

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

PROPOSED 153 LOT RESIDENTIAL SUBDIVISION  
LOT 122 DP 750924 ALMOND STREET, DENMAN

PREPARED FOR

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## 1. INTRODUCTION

This Statement of Environmental Effects (SEE) supports a Development Application for a proposed 153 lot residential subdivision at Lot 122 DP 750924 Almond Street, Denman.

The proposed subdivision will be developed in five (5) stages as follows:

|         |         |
|---------|---------|
| Stage 1 | 42 lots |
| Stage 2 | 40 lots |
| Stage 3 | 29 lots |
| Stage 4 | 22 lots |
| Stage 5 | 20 lots |

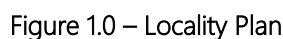
The subject land is identified as being within Stage 1 of the West Denman Urban Release Area with direct frontage to Almond Street. The land is currently zoned RU5 Village under the Muswellbrook Local Environmental Plan 2009 and the proposed subdivision is permissible with development consent.

The purpose of this Statement of Environmental Effects (SEE) is to describe the proposed development, assess the likely impacts of the proposal on the environment, and to outline the mitigation measures (if any) proposed to minimise the impacts of the development on the environment. Relevant extracts including drawings are enclosed within the annexures at the rear of the report.

The relevant provisions of the Muswellbrook LEP 2009 and Section 27 (West Denman Urban Release Area) of the Muswellbrook Development Control Plan are addressed in the body of this report.

The subject site is located on the western side of Almond Street north of the intersection of Almond Street and Grey Gum Road. The site has an area of 16.2 hectares and a frontage of approximately 400 metres to Almond Street (refer to figure 1.0).

The site is characterised by a gentle to moderate slope of 5% falling to the east-north-east. Vegetation on the site consists of grassland with scattered remnant trees including Slaty Gum and Grey Box.



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Utility services including electricity and telephone are connected to the site. Reticulated water and sewer are not currently connected, however, they can be extended to service future development on the site.

The surrounding area is characterised by a mix of residential, rural-residential and rural properties.

### 3. DESCRIPTION OF PROPOSAL

The proposed development involves the staged subdivision of Lot 122 into 153 lots. The proposed subdivision will be developed in five (5) stages as follows:

|         |         |
|---------|---------|
| Stage 1 | 42 lots |
| Stage 2 | 40 lots |
| Stage 3 | 29 lots |
| Stage 4 | 22 lots |
| Stage 5 | 20 lots |

- Stage 1 involves the development of 42 residential lots, construction of internal roads; part construction of Almond Street and new intersection (with provision for future roundabout); extension of water and sewer mains; construction of stormwater drainage and modification of existing farm dam to provide temporary stormwater detention; internal reticulation of utility services; and provision of landscaping.
- Stage 2 involves the development of 40 residential lots, construction of internal roads; extension of water and sewer mains; construction of stormwater drainage; internal reticulation of utility services; and provision of landscaping.
- Stage 3 involves the demolition of an existing dwelling and ancillary structures, development of 29 residential lots, construction of internal roads; extension of water and sewer mains; construction of stormwater drainage; internal reticulation of utility services; and provision of landscaping.
- Stage 4 involves the development of 22 residential lots, construction of internal roads; part construction of Almond Street; extension of water and sewer mains; construction of stormwater drainage; construction of new stormwater detention basin and removal of temporary basin; internal reticulation of utility services; and provision of landscaping.
- Stage 5 involves the development of 20 residential lots, construction of internal roads; extension of water and sewer mains; construction of stormwater drainage; internal reticulation of utility services; and provision of landscaping.

A plan of proposed subdivision including staging is attached at Annexure A.



## 4. MATTERS FOR CONSIDERATION – SECTION 79C ASSESSMENT

### 4.1 ENVIRONMENTAL PLANNING INSTRUMENTS

#### 4.1.1 MUSWELLBROOK LEP 2009

##### *(a) Zoning*

The subject site is zoned RU5 Village under the Muswellbrook Local Environmental Plan 2009. The proposed subdivision is permissible with consent under Clause 2.6 of the LEP.

