPs).

SEPPs applicable to this assessment are address in the following sections.

Description	Applies
State Environmental Planning Policy (Planning Systems) 2021	N
State Environmental Planning Policy (Biodiversity and Conservation) 2021	N
State Environmental Planning Policy (Resilience and Hazards) 2021	Y

State Environmental Planning Policy (Transport and Infrastructure) 2021	N
State Environmental Planning Policy (Industry and Employment) 2021	Y
State Environmental Planning Policy (Resources and Energy) 2021	N
State Environmental Planning Policy (Primary Production) 2021	N
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment development	N
State Environmental Planning Policy (Housing) 2021	N
State Environmental Planning Policy (Sustainable Buildings) 2022	N
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N

SEPP (Industry and Employment) 2021
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Chapter 3 Advertising and signage
The proposal involves two projecting wall signs associated with the serviced apartments. The SEPP applies to all signage except business identification signs, building identification signs, exempt signs and signage on vehicles. In this regard, the proposed signage does not need to be considered under the SEPP as it is considered to be Business signage.
SEPP No 65—Design Quality of Residential Apartment Development
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
SEPP (Planning Systems) 2021
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
SEPP (Primary Production) 2021
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
SEPP (Resilience and Hazards (2021))
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Chapter 4 Remediation of Land
This chapter under the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:
<ul style="list-style-type: none"> (a) It has considered whether the land is contaminated, and (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
Council Officers are unaware of any activities which have carried out on the site that are likely to have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of the site. Furthermore, there are no known previous investigations regarding contamination on the subject land or land use restrictions issued by the EPA.
It is believed that the site was historically used as a commercial premises based on the design of the existing building on site, which is unlikely to have any significant contamination.

It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP
SEPP (Resources and Energy) 2021
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
SEPP (Transport and Infrastructure) 2021
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<p><u>Clause 2.48 – Development impacted by an electricity tower, electricity easement, substation, power line</u></p> <p>The development is located within 5.0m of exposed overhead electricity power line and was referred to Ausgrid for comment under clause 2.48(2)(a) of the T&I SEPP.</p> <p>The response received from Ausgrid under clause 2.48(2)(b) has indicated that the development is supported with the inclusion of several conditions.</p>

Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPIs, which includes Local Environmental Plans (LEPs). The Muswellbrook Local Environmental Plan 2009 (MLEP) applies to all land within the Muswellbrook LGA. An assessment of the development against the relevant sections of the MLEP is provided below:

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009 are:

Clause	Comment
Part 2 Permitted or prohibited development	
2.1 Land use Zone	The site is zoned RU5 Village under the Muswellbrook Local Environmental Plan 2009. The development is defined as a <i>Commercial Premises</i> and <i>Tourist and Visitor Accommodation</i> and is permissible with consent of Council.
2.3 Zone objectives and land use table <ul style="list-style-type: none"> 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. 	The development complies with the zone objectives as it proposal will provide additional commercial opportunities within the town. In addition, the proposal will allow for more short-term accommodation to be available within the town centre and the design is consistent with the heritage streetscape of Ogilvie Street.
2.6 Subdivision	The applicant is seeking consent for a strata subdivision. The strata subdivision includes the units and the two shops.
2.7 Demolition requires development consent	The application will involve the demolition of existing structures located on site. The applicant has provided a waste management

	plan for the development. Conditions will be imposed regarding waste disposal and asbestos removal.
Part 4 Principal Development Standards	
4.1 Minimum subdivision lot size	Not applicable – the proposed development does not involve the carrying out of a Torrens title subdivision to which this clause applies. The strata subdivision proposed is not subject to the minimum lot size under this clause.
4.3 Height of buildings	The site has a maximum height of 8.5m for new buildings. The proposed development will have an overall height of 6.3m which complies with this clause. The flat roof behind for the two-storey element of the proposed buildings keeps the overall bulk and height of the building lower.
4.4 Floor space ratio	The site has a floor space ratio (FSR) of 0.5:1. The development will have a FSR of 0.5:1 which complies
Part 5 Miscellaneous Provisions	
5.6 Architectural roof features	Development consent must not be granted to any such development unless the consent authority is satisfied that— (a) the architectural roof feature— (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature. In this regard, the proposed development complies with the objectives of the zone and will not cause overshadowing of adjoining properties.
5.10 Heritage Conservation	The subject site is in the Denman Heritage Conservation zone. There is a local heritage item to the east of the site. The proposed design is sympathetic to the surrounding properties and will be constructed in similar materials. This being lightweight cladding and colourbond roofing. The application was referred to Council's Heritage Advisor for consideration and comment. They have supported the application.
5.21 Flood Planning	The site is not flood effected and is protected by the Denman levee bank.
Part 6 Urban release area	
Part 7 Additional Local Provisions	
7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village	The application is proposing a strata subdivision which can be considered as the site is connected to reticulated water and sewer.
7.6 earthworks	Before granting development consent for earthworks, Council must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material or the destination of any excavated material, (f) the likelihood of disturbing relics,

	<p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>The site is relatively flat and will not require substantial earthworks. The amount of proposed earthworks is considered reasonable for the development. Conditions regarding sediment and erosion control measures will be imposed on the consent should the application be approved.</p>
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Section 4.15(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

Section 4.15(1)(a)(iii) the provisions of any development control plan

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Muswellbrook Development Control Plan.

An assessment of the development against the relevant sections of the DCP is provided below:

Section 3 Site Analysis		
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA		
A site and other relevant documentation have been provided with the application.		
Section 5 Subdivision		
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA		
5.3 General Requirements For Subdivision		
5.3.2	Special Considerations	Noted.
5.3.3	Adoption of AUS-SPEC	
5.3.4	Buffers	
5.5 Residential Subdivision		
5.5.1	Local Street Design	The application is for a strata subdivision and will not be constructing any new roads. Complies/NA
5.5.2	Access Way Design	The development will require the construction of a new access / driveway off Paxton Street and will be considered under a Section138 application. Should the application be approved, a condition will be imposed on the consent requiring a Section 138 to be lodged and approved prior to the Construction Certificate. Complies – to be administered through conditions
5.5.3	Pedestrians and Cyclists	Not applicable
5.5.4	Utility Services	The site is currently connected to utility services. Complies
5.5.5	Stormwater Management	<p>The site will require new stormwater drainage to be installed. The carparking area will have four pits to capture stormwater which will drain to an on-site detention system. The on-site detention system will drain to Paxton Street via a 150mm diameter pipe.</p> <p>From the Stormwater Management Plan, there does not appear to be any reuse of stormwater on site. Council's Roads and Drainage section have reviewed the application and provided comments. Complies</p>

5.5.6 Lot Size and Shape	<p>The application includes a strata subdivision:</p> <p>Unit 1 – 35.2m² Unit 2 – 35.2m² Unit 3 – 35.2m² Unit 4 – 36.9m² Unit 5 – 35.2m² Unit 6 – 35.2m² Unit 7 – 35.2m² Unit 8 – 43.5m² Unit 8 – 43.2m² Shop 1 – 44.6m² Shop 2 – 53.3m²</p> <p>The remained of the site, being the carparking area, stairs and open space will remain as communal space / common property. Complies</p>
5.5.7 Solar Access and Lot Orientation	<p>The site is north / south facing. The units will be east / west facing once constructed. The layout of the units proposes to have the bed/s located behind the bathroom, which will help reduce the radiant heat at the bed/s.</p> <p>The open space area is located on the north western side of the property which receive solar access. Complies</p>
5.5.8 Heritage	Refer to the Heritage section of the LEP Complies
5.5.9 Site Works	Refer to the Earthworks section of the LEP Complies
5.5.10 Open Space	The development will provide approximately 30m ² of open space on the north-western side of the site. As the development will be primarily for short term stay, it can be presumed that the open space area will not be heavily used. Complies
Section 7 Village Zones	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
7.1 Introduction	
7.2 Assessment Process	
Character Statements	The approval of the development is not expected to result in an inconsistency or compromise the integrity of the character statement for Denman. This proposal is a substantial development for the main street of Denman. The design is consistent with the style and character of the Ogilvie Street as the building will be constructed with lightweight cladding and colourbond roofing. Complies
7.3 Residential Development	
General	The development includes serviced apartments and two commercial premises which are not considered residential in nature. Complies
Waste Water Disposal	The site will be connected to sewer and will require the payment of Section 64 Headworks charges under the Water Management Act. Should the development be approved, a condition will be imposed regarding payment of Section 64 prior to the release of the Construction Certificate. Complies
7.4 (a) Public Parks and Reserves	Not applicable.
7.4 Non-Residential Development	
Location	The development is located on the south-western corner of Ogilvie and Paxton Street. This is within the <i>business precinct</i> of Denman.