It is considered that the proposed development is consistent with the objectives of the RU5 Village zone as it will allow for the future development of residential or low impact land uses and will not result in adverse amenity impacts on adjoining properties.

##### *(b) Minimum subdivision lot size (Clause 4.1)*

The proposed allotments comply with the minimum lot size of 750m<sup>2</sup> shown on Council's Lot Size Map and the proposed subdivision is consistent with the objectives of Clause 4.1.

##### *(c) Heritage Conservation (Clause 5.10)*

The subject site is not located within a heritage conservation area and does not contain any items of heritage significance listed under the Muswellbrook LEP 2009.

The development application is supported by an Aboriginal Cultural Heritage Due Diligence Assessment undertaken by Junburra Aboriginal Consultancy Services. The assessment found no evidence of any sites or items of Aboriginal heritage significance within the property.

##### *(d) Subdivision in Zone R1 General Residential and Zone RU5 Village (Clause 7.4)*

The land is not currently serviced with reticulated water or sewerage. However, it is proposed to extend these services to the development in accordance with Council's servicing strategy.

#### 4.1.2 STATE ENVIRONMENTAL PLANNING POLICIES

##### *State Environmental Planning Policy No. 55 – Remediation of Land*

The subject land has had a long history of being used for cattle grazing. The current property owner has advised that the property, which was previously part of a larger rural holding, has not been subjected to any potentially contaminating activities such as chemical spraying, storage of chemicals, dip sites etc.



In view of the above, it is considered that the site is not likely to be subject to contamination that would require remediation of the land in order for the development to proceed.

#### 4.1.3 REGIONAL ENVIRONMENTAL PLANS

There are no Regional Environmental Plans applicable to the proposed development.

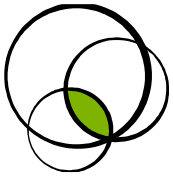
#### 4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft Environmental Planning Instruments applicable to the proposed development.

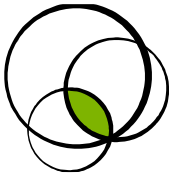
#### 4.3 DEVELOPMENT CONTROL PLANS

##### 4.3.1 MUSWELLBROOK DEVELOPMENT CONTROL PLAN – SECTIONS 5, 7, 21, 25, 27

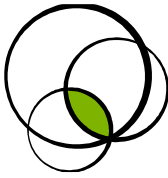
| Section  | Development Control   | Proposed   | Complies<br>Y/N |
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| Section 5 - Subdivision                        |   |  |                 |
| 5.3 General Requirements for Subdivision       |   |  |                 |
| 5.3.1 Development Standards – Muswellbrook LEP | - The proposed development should comply with the development standards prescribed by the Muswellbrook LEP unless a request for variation is submitted in accordance with Clause 4.6 of the LEP.  | As demonstrated above, the proposal complies with all development standards prescribed by the LEP.   | Yes             |
| 5.3.2 Special Considerations                   | Proposed subdivisions must take into account the relevant provisions of applicable legislation and ensure that appropriate measures are incorporated to address potential environmental issues. Relevant considerations include mine subsidence, bushfire, contamination, flora | A range of environmental issues including contamination, traffic and flora and fauna and the associated legislative requirements have been addressed within this report. | Yes             |