<i>Design Guidelines</i>	The proposed shops will have direct frontage to Ogilvie Street and will have a consistent appearance to surrounding shops in the locality. The colour palette has been submitted with the plans and indicates the buildings will be neutral in colour. Complies
<i>Vehicle Parking</i>	Refer to Section 16 for carparking calculations and discussion.
<i>Signage and Use of Footpaths</i>	<p>The application has not included any signage for the two shop fronts. As the site is located within a heritage conservation area, signage will need to be considered under a separate development application. A condition will be imposed requiring this.</p> <p>The supporting documentation does not indicate whether the footpath will be used by the proposed shops. At this stage, the tenants are not known and should they wish to use the footpath, a Section 138 (use of road reserve) or Section 125 (outdoor dining) application under the Roads Act and a development application will need to be submitted for consideration.</p> <p>The unit component will have two projecting wall signs, each being approximately 0.6m² in area. It is presumed the signage will have the name of the serviced apartments and vacancy / availability. The signage is consistent with the adjoining properties, being commercial in nature, and will not impact on residential dwellings with light spillage. Complies</p>
<i>Wastewater Disposal</i>	The site will be connected to reticulated sewer. Complies
<i>Form, Massing and Scale</i>	<p>The MLEP has an 8.5m maximum height of buildings. The submitted plans indicate the maximum overall height of the building will be 6.3m. The immediately surrounding properties are single storey with the two hotels, at the eastern end of Ogilvie Street, being double storey.</p> <p>The Paxton Street elevation will have colour articulation to assist with the scale of the building. The development has also proposed some soft landscaping along this elevation. Should the application be approved, a condition will be imposed on the development requiring an amended landscaping plan to be provided for the site. Complies – to be administered through conditions</p>
<i>Access</i>	<p>Access to the service apartments will be via Paxton Street. The access for the two shop fronts will be off Ogilvie Street.</p> <p>As the development is for the construction of new buildings, the new shop fronts will be required to provide accessible access. One accessible unit, being Unit 4, is proposed in the serviced apartment. The carparking plans indicate one accessible space closest to the building. Complies</p>
<i>Setbacks</i>	<p>The development is proposing a zero setback to Ogilvie and Paxton Street. This is consistent with the existing building and others in the street. The application was referred to Council's Building Surveyors for consideration and comment in relation to the Building Code of Australia. Conditions have been recommended and will be included in the determination should the application be approved. Complies</p>
<i>Landscaping</i>	<p>The applicant has provided a landscaping plan for the development. However, this plan will need to be amended to reflect the revised building design and proposed landscaping along Paxton Street, as shown in the elevations.</p> <p>The development is also proposing two street trees, being crepe myrtles, in Paxton Street.</p>

	Complies
Section 15 Heritage Conservation	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<p>The site is located within the Denman Heritage Conservation area and opposite a local heritage item. The application was accompanied by a Statement of Heritage Impact which was referred to Council's Heritage Advisor for consideration and comment.</p> <p>Amended plans were requested which required removal of the separation between the two shop fronts and some articulation to the first-floor windows to reduce the bulk and scale of the development. The amended plans were supported by Council's Heritage Advisor.</p> <p>Complies</p>	
Section 16 Car Parking and Access	
Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – variation requested <input type="checkbox"/> NA	
Discussed below this table –	
Variation of DCP Control – Complies with DCP Objective	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<p>The relevant objective of this section states:</p> <p style="padding-left: 40px;">‘to demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250m² of disturbance that appropriate controls are planned to be installed’.</p> <p>The total floor area of the proposed development is 372.9m² and therefore requires an Erosion and Sediment Control Plan. Council Officers have included a condition of consent requiring an Erosion and Sediment control plan prior to the Issue of the Construction Certificate.</p> <p>Complies</p>	
Section 24 – Waste Minimisation and Management Systems	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
<p>A waste management plan has been submitted and assessed as adequate. A condition of consent is recommended to ensure that the proposed works are carried out in accordance with the Waste Management Plan.</p> <p>Complies</p>	
Section 25 – Stormwater Management	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
<p>The applicant included a Stormwater Management Plan for the proposed development. Under Clause 25.4 of this section, stormwater drainage is to be designed to comply with AS3500.3. In this regard, the development will be:</p> <ul style="list-style-type: none"> - Capturing and directing all roof water to the underground on-site detention tank - Requiring the driveway area to be captured in a series of pits and pipes, then directed to the underground on-site detention tank - Limiting the underground on-site detention tank to post development peak flows to predeveloped – peak flow rates. <p>Council's Roads and Drainage section have reviewed the application and suggested conditions to be included in the determination should the application be approved.</p> <p>Complies – to be administered through conditions</p>	

Section 16 – Car parking and Access

The development is proposing a new formalised access to the site off Paxton Street, 1.5m from the rear boundary. This will allow vehicles to enter and leave in a forward direction. Should the development be approved, a Section 138 application will be required for the new driveway construction.

The proposed off-street car parking and Development Control Plan requirements have been set out in the table below.

Land use	Parking criteria	Required parking	Proposed
Retail premises	< or = to 1000 m ² gross floor area requires 1 space per 20 m ² of gross floor area.	Total floor area of the proposed shops is 67.2m ² (33 + 34.2). $67.2 / 20 = 3.36$ spaces (rounded up to 4)	The development is providing 10 carparking spaces, which includes an accessible space.
Serviced Apartments	1-bedroom or studio: 1 space per unit 2-bedroom: 1.2 space per unit (the 0.2 space to remain as common property) 3-bedroom or more: 2 spaces per unit	The development is proposing 9 units. All of the units are studio units, therefore requiring only 1 space per unit. Required = 9 spaces	
Total carparking required		13 spaces	10 spaces (shortfall of 3 spaces) being a 24% variation

As specified in the table the rate of off-street car parking required by the DCP is 13 off-street parking space, while 10 off-street car parking spaces are proposed.

Accordingly, the proposed development seeks a variation to this Development Control Plan control.

Where a development application involves a variation to a Development Control Plan control the *EP&A Act 1979* requires Council to be flexible in the application of the control, allow for reasonable alternate solutions and have regard to the related Development Control Plan objectives when considering such a matter.

The relevant Development Control Plan objectives have been included below:

- a) *To ensure adequate provision of off-street parking to maintain the existing levels of service and safety of the road network.*
- b) *To ensure a consistent and equitable basis for the assessment of parking provisions.*

In line with the *Environmental Planning Assessment Act 1979* requirements a merit assessment of the proposed development control plan variation has been undertaken. Key considerations in that assessment have been set out below:

- Council has historically been flexible in applying its off-street car parking requirements for development in the Denman CBD.
- In 2016 Council approved DA 2015/94 involving the extension of a Denman Hotel through the construction of an elevated deck and dining area. The assessment report for this application noted that a total of 38 off-street car parking spaces would be required to comply with the DCP. The application was approved by Council without a requirement for the provision of any additional car parking spaces.

- In 2013 Council approved DA 2013/96 for alterations and additions to a café at 16-18 Ogilvie Street. In its determination of this development application Council required the provision of an additional five (5) off-street parking spaces. These off-street parking spaces were not constructed by the proponent. No compliance action was taken on the café's non-compliance with the consent. The café has recently closed.
- In 2022 Council approved DA 2021/87 involving building alterations and the change of use of a premises at 12 Ogilvie Street with a variation to the DCP car parking requirements permitting the proposed development with 6 off-street car parking spaces where additional parking was required by the Development Control Plan. There were additional site-specific considerations relevant to this application and the proposed variation.
- Council has recently constructed a new car park adjacent to the southern side of Ogilvie St that provides approximately 49 additional car parking spaces within walking distances of the site and CBD.
- Council has entered into verbal agreements with landowners on the southern side of Ogilvie Street who provided land to support the construction of the new dedicated car park referenced above. Landholders who provide parts of their properties (at no cost) to Council for the construction of the new Denman town centre car park are not required to provide off-street car parking in accordance with the DCP.

Properties on the southern side of Ogilvie Street have accepted a reduction to their holding size to provide the car park. Properties on the northern side of Ogilvie Street have not contributed to the construction of the new Denman car park but benefit from the increased availability of car parking spaces.

- Council Engineers have requested that the applicant undertake the following work to the Ogilvie Street and Paxton Street frontage:
 - new kerb and gutter along the frontage of Ogilvie Street and part way down Paxton Street
 - new pram ramps on both Ogilvie and Paxton Street frontages
 - new footpath along the Ogilvie Street frontage of the development in accordance with the Denman town Centre Masterplan.

Related to DCP objective A) -The carryout of these works would positively contribute to parking availability in the Denman CBD through improvements to road shoulder pavement where on-street parking is available adjacent the development and connectivity between the site and off-site parking options.

Related to DCP objective B) – The implementation of these works supports the notion of an equitable approach to off-street car parking with the proposed development both contributing off-street car parking and supplementing any reliance on the newly available CBD car parking created through dedication of land by existing premises through the carrying out of works.

DCP Merit Assessment Summary and Conclusion

Council Officers are satisfied that the proposed development, where on-street footpath and parking improvements are carried out in line with those recommended by Council Roads and Drainage Engineers, would remain compatible with the DCP objectives despite its inconsistency with the related DCP control.

In this regard, the shortfall in carparking spaces can be supported.

Section 4.15(1)(a)(iia) the provisions of any planning agreement

There is no planning agreement or draft planning agreement that has been entered into under Section 7.4 of the Act that relates to the subject site.

Section 4.15(1)(a)(iv) the provisions of the regulations

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation.

Section 4.15(1)(a)(v) the provisions of any coastal zone management plan

Not applicable - The Application does not relate to a coastal area.

Section 4.15(1)(b) the likely impacts of that development

	Discussion
Context and Setting	The development is consistent with the character of the Denman Main Street. The site is located on a prominent intersection and will be an improvement the existing streetscape.
Built Form	The proposed development has been designed with the Denman heritage aspect in mind. The building will constructed in lightweight cladding and colourbond type roofing. The proposed colours are consistent with other development in the Main Street and improve that corner of the intersection.
Potential Impact on Adjoining Properties	The application was neighbour notified and placed on public exhibition for a minimum of 14 days. During this time, Council received no submissions. The site adjoins a residential property to the south which will not be impacted upon by way of overshadowing or loss of views.
Access, Transport and Traffic	This has been discussed in detail throughout the report.
Public Domain	The development will be required to carry out improvements to the footpath for the frontage of the development. This will involve constructing / repairing the kerb and gutter along the Ogilvie Street frontage, new pram ramps to Ogilvie and Paxton Street and replacement of the footpath pavement to be consistent with the Denman Town Centre Masterplan.
Utilities	The site has access to services. Should any of these services need to be upgraded or relocated, it will be at no cost to Council.