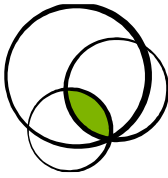
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|                                    | and fauna, traffic generation and flood risk.  |  |     |
| 5.3.3 Adoption of AUSPEC           | Any subdivision proposal must have regard to the relevant provisions of AUSPEC.  | The proposed subdivision and associated infrastructure has been designed in accordance with AUSPEC.  | Yes |
| 5.3.4 Buffers                      | Adequate buffers must be provided between the proposed development and existing development on adjoining land where potential land use conflicts may arise. Compliance with Section 22 of the DCP is required.   | The proposal is unlikely to generate any land use conflicts as the proposed use of the land for residential purposes is consistent with the future intended use of adjoining land within the West Denman Urban Release Area. | Yes |
| <b>5.5 Residential Subdivision</b> |  |  |     |
| 5.5.1 Local Street Design          | The design specifications for public streets servicing 10-200 lots are as follows:<br><ul style="list-style-type: none"> <li>- Road reserve width 18m (4.0m verges),</li> <li>- Carriageway width 9.0m,</li> <li>- Parking in carriageway</li> <li>- Kerb type rollover/barrier</li> <li>- Footpath 1.2m on one side.</li> <li>- No cycleway required.</li> </ul>  | As demonstrated by the plans accompanying the development application, the proposed internal road design complies with the minimum design specifications prescribed by Clause 5.5.1 of the DCP.                              | Yes |
| 5.5.2 Access Way Design            | <ul style="list-style-type: none"> <li>- Access ways are to be designed in accordance with AUSPEC and AS2890.1.</li> <li>- Access ways shall have a minimum sealed width of 3.0 metres.</li> <li>- Access ways shall not serve more than three (3) lots.</li> <li>- Access ways shall be nominated as reciprocal rights of way on the plan of subdivision.</li> <li>- Access ways shall have a maximum grade of 25% (1:4)</li> </ul> | No access ways are proposed.   | N/A |



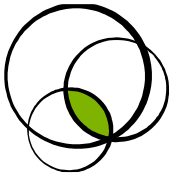
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|                                      | <p>at any point.</p> <ul style="list-style-type: none"> <li>- The minimum width of an access handle for a battleaxe lot shall be 3.5 metres.</li> <li>- Access ways shall be sited away from noise and visually sensitive components of existing and future dwellings.</li> <li>- Where possible access ways shall be located on the south side of existing and future dwellings.</li> <li>- Access ways are to provide interest and variety and avoid lengthy straight sections.</li> <li>- Where the site is steep or fronts a local collector or higher order road or an area with high pedestrian traffic, access ways are to be designed so that vehicles can be driven both onto and off the property in a forward direction.</li> <li>- Turning areas are to be provided where vehicles would otherwise have to reverse more than 50 metres.</li> <li>- passing bays shall be provided every 30 metres in accordance with AS2890.1.</li> </ul> |  |     |
| 5.5.3<br>Pedestrians<br>and Cyclists | <ul style="list-style-type: none"> <li>- No footpaths required on streets with a traffic volume less than 300 vehicles per day.</li> </ul>  | A 1.2 metre wide footpath is proposed on one side of each street (other than the cul-de-sacs which have traffic volumes less than 300 vehicles per day). | Yes |



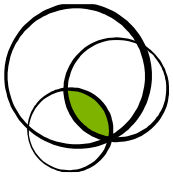
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|                             | <ul style="list-style-type: none"> <li>- Pedestrian and cycleways to be designed in accordance with AUSPEC.</li> </ul>   | <p>A pedestrian link is provided at the end of the cul-de-sac to provide alternative pedestrian access.</p> <p>Footpaths have been designed in accordance with AUSPEC.</p>   |     |
| 5.5.4 Utility Services      | <ul style="list-style-type: none"> <li>- Sewerage services to be provided in accordance with the requirements of Council.</li> <li>- Water supply services to be provided in accordance with the requirements of Council.</li> <li>- Street lighting to be provided in accordance with the requirements of Energy Australia.</li> <li>- Provision of written evidence of compliance with the requirements of all relevant service authorities to be provided prior to release of Subdivision Certificate.</li> <li>- Underground power to be provided to all new lots in new release areas.</li> </ul> | <p>Preliminary engineering designs for reticulated water and sewerage have been prepared in accordance with Council's requirements and accompany the development application.</p> <p>Street lighting is proposed in all streets in accordance with the requirements of AUSGRID.</p> <p>Notices of Arrangements with respect to telecommunications, electrical and broadband services will be submitted to Council with the application for a subdivision certificate for each stage.</p> <p>All electrical reticulation within the subdivision will be provided underground.</p> | Yes |
| 5.5.5 Stormwater Management | <ul style="list-style-type: none"> <li>- Stormwater management systems shall be designed and constructed in accordance with Section 25 of the DCP.</li> </ul>  | <p>A detailed stormwater drainage design has been prepared for the proposed subdivision in accordance with the provisions of Section 25 of the DCP. A copy of the design accompanies the development application.</p>  | Yes |
| 5.5.6 Lot size and Shape    | <ul style="list-style-type: none"> <li>- To ensure consistency with Section 6 of the DCP, allotments specifically identified as suitable for multi dwelling housing should be</li> </ul>   | <p>Allotments suitable for multi-dwelling housing have been nominated on the plan of proposed subdivision for each stage. It is noted that multi-dwelling lots make up less than 20% of the total</p>  | Yes |