Heritage	Council's Heritage Advisor supports the application with no specific conditions.
Other Land Resources	Not applicable
Water	<p>The site has access to reticulated water and conditions will be imposed regarding new connections.</p> <p>The applicant also provided a stormwater management plan which details how stormwater will be disposed of on site. The application is supported subject to the inclusion of several conditions.</p>
Soils	Not applicable
Air/Microclimate	The demolition stage of the development may generate some dust. Should the application be approved, a condition regarding the protection of the amenity will be included in the determination.
Flora and Fauna	Not applicable for this application
Waste	<p>The applicant will be required to submit a Construction Management Plan which will include details on the demolition, demolition waste and construction waste.</p> <p>The submitted information also shows several garbage bins to be located on the western side of the property. These bins will be used by the occupants of the serviced apartments and the shop tenants.</p>
Energy	The development will be required to submit a Section J report due to the type of Building Classification. This will be required to be submitted with the Construction Certificate.
Noise and Vibration	This type of development does not warrant a Noise Impact Assessment. There will be noise generated during the demolition and construction, however, conditions will be imposed restricting demolition and construction hours.
Natural hazards	Not applicable
Technological Hazards	Not applicable
Safety, Security and Crime Prevention	The site will have internal security measures in place.
Social Impact on the locality	The development is not expected to increase the need on public services within Denman as the accommodation is short term stay.
Economic Impact on the locality	The 9 serviced apartments will increase accommodation options and availability for people wishing to visit and stay in Denman.

	The inclusion of two additional shop fronts will provide additional opportunities for existing and future businesses to operate within the Denman Main Street.
Site Design and Internal Design	The overall height of this structure is like the height of the building currently on site (to be demolished). The proposed shop fronts to face Ogilvie Street are consistent with the internal and external design of other shops within the main street.
Construction	The construction of the development will be required to comply with the requirements of the National Construction Code (former Building Code of Australia). Conditions will be imposed to require compliance with the NCC.
Cumulative impacts	The development will provide off-street parking for the units.

The proposed development is not expected to have a significant negative impact on the site, locality, or nearby residents.

Section 4.15(1)(c) the suitability of the site for the development

The proposed development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

Section 4.15(1)(d) any submissions made

The Application was notified to adjoining owners from 18 September 2023 to 2 October 2023. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

No submissions were received during the notification period.

As a result of Council's request for additional information, the applicant submitted amended plans which required the application to be renotified.

In this regard, the application was renotified to the same properties owners from 12 April 2024 to 26 April 2024. During this period, Council received no submissions.

Section 4.15(1)(e) the public interest.

It is considered that the proposal is in the public interest.

Section 4.46 – Integrated Development

In accordance with Section 4.46 of the *Environmental Planning and Assessment Act, 1979* the proposed development does not require approval from any external agency.

Section 7.12 – Developer Contributions

Development Contributions

The cost of works for the proposed development is \$1,441,202. A developer contribution of \$14,412.02 will apply. The contribution amount is to be paid prior to the release of the Construction Certificate.

9. CONCLUSION

Council's assessment of the development has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. Council has considered the development on its merits, taking into consideration the EPIs that apply to the development.

Council received no submissions during the public notification period.

The development meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the EP&A Act.

Accordingly, the development is recommended for approval subject to conditions.

GENERAL CONDITIONS

1) Approved Plans and Supporting Documents

plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Pln. No.	Rev. No.	Plan Title.	Drawn by.	Dated.
A01	C	Cover Sheet	CAD Design & Draft	26 February 2024
A02	C	Aerial Image & Property Information	CAD Design & Draft	26 February 2024
A03	C	Site Analysis Plan	CAD Design & Draft	26 February 2024
A04	C	Development Site Plan	CAD Design & Draft	26 February 2024
A05	C	Ground Floor Plan	CAD Design & Draft	26 February 2024
A06	C	First Floor Plan	CAD Design & Draft	26 February 2024
A07	C	Roof Plan	CAD Design & Draft	26 February 2024
A08	C	Building Elevations & Sections	CAD Design & Draft	26 February 2024
A09	C	Artists Impressions	CAD Design & Draft	26 February 2024
A10	C	Draft Strata Plan (First Floor)	CAD Design & Draft	26 February 2024

Document Title.	Ver. No.	Prepared By.	Dated.
Statement of Environmental Effects		Perception Planning	25 August 2023
Traffic Impact Assessment		Amber Traffic & Transportation Direction	August 2023
BASIX Certificate	1407937M_02	Evergreen Energy Consultants Pty Ltd	18 April 2024
Access Report	3	Purple Apple Access	19 March 2024
BCA Review		Perception Planning	6 December 2023
Structural Building report		DRB Consulting Engineers	16 June 2023
Statement of Heritage Impact		Architelle	2 August 2023
Conductor Clearance Assessment Report		Power Solutions	March 2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation

or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2) Design and Survey for Public Infrastructure

The person acting with this consent is to carry out the following works within Council's Ogilvie Street and Paxton Street Road reserve in accordance with related conditions of consent:

- Repair of deteriorated road areas directly adjacent to the development in both Ogilvie and Paxton Streets. This is up to 2m from the kerb along Ogilvie Street and up to 1.5m from the kerb in Paxton Street.
- Replacement of existing footpath along the Ogilvie Street frontage of the development, to be consistent with the Denman CBD Masterplan.
- Removal and construction of new pram ramps on the corner of Paxton and Ogilvie Streets in accordance Council's F10 kerb and Gutter Policy and Denman CBD Master Plan.
- Removal of redundant laybacks and reinstating with 150mm upright kerb and gutter.

Condition Reason: To ensure the work is designed to Council's requirements.

3) Construction Clearance Requirements (Electrical Infrastructure)

All work in the vicinity of overhead power lines is to be carried out in accordance with the provisions of the Conductor Clearance Assessment Report dated May 2024.

Prior to carrying out any work or installing scaffolding as part of the demolition or construction of the approved development the person acting with this consent is to undertake consultation with AUSGRID as the relevant service provider to ascertain that scaffolding and works will be outside of the relevant clearance zones specified by this report and in line with the requirements set out in AUSGRID's correspondence dated 22 April 2024.

AUSGRID's 22 April 2024 correspondence has been stamped with Council's approved stamp. Requirements listed in this document form part of this consent.

Condition Reason: To ensure compliance with Ausgrid and ensure safety for work carried out adjacent overhead power lines

4) Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Condition Reason: Legislative

5) Access to Premises Standard

The building shall comply with the requirements of the *Commonwealth Disability (Access to Premises Standard) 2010*.

Condition Reason: prescribed by legislation

6) Demolition work

All demolition work is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001 Demolition of Structures.

Condition Reason: Legislative

7) Home Building Act

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
 - (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;
 - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the person's name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: (1) The amounts referred to in point 1 may be subject to change as regulations are amended.
(2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

Condition Reason: Prescribed legislation

8) Asbestos & Hazardous Material Survey

Prior to the carrying out of any demolition work related to the existing building the following is to be undertaken in relation to those works:

- (a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether

any asbestos or hazardous materials exist on the site that are affected by the proposed building works. (e.g. lead in paints, ceiling dust, glass fiber insulation or asbestos based products).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and SafeWork NSW requirements.

- (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material;
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iii) Proposed methods of disposal.
 - (iv) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.
- (c) where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- (d) the demolition must be undertaken in accordance with AS2601.
- (e) any works involving asbestos based products must be undertaken in accordance with the requirements of the SafeWork NSW in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998 : Guide to lead paint management - Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site.
- (g) Following completion of asbestos removal works a suitably qualified/licensed asbestos removalist, must undertake a clearance inspection and issue an asbestos clearance certificate.
- (h) Tipping receipts demonstrating that all asbestos has been disposed of to an appropriately licensed facility are to be provided to the Certifying Authority.

Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate. If all demolition works have not been completed the time a Construction Certificate is applied for any outstanding documentary evidence is to be submitted to the Certifying Authority at the time the works are completed and prior to the issue of the Occupation Certificate.

Details demonstrating compliance with these requirements are to be submitted to the

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Certifying Authority with the Construction Certificate.

Notes: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at <http://www.lead.org.au> www.lead.org.au.

Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

Condition Reason: To ensure that asbestos related material is disposed off in accordance with industry standards.

BEFORE ISSUE OF THE CONSTRUCTION CERTIFICATE

9) Construction Certificate Requirement

No works shall commence on-site until a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works, it must relate to all works being undertaken. Note: a construction certificate issued by an Accredited Certifying Authority must be provided to Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

Condition Reason: Legislative

10) Construction Management Plan

A Construction Management Program must be prepared and submitted to, and approved by the Certifying Authority prior to the issue of any Construction Certificate. The program shall include such matters as:

- (a) a Safe Work Method Statement;
- (b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- (d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (g) the proposed areas within the site to be used for the storage of excavated

materials, construction materials and waste containers during the construction period;

(h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

(i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;

(j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;

(k) proposed protection for Council and adjoining properties;

(l) the location and operation of any on site crane;

(m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and

(n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

Condition Reason: To ensure that construction is carried out in an orderly manner.

11) Landscape Design Plan

Prior to the issue of any Construction Certificate, an amended landscape design plan is to be submitted to Certifying Authority. The plan is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and to be in accordance with Council's Landscaping Guidelines. Landscaping is to be located along the Paxton Street frontage and a minimum of 3m into the car parking area.

Condition Reason: To ensure that proposed landscaping is consistent with Council's development control plan

12) Section 68 Local Government Act Approval

Prior to the issue of a Construction Certificate, it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval from Council for all stormwater work related to the development application.