|  |  |  |  |
|--|--|--|--|
|  | <p>nominated in DAs for residential subdivisions of &gt;10 lots and must be &lt;20% of lots.</p> <ul style="list-style-type: none"> <li>- Battleaxe lots shall have a minimum area of 750m<sup>2</sup>.</li> <li>- Allotments shall have a minimum width of 18 metres at the building line.</li> <li>- An allotment shall not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling.</li> <li>- The dimensions for access corridors for battleaxe shaped allotments are as follows:<br/><br/>Max length = 60 metres,<br/>Min width = 3.5 metres,<br/>Min width of shared access corridor = 5.0 metres</li> <li>- No more than 3 allotments are served by a private access way.</li> <li>- Vegetation which adds significantly to the visual amenity of a locality and/or which is environmentally significant or of habitat value should be conserved in the design of the subdivision proposal.</li> <li>- Lots should allow construction of dwelling with</li> </ul> | <p>number of lots.</p> <p>All battleaxe shaped lots are greater than 750m<sup>2</sup> in area.</p> <p>Each allotment has a minimum width of 18 metres at the building line.</p> <p>The depth of each allotment is greater than 20 metres.</p> <p>The proposed dimensions of access corridors to battleaxe shaped allotments are greater than the minimum dimensions prescribed by Clause 5.5.6.</p> <p>No access ways are proposed.</p> <p>No significant stands of vegetation have been identified on the site.</p> <p>Each lot contains suitable dwelling sites that would require maximum cut or fill</p> |  |
|--|--|--|--|

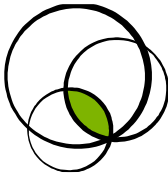


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|  | <p>max cut or fill of 1 metre.</p> <ul style="list-style-type: none"> <li>- Lots should be able to accommodate a building envelope of 200m<sup>2</sup> with a minimum dimension of 10 metres.</li> <li>- Lot layouts should minimise the number of lots that have direct access to rivers, creeks or streams.</li> </ul>   | <p>of 1 metre.</p> <p>Each lot can easily accommodate a building envelope of 200m<sup>2</sup> with a minimum dimension of 10 metres.</p> <p>None of the proposed lots will have direct access to rivers, creeks or streams.</p>  |     |
| 5.5.7 Solar Access and Lot Orientation | <ul style="list-style-type: none"> <li>- Staggering of lots and extensive use of landscaping is encouraged to reduce adverse wind impacts and create streetscape variety and interest.</li> <li>- Lot orientation shall take into account the various types of dwellings which may be constructed on them and ensure that private open space and living areas of future dwellings can be orientated to the north.</li> <li>- Roads running east-west provide for good orientation of lots for solar access to dwellings and private open space, while maintaining a narrow lot frontage.</li> <li>- Where land has a slope of more than 5%, road and lot design should provide for dwellings to be generally parallel with the contours to minimise earthworks.</li> </ul> | <p>Rather than staggering the lots, it is proposed undertake extensive landscaping to create streetscape variety and interest.</p> <p>The proposed lot orientation allows the private open space and living areas of future dwellings to be orientated to the north.</p> <p>A combination of east-west and north-south roads is proposed. The proposed allotments are of sufficient size to allow adequate solar access to dwellings and private open space regardless of road and lot orientation.</p> <p>The land has an average gradient of approximately 5%. As such, minimal cut and fill will be required for dwelling construction.</p> | Yes |
| 5.5.8 Heritage                         | <ul style="list-style-type: none"> <li>- A subdivision proposal on land which contains or is</li> </ul>  | <p>The subject site is not located within a heritage conservation area or in</p>   | Yes |



|                   |  |  |     |
|-------------------|--|--|-----|
|                   | <p>adjacent to an item of environmental heritage as defined in the Muswellbrook LEP shall illustrate the means proposed to preserve and protect such items.</p> <p>- Subdivision of land to create 3 or more lots will require consultation with the Local Aboriginal Land Council or an Aboriginal Archaeology Assessment Report must be prepared in accordance with the recommendations of DECC.</p> | <p>proximity to an item of environmental heritage.</p> <p>An Aboriginal Cultural Heritage Due Diligence Assessment undertaken by Junburra Aboriginal Consultancy Services found no evidence of any sites or objects of Aboriginal heritage significance within the property.</p> |     |
| 5.5.9 Site works  | <p>- Siteworks shall be planned to allow topsoil to be striped, stockpiled and reused on the site.</p> <p>- Filling and levelling shall not adversely affect adjoining land.</p> <p>- Site regrading to be in accordance with AUSPEC and AS3798.</p> <p>- Separation fencing to be provided between development and any rail corridor.</p>   | <p>It is proposed to carry out site works in accordance with AUSPEC and AS3798.</p> <p>Separation fencing is not required as the land does not adjoin a rail corridor.</p>   | Yes |
| 5.5.10 Open Space | <p>- Provision of local or neighbourhood public open space to be provided within the proposed subdivision at a rate of 1.0ha per 1000 people based on a dwelling occupancy rate of 2.63 persons per lot.</p> <p>- Casual open space (parks) for community recreation, social needs and passive</p>   | <p>Section 27 of the Muswellbrook DCP does not identify the provision of open space within the subject site. Rather, open space is to be provided on the adjoining land to the north as part of future development of the West Denman Urban Release Area.</p>                    | Yes |

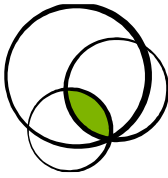




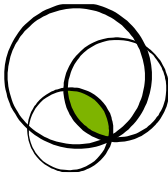
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|                                | <p>enjoyment is required to be dedicated and embellished.</p> <p>- Details of proposed street plantings are to be provided.</p>  | <p>A landscape plan has been prepared for the subdivision which provides details of proposed street plantings.</p>   |     |
| <b>Section 7 Village Zones</b> |  |  |     |
| 7.1.3 Aims and Objectives      | <p>The aims and objectives of this plan are to:</p> <ul style="list-style-type: none"> <li>a) Ensure that new development retains and enhances the rural village atmosphere of Denman and Sandy Hollow,</li> <li>b) Preserve the local environment in terms of its visual appearance and natural quality,</li> <li>c) Outline design requirements for new development in Denman and Sandy Hollow relating to style, density and form of construction that is appropriate to the local context,</li> <li>d) Ensure that new buildings are connected to reticulated sewerage or in Sandy Hollow designed and located to allow sufficient area for on-site disposal of waste water,</li> <li>e) Ensure that individual allotments have adequate private open space and landscaped areas.</li> </ul> | <p>It is considered that the proposed subdivision is consistent with the aims and objectives of Section 7. In this regard, the proposal will not detract from the rural village character of Denman or significantly impact the visual qualities of the local environment. The proposal will allow the design and construction of future dwellings that are appropriate to the local context, that provide sufficient open space and landscaped areas and that can be connected to reticulated sewerage.</p> | Yes |
| 7.2.3 Character Statements     | <p>Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the character</p>  | <p>The proposed subdivision is consistent with the Denman character statement.</p>   | Yes |