In accordance with requirements from Council Roads and Drainage Engineers the Section 68 permit submitted to Council is to be accompanied by updated stormwater Design which encompasses the following:

- A minimum of 4 x additional heavy-duty grates to be located within car park area of Onon site detention.

- All stormwater pits located adjacent to or within the on site detention system are to be a minimum of 900 x 900mm for maintenance purposes.
- Stormwater infrastructure within Council's Road reserve is to be a minimum of DN375 reinforced concrete.
- Demonstration that the carpark remains suitably safe for ingress/egress during major stormwater events. Pre-development flows are to be considered as a greenfields site for the purposes of stormwater control

Condition Reason: legislative

13) Carparking – compliance with Australian Standard

Prior to the release of any Construction Certificate, an amended carpark plan showing compliance with AS 2890 is to be submitted to the Principal Certifying Authority.

Condition Reason: To ensure compliance with the Australian Standard.

14) Section 138 Application

Prior to the issue of any Construction Certificate, an application shall be submitted to Council under Section 138 of the Roads Act 1993.

Condition reason: to authorise works in Council's road reserve.

15) Design and Survey for Public Infrastructure

Prior to the issue of any Construction Certificate or Section 138 application, the applicant shall engage an appropriately qualified person to undertake a detailed design for all works located within the road reserve that revert to Council's care and control upon completion of the development. These works are referenced in Condition 2 of this Notice of Determination and below.

The detailed design for these works are to be submitted to Council with any Section 138 application.

The proposed works are to include:

- Repair of deteriorated road areas directly adjacent to the development in both Ogilvie and Paxton Streets. This is up to 2m from the kerb along Ogilvie Street and up to 1.5m from the kerb in Paxton Street.
- Replacement of existing footpath along the Ogilvie Street frontage of the development, to be consistent with the Denman CBD Masterplan.
- Removal and construction of new pram ramps on the corner of Paxton and Ogilvie Streets in accordance Council's F10 kerb and Gutter Policy and Denman CBD Master Plan.
- Removal of redundant laybacks and reinstating with 150mm upright kerb and gutter.

The footpath pavement design is to be generally in accordance with Council's document Denman Town Centre Masterplan and is to reflect the style of footpath installed in the Ogilvie Street Road Reserve to the east of the site between its intersections with Palace and Paxton Streets.

Condition Reason: To ensure the work is designed to Council's requirements.

16) Notice of requirements

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' are to be paid prior to release of a Construction Certificate.

Any Notice of Requirements will require the payment of water and sewer headworks contributions prior to the issue of a Compliance Certificate. Water and sewer headworks contributions applicable under Council's current fees and charges for the development are specified in the table below:

Headworks	ET calculated based on development type	Current rate	Total
Water			
- Serviced Apartments	0.4	\$8,839.50	\$31,822.20
- Shop 1	0.45	\$8,839.50	\$ 3,977.75
- Shop 2	0.672	\$8,839.50	\$ 5,940.144
Sewer			
- Serviced Apartments	0.5	\$6,862.80	\$30,882.60
- Shop 1	0.71	\$6,862.80	\$ 4,872.588
- Shop 2	0.672	\$6,862.80	\$ 4,611.80
		Total	\$82,107.08

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided with the Construction Certificate application. The final compliance certificate must be submitted to the Certifying Authority prior to release of the Occupation Certificate.

Condition Reason: To require headworks contributions for the maintenance of Council infrastructure under the Water Management Act 2000.

17) Sediment Control

Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the Certifying Authority:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept onsite at all times

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during site works and construction.

Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

18) Colours (External) – Conservation Areas and Adjoining Heritage Items

External colours shall be similar to traditional colour schemes are to be consistent with those included in the approved plans, appropriate to the type and architectural style of the building, and be complimentary to similar buildings in the immediate vicinity.

Details of the proposed colour scheme are to be submitted to the Certifying Authority for approval with the Construction Certificate.

Condition Reason: To ensure the development is in keeping with the heritage character of the Denman Main Street.

19) Section 7.12 Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$14,412.02 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

Condition Reason: Legislative

20) Long Service Levy

Prior to the issue of the Construction Certificate, the long service levy must be paid to the Long Service Corporation or Council under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Certifying Authority.

Condition reason: To ensure the long service levy is paid

BEFORE BUILDING WORK COMMENCES

21) Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

22) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hording) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the

edge of the roadway so as to facilitate the safe movement of pedestrians.

- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer; or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council; or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage; and
 - if necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

Condition reason: To protect worker, the public and the environment.

23) Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out: stating that unauthorised entry to the work site is prohibited;

showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

Condition reason: Legislative

24) Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to

infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

Condition reason: To ensure payment of approved changes to public infrastructure.

25) Water meter

A water meter issued and installed by Muswellbrook Shire Council must be connected to the town's reticulated water supply prior to any commencement.

Condition Reason: To ensure relevant utility services are provided to the development site.

26) Notice of commencement for demolition

A written notice must be provided to the Certifying Authority and the occupiers of neighbouring premises one week before the demolition works commences.

The notice must include:

- a) Name
- b) Address
- c) Contact telephone number
- d) Licence type and licence number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- e) The contact telephone number of Council and
- f) The contact telephone number of SafeWork NSW (4921 2900).

Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquires.

DURING BUILDING WORK

27) Construction Hours

(1) Subject to this clause, building construction is to be carried out during the following hours:

- (a) between Monday to Friday (inclusive)—7.00am to 6.00pm,
- (b) on a Saturday—8.00am to 1.00pm.

(2) Building construction must not be carried out on a Sunday or a public holiday.

(3) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

(4) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site

Condition Reason: To protect the amenity of the surrounding area

28) Prohibition on Use of Pavements

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

Condition reasons: To ensure public safety

29) Demolition or Removal of Buildings

Demolition must be carried out in accordance with AS 2601–1991, Demolition of structures. Demolition materials must not be burnt or buried on the work site.

A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.

If demolition work obstructs or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.

Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site and must be maintained in a functional condition throughout the construction activities until the site is stabilised is until the

The work site must be left free of waste and debris when work has been completed.

Condition reason: To ensure compliance with the Australian Standard.

30) Mandatory Inspections under Section 68 Local Government Act 1993

The person acting with this consent shall ensure that all mandatory sewer, water, and stormwater inspections are carried out by Council at the relevant stages of construction in accordance with any Section 68 approval issued for the development.

Note: a minimum notice of 48 hours is required when booking an inspection. Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection.

31) Working Near Power Lines

All work near overhead power lines is to be carried out in accordance with the Safework NSW document – Work Near Overhead Powerlines Code of Practice. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

Condition reason: To ensure safety through the carrying out of work.

PRIOR TO THE RELEASE OF ANY OCCUPATION CERTIFICATE**32) Occupation**

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

Condition reason: Legislative

33) Off Street Parking

Prior to the issue of any Occupation Certificate a total of ten (10) off-street car-parking spaces including one (1) accessible car parking space, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate.

Condition Reason: To ensure that adequate car parking has been provided for the development

34) Completion of works on public land

Prior to the issue of any Occupation Certificate all works within the road reserve specified in condition 2 of this consent are to be completed in accordance with the requirements of this Notice of Determination and the related Section 138 permit to the satisfaction of Council as the Roads Authority.

Documentary evidence is to be provided to the Certifying Authority with any Occupation Certificate application confirming the completion of work and its acceptance by Council as the Road Authority.

Condition Reason: To ensure completion of required work.

35) Final Compliance Certificate for Water Supply and Sewerage Works

The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

Condition reason: To ensure that works are carried out in accordance with Council requirements.

36) Landscaping

Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

Condition reason: To ensure that landscaping works are carried out in accordance with Council.

37) Garbage and Recycling Facilities

Prior to the issue of an Occupation Certificate an area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The waste storage area is to be appropriately drained with a tap provided in close proximity to facilitate cleaning.

Condition Reason: To ensure that rubbish is contained to one area.

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

38) Submission of Subdivision Certificate

Prior to the issue of a Subdivision Certificate the applicant is to submit a Subdivision Certificate Application via the NSW Planning Portal along with copies of the Subdivision Plan and Section 88B (if applicable).

Any Subdivision Certificate lodged is to be for the Strata Subdivision of the land in accordance with the approved plans and documentation.

Condition reason: Legislative

39) Services within Lots - Strata

Prior to the issue of a Subdivision Certificate a Registered Surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services.

Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

Condition reason: To ensure that services have been provided.

40) Release of Subdivision Certificate (involving new building works) - Strata

Prior to the issue of a Subdivision Certificate the final Occupation Certificate is to be obtained for the approved development.

A copy of the Occupation Certificate is to be submitted to Council prior to the lodgement of any Subdivision Certificate application.

Condition reason: To ensure all work has been completed.

41) Unit numbering

Prior to issuing any Subdivision Certificate, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated unit numbers for the building and strata allotments within the completed project. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for strata unit number allocations, a draft proposal for unit numbering within the strata scheme should be submitted for concurrence to Council, as these unit numbers will be used to maintain Council's property and mapping database.

Condition reason: To ensure the units and shop fronts are identifiable.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES**42) Hours of Operation**

The business may be open for business only between the following hours:-

Monday to Saturday - 7am to 10pm
Sunday or public holiday - 7am to 8pm

Condition Reason: To ensure suitable operating hours.

43) Signage

No advertising signage has been approved as part of this Notice of Determination. Any future advertising signage installations that are not 'exempt development' will require

development consent under the *Environmental Planning and Assessment Act 1979*.

Condition reason: specify scope of this determination.