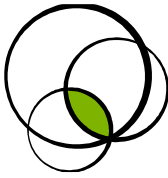
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|                                  | statement for Denman.   |   |     |
| Section 21 Contaminated Land     |   |   |     |
| Controls                         | <ul style="list-style-type: none"> <li>(i) Identification of previous land uses which may have caused potential contamination risks to land,</li> <li>(ii) Identification of potential pollutants which may have contaminated land,</li> <li>(iii) Assessment of site specific contamination relevant to the redevelopment or rezoning of land and appropriate proposed land uses,</li> <li>(iv) Investigation and Assessment of contamination in accordance with appropriate legislation, regulations, guidelines and standards,</li> <li>(v) Remediation of contaminated land to a standard appropriate for the proposed land use,</li> <li>(vi) Identification of potential off-site impacts associated with land contamination,</li> <li>(vii) Notification of significant risk of harm to the Department of Environment and Climate Change if required.</li> </ul> | As indicated in an earlier section of this report, the subject land has a long history of being used for cattle grazing. The property owner has advised that no potentially contaminating activities have been carried out on the land. | Yes |
| Section 25 Stormwater Management |   |   |     |
| 25.2 General                     |   |   |     |



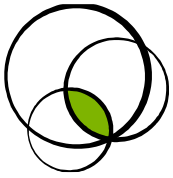
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| Existing Drainage Systems   | <p>New buildings not to be constructed over drainage lines or easements.</p> <p>Access to existing drainage systems not to be restricted.</p>  | <p>The proposed development does not involve the erection of any buildings or structures over drainage lines or easements.</p> <p>Access to existing drainage lines will not be restricted by the development.</p>  | Yes |
| Flooding and Runoff Regimes | <p>Development to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment.</p> <p>Use of detention basins.</p> <p>Developments to be designed in accordance with Australian Rainfall and Runoff and the NSW Floodplain Development Manual.</p> <p>Designs to be prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality assurance requirements of AUSPEC.</p> | <p>In order to minimise the impact of additional stormwater flows on downstream watercourses, all stormwater run-off from the development will be drained to a proposed stormwater detention basin to be constructed in Stage 4. The basin will be designed to capture run-off from a range of storm events and will be sized in accordance with Australian Rainfall and Runoff, the Muswellbrook Shire Council Handbook for Drainage Design Criteria and AUSPEC.</p> <p>It is noted that an existing farm dam adjoining the eastern site boundary will be utilised as a temporary detention basin for Stages 1, 2 and 3.</p> | Yes |
| Overflow Disposal           | <p>Development to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across boundaries.</p> <p>Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.</p>  | <p>Overland flow paths will not adversely impact neighbouring properties.</p> <p>Run-off from paved areas will be disposed of on-site.</p>  | Yes |
| 25.5 Subdivisions           | Subdivision works must comply with AUSPEC and the Muswellbrook Shire Council   | A preliminary stormwater drainage design for the development has been prepared in accordance with AUSPEC  | Yes |



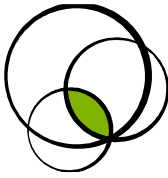
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|  | <p>Handbook of Drainage Design Criteria.</p> <p>All public stormwater management assets are to be installed outside the riparian zone of creek lines.</p>  | <p>and the Muswellbrook Shire Council Handbook of Drainage Design Criteria. The design has been submitted with the development application.</p> <p>No stormwater assets are proposed within the riparian zone of creeklines.</p>  |     |
| 25.5.1 Stormwater Collection                     | <p>Surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity.</p> <p>Drainage pits are to be installed so that nuisance water does not collect at low points.</p> <p>Gutters, downpipes and pits are to be connected to the stormwater management system for the site in accordance with AUSPEC and AS3500.</p> <p>Public use areas satisfy relevant flood safety criteria as assessed with reference to the NSW Floodplain Development Manual.</p> | <p>All of the proposed allotments will generally be free draining. Overland flow paths are proposed to minimise the impact of stormwater flows on private property during major storm events.</p> <p>Drainage pits are proposed within the roads and within interallotment drainage systems to collect and convey stormwater from low points throughout the development to the natural drainage system.</p> <p>All gutters, downpipes and pits associated with future development will be able to be connected to the proposed stormwater drainage system.</p> <p>The proposed onsite detention basin will be designed in accordance with relevant flood safety criteria.</p> | Yes |
| <b>Section 27 West Denman Urban Release Area</b> |  |   |     |
| 27.1 Structure Plan                              | <p>(i) Consent will not be granted for development which is not generally consistent with the Structure Plan.</p> <p>(ii) Infrastructure provision</p>   | <p>The proposed subdivision is consistent with the Structure Plan contained within Section 27 of the DCP.</p> <p>Infrastructure provision is in accordance</p>  | Yes |