44) Stormwater Disposal

All stormwater from the development, including all hardstandings and overflows from rainwater tanks is to be collected and disposed of in accordance with the approved Stormwater Management Plan and related Section 68 permit.

Stormwater infrastructure including any on-site detention tank and treatment system is to be maintained in working order at all times.

Condition reason: To control the discharge of stormwater and reduce impact on adjoining properties.

Mixed Use Development

37 Ogilvie Street Denman NSW 2328



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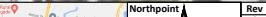
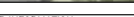


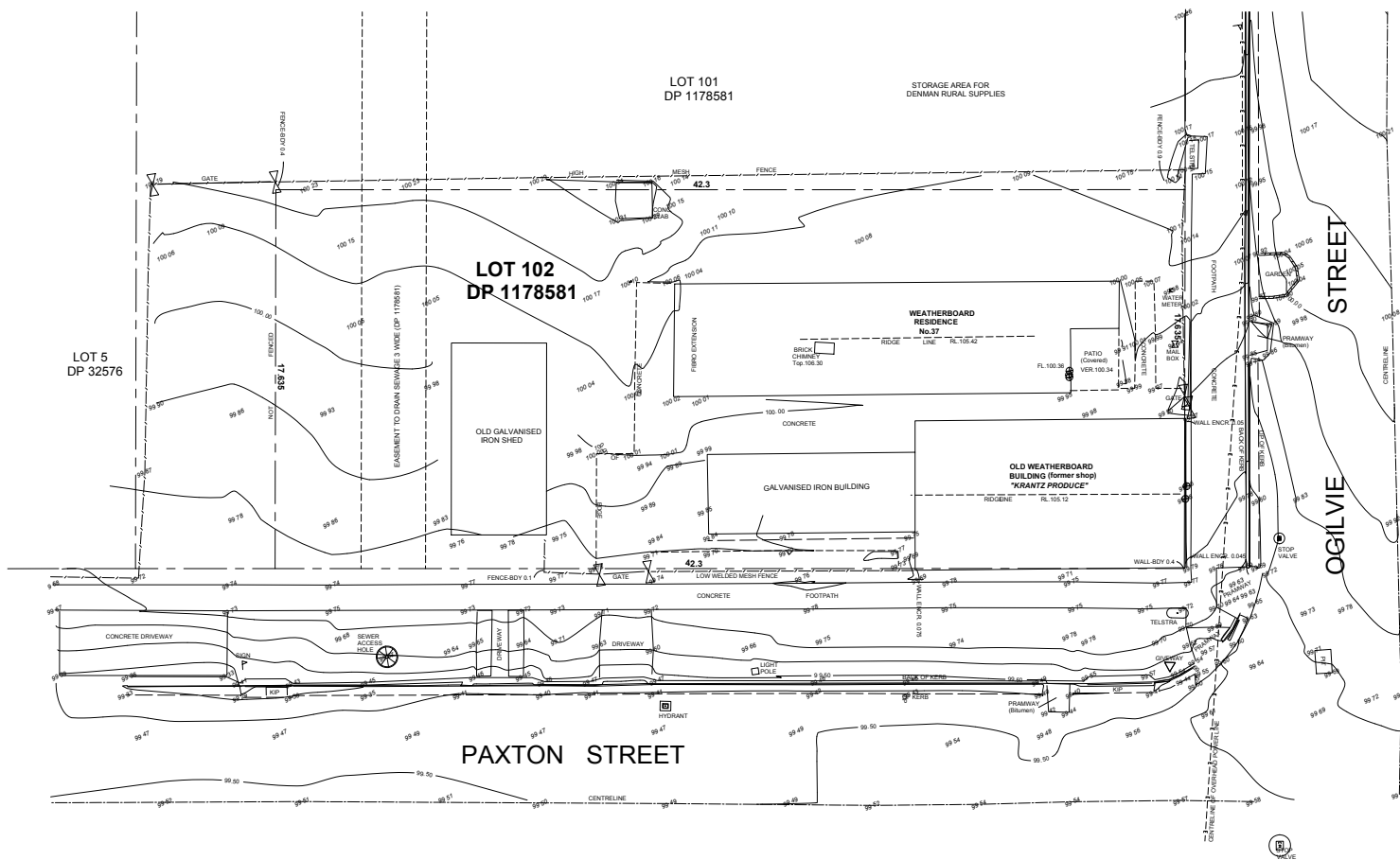
Rev	Description	Date	By	Client
A	ISSUED FOR INFORMATION	26-4-23	PJB	Vanessa Green
B	ISSUED FOR DA	31-7-23	PJB	Project
C	REISSUED FOR DA	26-2-24	PJB	Mixed Use Development 37 Ogilvie Street Denman NSW 2328
Project Status		NOT FOR CONSTRUCTION		

Lot No.	Sec. No.	Drawing Title
102	-	Cover Sheet
DP		ALWAYS use given dimensions in preference to stated measurements. All notes, dimensions and levels are to be checked and confirmed on site by builder prior to ordering materials or commencement of work. Report all errors and omissions immediately. If in doubt, ask for advice. Plans are NOT to be used for construction purposes unless under YOUR CONSTRUCTION. CAD Design & Draft Pty Ltd is the owner of copyright in all information shown on the plans. Plans must not be reproduced without the written consent of CAD Design & Draft Pty Ltd.
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Date:	Drawn:	Approved
February 24	PJB	PB
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Scale at A3: 1:100	Checked: PJB																																																			
Project No. 23-024	Drawing No. A02	Revision C																																																		
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Project Status	NOT FOR CONSTRUCTION																																																			



Site Plan Legend	
	Boundary Line
	Fenceline
	Contour Line
	Spot Level
	Benchmark to Australian Height Datum (AHD)
	Rainwater Tank Location
	Tree Height / Spread / Diam
	Builders Waste Bin
	Bin Storage Location
	Survey information has been taken from original survey provided by registered surveyor. Refer to original survey to confirm ALL information

Site Analysis Plan

Scale 1:200

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REGISTERED LAND SURVEYORS

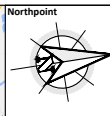
10 TOP KNOT PLACE MUSWELLBROOK NSW 2333

M: 0400 883 960 E: RAPSURVEYING@GMAIL.COM

WWW.RAPSURVEYING.COM.AU

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DESIGN & DRAFT

CAD DESIGN & DRAFT PTY LTD
ABN: 3362524703 PH: 0410 462884
mail@caddd.com.au www.caddd.com.au

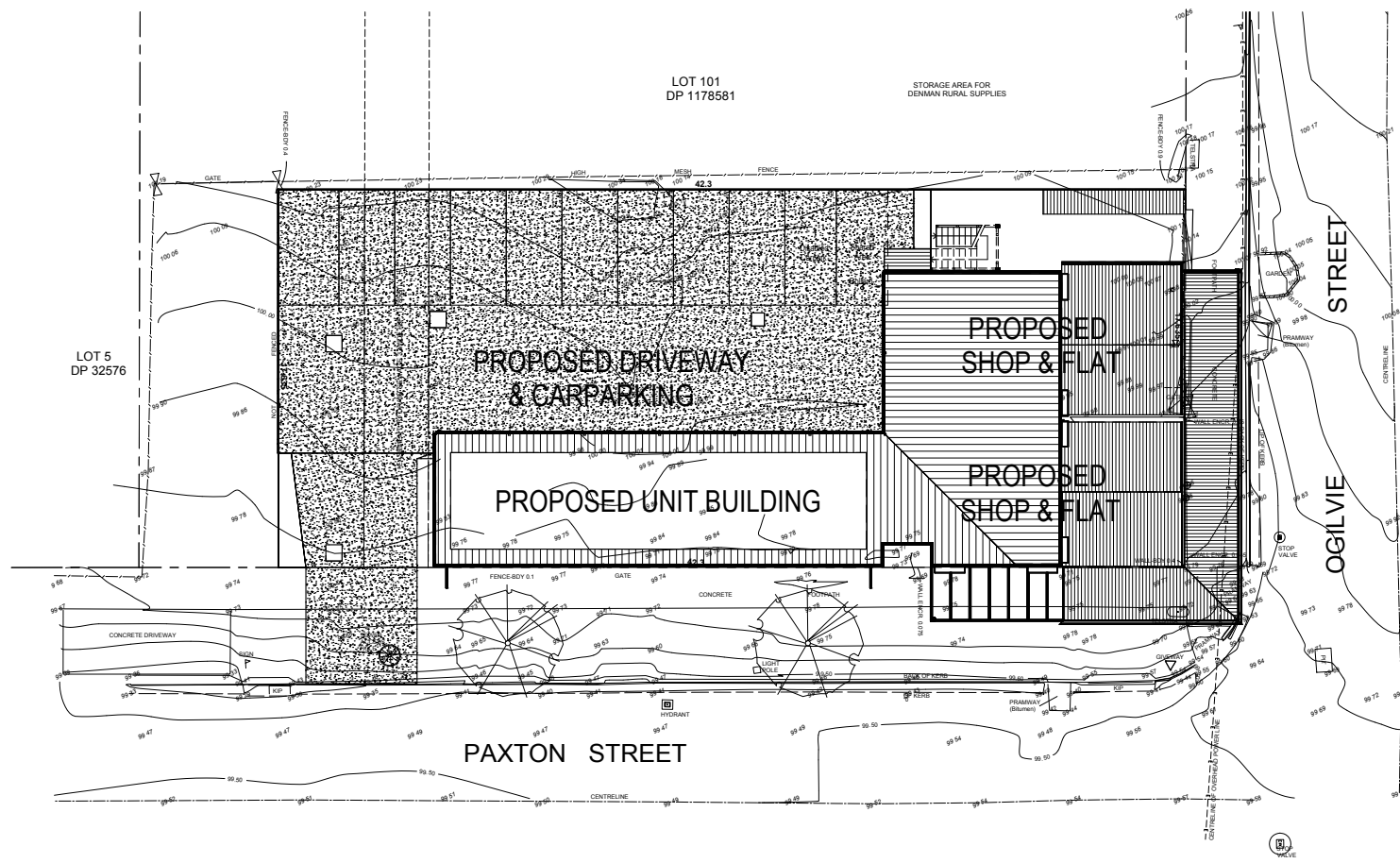


Rev	Description	Date	By	Client
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B	ISSUED FOR DA	31-7-23	PJB	
C	REISSUED FOR DA	26-2-24	PJB	
Project Status NOT FOR CONSTRUCTION				

Date	By	Client
26-4-23	PJB	Vanessa Green
31-7-23	PJB	
26-2-24	PJB	
Project Mixed Use Development		
37 Ogilvie Street		
Denman NSW 2328		

Lot No.	Sec. No.	Drawing Title
102	-	Site Analysis Plan
DP		
1178581		
Council		
Muswellbrook		

Date:	February 24	Drawn:	PJB	Approved	
Scale at A3:	1:100	Checked:	PJB		PB
Project No.	23-024	Drawing No.	A03	Revision	C



Site Plan Legend




- Boundary Line
- Fenceline
- Contour Line
- Spot Level
- Benchmark to Australian Height Datum (AHD)
- RWT Rainwater Tank Location
- Tree Height / Spread / Diam
- BWB Builders Waste Bin
- Bin Storage Location

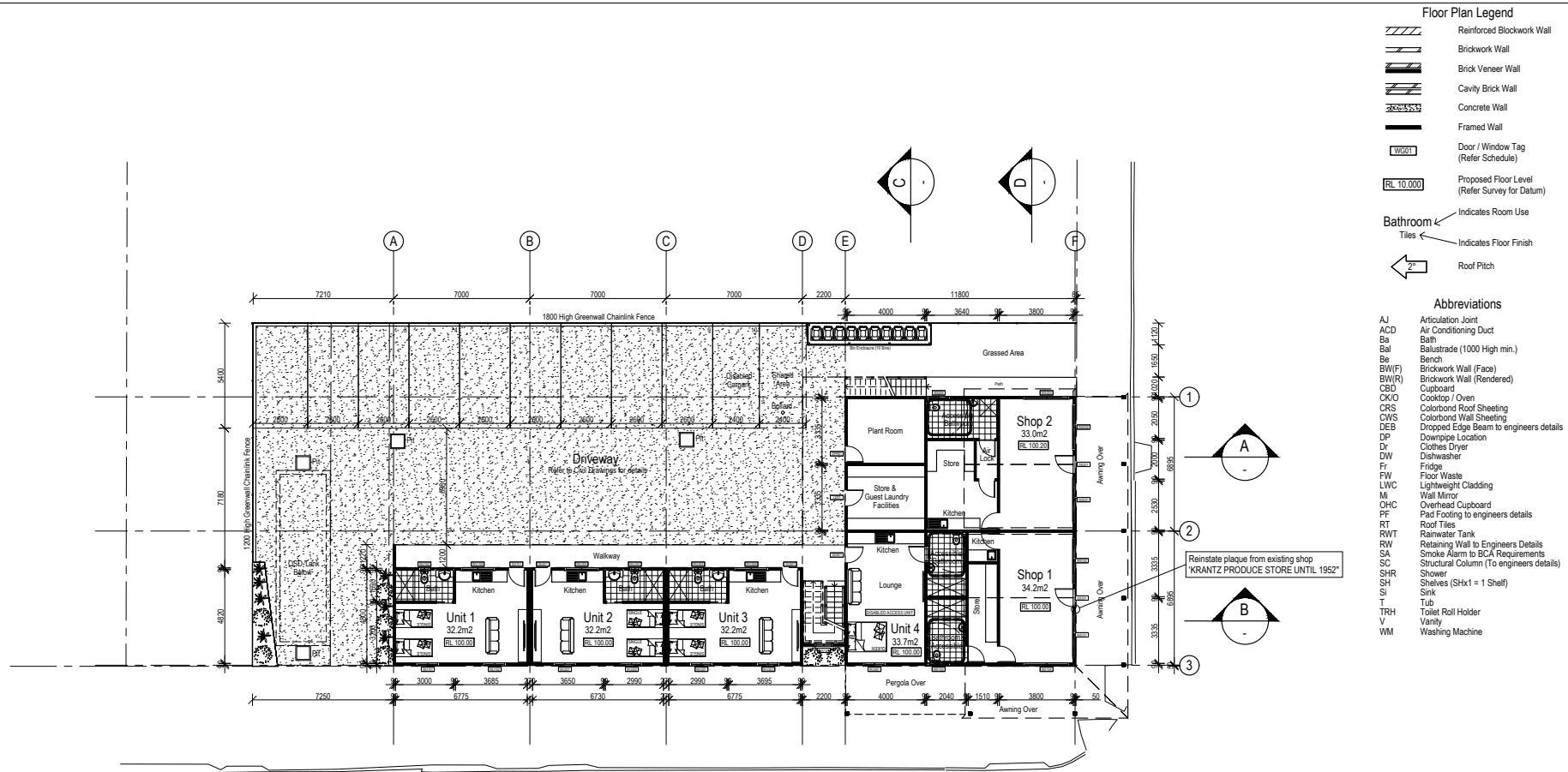
DIAL 1100
BEFORE YOU DIG

Survey information has been taken from original survey provided by registered surveyor. Refer to original survey to confirm ALL information

Development Site Plan

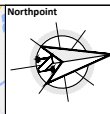
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			Project StatusNOT FOR CONSTRUCTION								



Ground Floor Plan

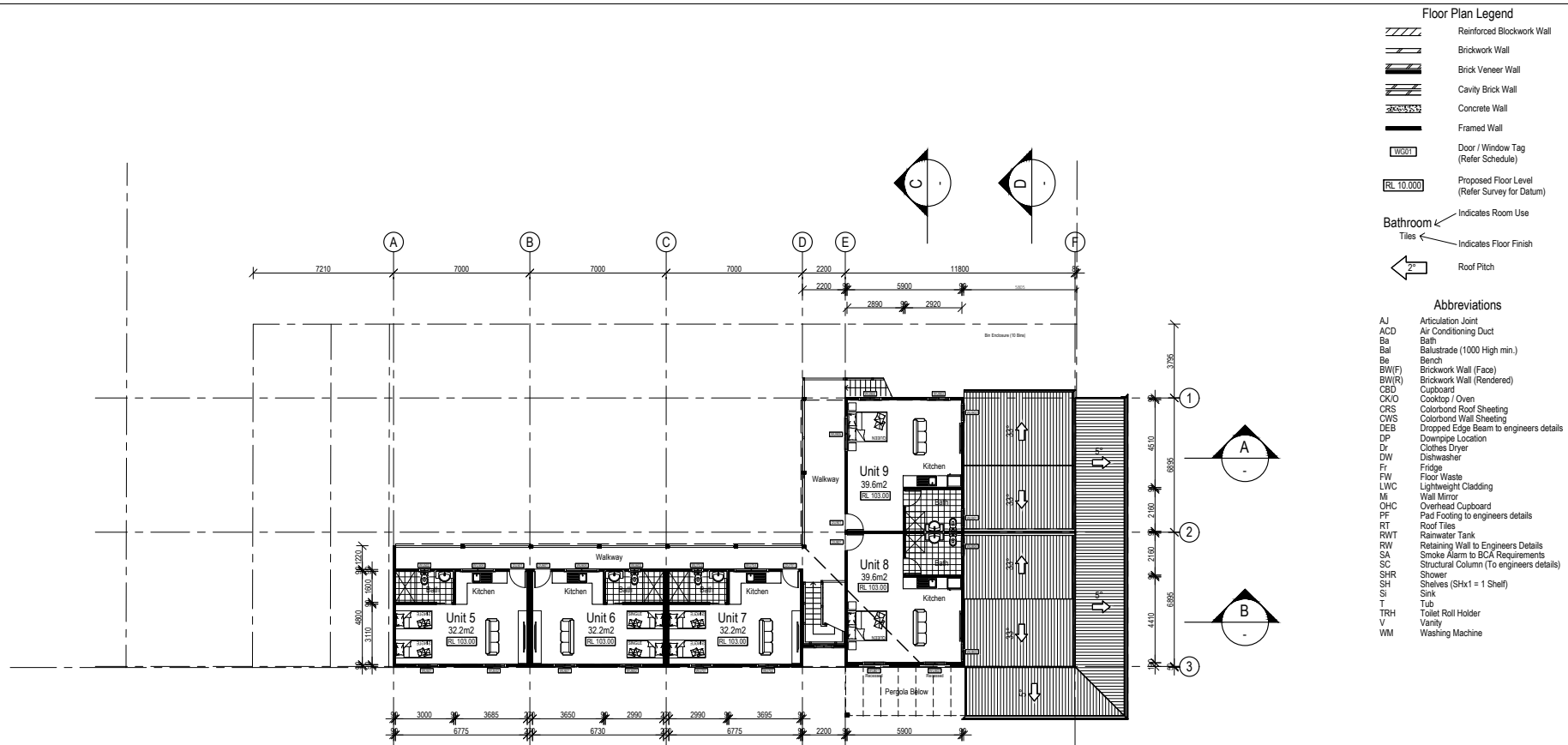
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Rev	Description	Date	By	Client
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B	ISSUED FOR DA	31-7-23	PJB	
C	REISSUED FOR DA	26-2-24	PJB	
Project				
Mixed Use Development				
37 Ogilvie Street				
Denman NSW 2328				