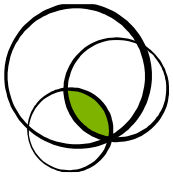
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|                   | <p>should be optimised at a catchment level in order to maximise sharing and the ease of expansion of infrastructure and utilities.</p> <p>(iii) Subdivision layout must not prejudice the ability of neighbouring sites to deliver the outcomes sought by this plan, including infrastructure efficiencies, housing yield, environmental enhancement and connectivity.</p> <p>(iv) Larger size lots may be considered if environmental studies demonstrate that lower residential densities are a desirable use of the land due to biodiversity, slope, and noise or landscape buffering.</p> | <p>with Council's servicing strategy for the West Denman Urban Release Area and has been designed to maximise sharing and facilitate integration with surrounding development.</p> <p>The subdivision layout allows for integration and connectivity with neighbouring sites and does not impact on the ability of adjoining development to deliver the outcomes required by Section 27 of the DCP.</p> <p>The proposed lot densities are considered appropriate for the site. Lower lot densities are neither warranted nor desirable.</p>            |     |
| 27.2 Staging Plan | <p>(i) The development of land is to be generally consistent with the Staging Plan shown in Figure 3.</p> <p>(ii) Each stage may be subdivided into substages. Details are to be provided with the DA.</p> <p>(iii) Upgrading of Almond Street is an early objective of the Staging Plan.</p> <p>(iv) Development of land inconsistent with the staging plan can occur if justified by a supporting study.</p> <p>(v) Issues to be addressed in a supporting study to vary staging include:<br/>- Impacts on the availability of urban services and</p>  | <p>The proposed development is located within Stage 1 and is therefore consistent with the Staging Plan. Separate staging plans for each sub-stage have been prepared and submitted with the development application. A detailed description of each substage is provided in an earlier section of this report.</p> <p>Stages 1 and 4 of the proposed development will involve the upgrading of part of Almond Street including the construction of a new intersection.</p> <p>The proposed development is not inconsistent with the staging plan.</p> | Yes |



|                         |   |   |     |
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|                         | <p>infrastructure.</p> <ul style="list-style-type: none"> <li>- Impacts on the development of other land.</li> <li>- Servicing strategy.</li> <li>- Cost impacts on other parties including servicing authorities.</li> </ul> <p>(vi) Clause 7.4(2) of the Muswellbrook LEP states that development consent must not be granted for subdivision development on land in the RU5 Village zone until the land is adequately serviced with water and sewerage or arrangements have been made to the satisfaction of the consent authority.</p> <p>(viii) All land in West Denman is to be serviced by reticulated water and sewerage services.</p> <p>(ix) Any offsite easements and infrastructure required to enable run-off from any stage of the Urban Release Area to be conveyed to waterways in a managed fashion are to be registered and the infrastructure connected prior to the release of the linen plan for that stage.</p> | <p>It is proposed to service the subdivision with reticulated water and sewerage. Preliminary engineering drawings for water and sewerage have been included with the development application.</p> <p>Any offsite drainage easements and infrastructure will be registered and/or constructed prior to the submission of a Subdivision Certificate application.</p> |     |
| 27.3 Servicing Strategy | <p>(i) Consent will not be granted for the subdivision of land unless a Servicing Strategy has been lodged to the satisfaction of the consent authority.</p> <p>(ii) The required Servicing Strategy should address:</p> <ul style="list-style-type: none"> <li>- The provision of hydraulic, telecommunication and electricity services.</li> <li>- Proposed utilities networks</li> </ul>   | <p>A servicing strategy has been prepared for the proposed subdivision and has been submitted with the development application.</p> <p>The servicing strategy addresses the relevant provisions of Control 27.3(ii).</p>  | Yes |