Lot No.	Sec. No.	Drawing Title
102	-	Ground Floor Plan
DP		
1179581		
Council		
Muswellbrook		


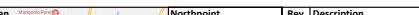

Date:	Drawn:	Approved:
February 24	PJB	PB
Scale at A3:	Checked:	
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Project No.	Drawing No.	Revision
23-024	A05	C



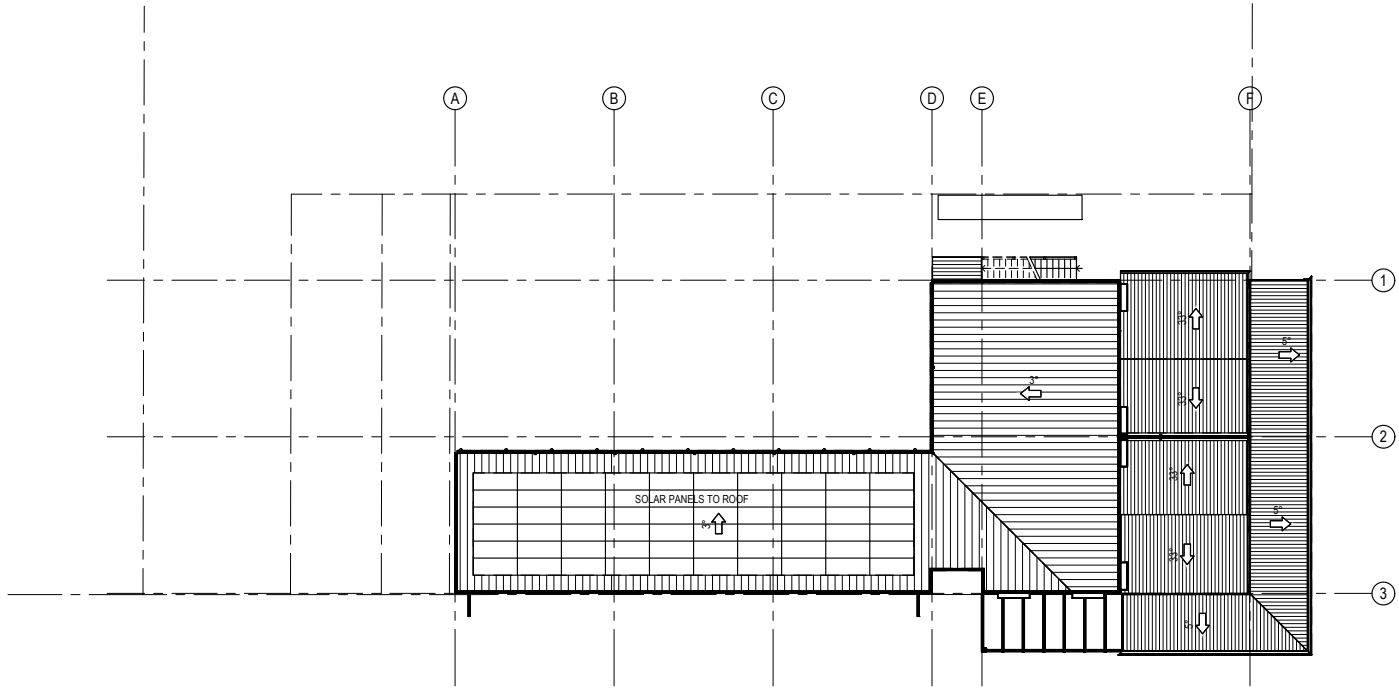
First Floor Plan

SCALE 1:200

Termite Prevention Measures
 PROVIDE APPROVED TERMITE BARRIERS
 AND ENSURE CONSTRUCTION COMPLIES
 WITH REQUIREMENTS OF AS 3660.1- 2014

<div></div> <div>CAD DESIGN & DRAFT CAD DESIGN & DRAFT PTY LTD ABN: 33625247403 PH: 0410 462884 mail@caddd.com.au www.caddd.com.au</div>	<div></div>	<div></div>	Rev	Description	Date	By	Client	Lot No.	Sec. No.	Drawing Title	Date:	Drawn:	Approved	
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			B	ISSUED FOR DA	31-7-23	PJB						Scale at A3:	Checked:	PB
			C	REISSUED FOR DA	26-2-24	PJB						1:100	PJB	
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			Project Status		NOT FOR CONSTRUCTION		Denman NSW	2328	Council		23-024	A06	C	
									Muswellbrook					

- Roof Plan Legend
- ← 2% Roof Pitch
 - EG Colorbond Eaves Gutter
 - BG Colorbond Box Gutter
 - PW Parapet Wall
 - BC Colorbond Barge Capping
 - CRS Colorbond Roof Sheeting

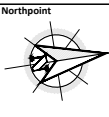


Roof Plan

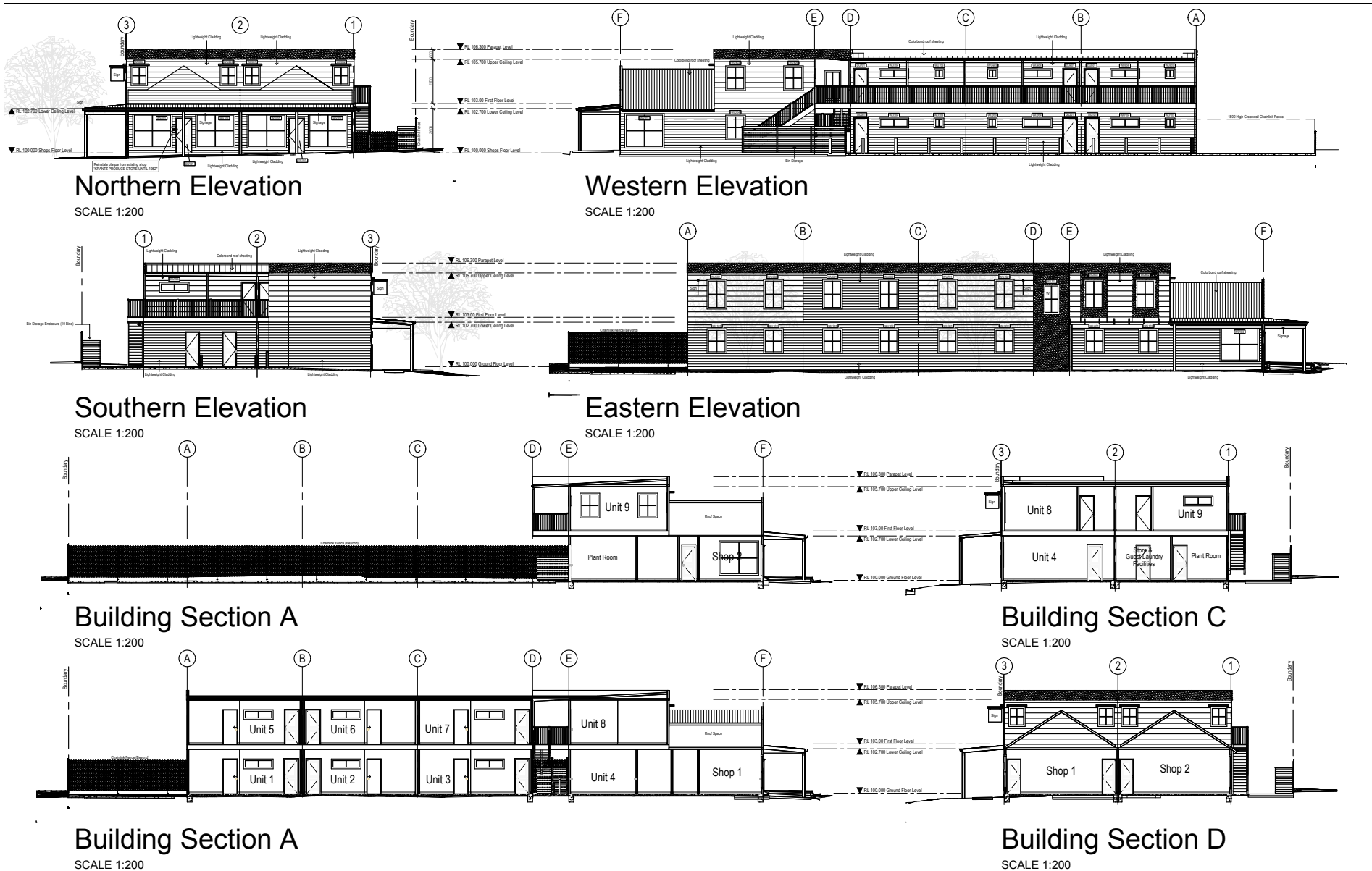
SCALE 1:200





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Rev	Description	Date	By	Client	Lot No.	Sec. No.	Drawing Title	Date:	Drawn:	Approved		
A	ISSUED FOR INFORMATION	26-4-23	PJB	Vanessa Green	102	-	Roof Plan	February 24	PJB	PB		
B	ISSUED FOR DA	31-7-23	PJB								Scale at A3:	Checked:
C	REISSUED FOR DA	26-2-24	PJB								1:100	PJB
Project												
Mixed Use Development					1179581							
37 Ogilvie Street					Council							
Denman NSW					2328		Muswellbrook					
Project Status					NOT FOR CONSTRUCTION							



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		Rev	Description	Date	By	Client																																																						
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		B	ISSUED FOR DA	31-7-23	PJB	Project																																																						
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102	-	Building Elevations & Sections																																																										
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Scale at A3:	1:100	Checked:	PJB																																																									
Project No.	23-024	Drawing No.	A08	Revision	C																																																							
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Denman NSW 2328																																																												



Artists Impressions

CAD
DESIGN & DRAFT

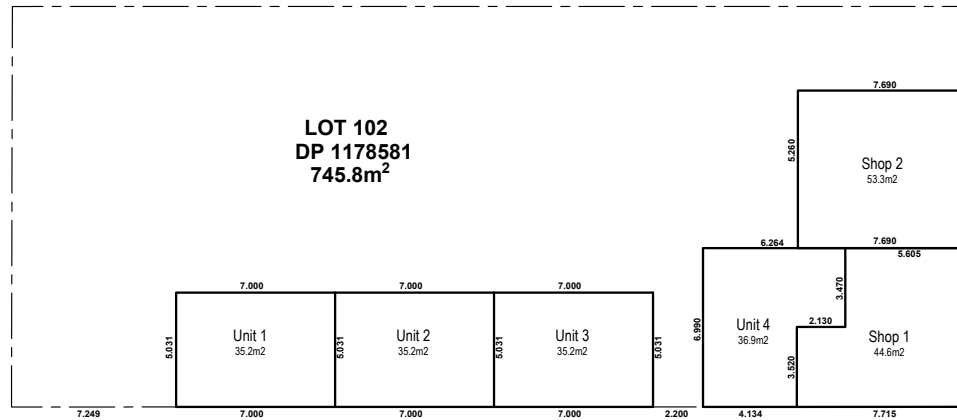
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Rev	Description	Date	By	Client
A	ISSUED FOR INFORMATION	26-4-23	PJB	Vanessa Green
B	ISSUED FOR DA	31-7-23	PJB	Project
C	REISSUED FOR DA	26-2-24	PJB	Mixed Use Development 37 Ogilvie Street Denman NSW 2328
Project Status NOT FOR CONSTRUCTION				

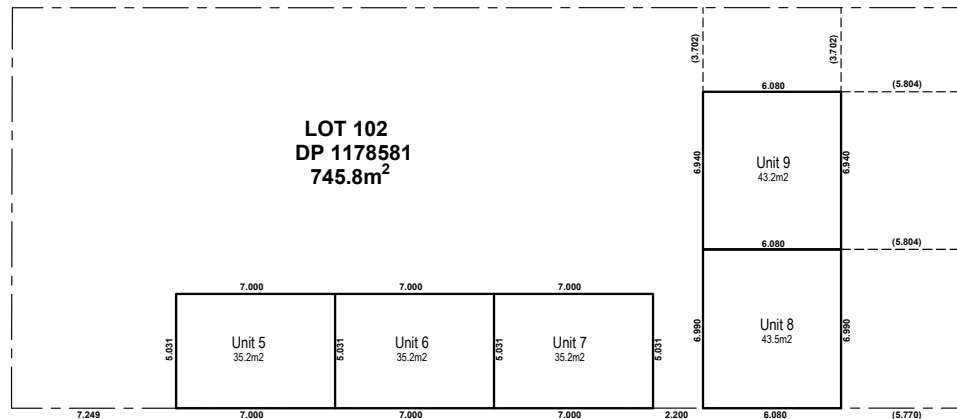
Lot No.	Sec. No.	Drawing Title
102	-	Artist Impressions
<small>ALL M&P's use given dimensions in preference to stated measurements. All work, dimensions and levels are to be checked and confirmed on site by builder prior to ordering materials or commencement of work. All materials & work are subject to the corresponding building specification. Revisions: all entries and amendments immediately in the sheet, ask for advice. Plans are NOT to be used for construction purposes unless noted FOR CONSTRUCTION. CAD Design & Draft Pty Ltd is the owner of copyright in all information shown on these plans. Plans must not be reproduced without the written consent of CAD Design & Draft Pty Ltd.</small>		
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1178581		
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Muswellbrook		

Date: February 24	Drawn: PJB	Approved
Scale at A3: 1:100	Checked: PJB	PB
Project No. 23-024	Drawing No. A09	Revision C



Draft Strata Plan (Ground Floor)

SCALE 1:200



Draft Strata Plan (First Floor)

SCALE 1:200



Rev	Description	Date	By	Client
A	ISSUED FOR INFORMATION	26-4-23	PJB	Vanessa Green
B	ISSUED FOR DA	31-7-23	PJB	
C	REISSUED FOR DA	26-2-24	PJB	
Project				
Mixed Use Development				
37 Ogilvie Street				
Denman NSW 2328				
Project Status				
NOT FOR CONSTRUCTION				

Lot No.	Sec. No.	Drawing Title
102	-	DRAFT Strata Plan
DP		
1178581		
Council		
Muswellbrook		

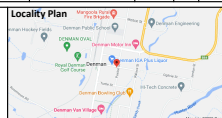
Date: February 24	Drawn: PJB	Approved
Scale at A3: 1:100	Checked: PJB	PB
Project No.	Drawing No.	Revision
23-024	A10	C

WINDOW SCHEDULE

Refer to the BASIX certificate for specific requirements of all window frames and glass. BASIX certificate overrides ANY discrepancies between this schedule and final BASIX certificate.

All sizes are nominal only and exact sizes are to be confirmed prior to ordering of any materials

Window Number	Height	Width	Materials		Head Height	Window Type	Area	Comments
			Frame	Glazing				
SHOP 1								
WS 101	101	2100	2400			2400	5.04 m2	
WS 102	102	2100	2400			2400	5.04 m2	
WS 103	103	1500	1200			2300	1.80 m2	
WS 104	104	2100	2400			2300	5.04 m2	
SHOP 2								
WS 201	201	2100	2400			2400	5.04 m2	
WS 202	202	2100	2400			2400	5.04 m2	
WS 203	203	2100	2400			2400	5.04 m2	
WS 204	204	1500	1200			2300	1.80 m2	
UNIT 1								
WU 101	101	1500	1200			2300	1.80 m2	
WU 102	102	1500	1200			2300	1.80 m2	
WU 103	103	600	600			2100	0.36 m2	
WU 104	104	600	1800			2100	1.08 m2	
UNIT 2								
WU 201	201	1500	1200			2300	1.80 m2	
WU 202	202	1500	1200			2300	1.80 m2	
WU 203	203	600	600			2100	0.36 m2	
WU 204	204	600	1800			2100	1.08 m2	
UNIT 3								
WU 301	301	1500	1200			2300	1.80 m2	
WU 302	302	1500	1200			2300	1.80 m2	
WU 303	303	600	600			2100	0.36 m2	
WU 304	304	600	1800			2100	1.08 m2	
UNIT 4								
WU 401	401	1500	1200			2300	1.80 m2	
UNIT 5								
WU 501	501	1800	1200			2300	2.16 m2	
WU 502	502	1800	1200			2300	2.16 m2	
WU 503	503	600	600			2100	0.36 m2	
WU 504	504	600	1800			2100	1.08 m2	
UNIT 6								
WU 601	601	1800	1200			2300	2.16 m2	
WU 602	602	1800	1200			2300	2.16 m2	
WU 603	603	600	600			2100	0.36 m2	
WU 604	604	600	1800			2100	1.08 m2	
UNIT 7								
WU 701	701	1800	1200			2300	2.16 m2	
WU 702	702	1800	1200			2300	2.16 m2	
WU 703	703	600	600			2100	0.36 m2	
WU 704	704	600	1800			2100	1.08 m2	
UNIT 8								
WU 801	801	1200	1000			2300	1.20 m2	
WU 802	802	1200	1000			2300	1.20 m2	
WU 803	803	1200	1000			2100	1.20 m2	
WU 804	804	1200	1000			2300	1.20 m2	
UNIT 9								
WU 901	901	1200	1000			2300	1.20 m2	
WU 902	902	1200	1000			2300	1.20 m2	
WU 903	903	1500	1200			2300	1.80 m2	
WU 904	904	1500	1200			2300	1.80 m2	
WU 905	905	600	1800			2100	1.08 m2	



Rev	Description	Date	By	Client
A	ISSUED FOR INFORMATION	26-4-23	PJB	Vanessa Green
B	ISSUED FOR DA	31-7-23	PJB	Project
C	REISSUED FOR DA	26-2-24	PJB	Mixed Use Development 37 Ogilvie Street Denman NSW
Project Status		NOT FOR CONSTRUCTION		

DOOR SCHEDULE									
Refer to the BASIX certificate for specific requirements of all window frames and glass. BASIX certificate overrides ANY discrepancies between this schedule and final BASIX certificate.									
All sizes are nominal only and exact sizes are to be confirmed prior to ordering of any materials.									
Door Number	Height	Width	Materials		Head Height	Door Type	Area	Comments	
			Frame	Glazing					
SHOP 1									
DS	101	2100	920			2100		1.93	m2
SHOP 2									
DS	201	2100	920			2100		1.93	m2
PLANT ROOM									
DPR	01	2100	920			2100		1.93	m2
LAUNDRY									
LD	01	2100	920			2100		1.93	m2
UNIT 1									
DU	101	2100	920			2100		1.93	m2
UNIT 2									
DU	201	2100	920			2100		1.93	m2
UNIT 3									
DU	301	2100	920			2100		1.93	m2
UNIT 4									
DU	401	2100	920			2100		1.93	m2
UNIT 5									
DU	501	2100	920			2100		1.93	m2
UNIT 6									
DU	601	2100	920			2100		1.93	m2
UNIT 7									
DU	701	2100	920			2100		1.93	m2
UNIT 8									
DU	801	2100	920			2100		1.93	m2
UNIT 9									
DU	901	2100	920			2100		1.93	m2

Lot No.	Sec. No.	Drawing Title
102	-	Window & Door Schedules
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DP		
1178581		
Council		
Muswellbrook		

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Scale at A3: 1:100	Checked: PJB	PB
Project No. 23-024	Drawing No. A11	Revision C