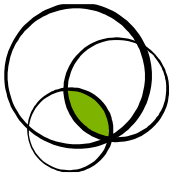


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|                   | <p>and their relationship to adjacent properties, including links to adjacent properties.</p> <ul style="list-style-type: none"> <li>- Capacities of the utility services and the impact of the proposed development on remaining service capacity.</li> <li>- Options for utility service provision and a preferred option.</li> <li>- Implications of the servicing options for other land owners in the release area.</li> <li>- Proposed cost sharing arrangements with other landowners for any shared utility infrastructure including facility upgrades.</li> <li>- Details of consultations with servicing authorities in the preparation of the servicing strategy.</li> <li>- Compliance with Council's overall servicing strategy for Denman.</li> </ul> <p>(iii) Development will be required to pay for the upgrade of lead in and other major infrastructure, such as carrier mains, pumping stations, reservoirs and treatment plants.</p> <p>(iv) Variations from Council's Servicing Strategy may only occur if justified by a supporting study.</p> <p>(v) The provision of easements may need to occur if required.</p> | <p>It is anticipated that these requirements will be addressed in the conditions of consent and the Notice of Requirements to be issued by Water and Waste.</p> <p>No variations to Council's Servicing strategy are proposed.</p> <p>Required easements are shown on the plans accompanying the development application.</p> |     |
| 27.4<br>Transport | <p>(i) Consent will not be granted for the subdivision of land unless a Transport</p>  | <p>A Transport Management Plan has been prepared for the proposed subdivision and has been submitted</p>  | Yes |

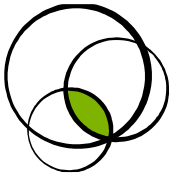


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|  | <p>Management Plan has been lodged to the satisfaction of the consent authority.</p> <p>(ii) The road, cycle and pedestrian network is to be generally consistent with the concept plan shown in Figure 6.</p> <p>(iii) The positioning and design of movement networks must give priority to:</p> <ul style="list-style-type: none"> <li>- Facilitating efficient walking, cycling and public transport networks and;</li> <li>- Retaining and complementing natural topography, such as views and drainage.</li> </ul> <p>(iv) A subdivision certificate will not be issued to a specific development unless pedestrian and cycle links consistent with this DCP link to the existing urban area of Denman at the same time as the initial development of that land.</p> <p>(v) An off road shared pedestrian path/cycleway is to be constructed as shown in Figure 6 and is required to connect to the existing shared off road pedestrian paths/cycleways to the town centre and school.</p> | <p>with the development application.</p> <p>The road and pedestrian network is generally consistent with the concept plan in Figure 6.</p> <p>The road and pedestrian network facilitates efficient walking, cycling and public transport. In this regard, the proposed subdivision design provides good permeability for pedestrians and cyclists with the provision of footpaths throughout and pedestrian links at the end of each cul de sac to provide alternative access. The internal road network provides a direct linkage to Almond Street which is identified as a sub arterial road in the concept plan and is likely to be a public transport route. It is considered that the road and pedestrian network adequately responds to the site topography.</p> <p>Pedestrian and cycle links will be provided in accordance with the DCP.</p> <p>No part of the proposed off-road shared pedestrian path/cycleway is located within the subject site. However, part of the off-street path/cycleway is proposed within the Almond Street road reserve along the full frontage of the development site. Construction of this section of pathway could be undertaken as works in kind under the West Denman Section 94</p> |  |
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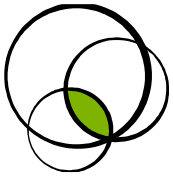




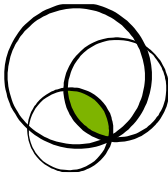
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|  | <p>(vi) Alternate access points other than those identified in Figure 6 are to be supported by a traffic study to the satisfaction of the consent authority.</p> <p>(vii) Almond Street is to be traffic calmed to reduce vehicle speeds and to ensure the safety of four way road intersections. The preferred location of roundabouts is shown in Figure 6.</p> <p>(viii) The upgrading of Almond Street and Grey Gum Road to urban standards is an early objective of this Plan.</p> <p>(ix) Subdivision road networks should have no dead ends unless unavoidable. The use of low speed 'share ways' to connect cul de sac heads and the like is acceptable.</p> <p>(x) A number of offsite road, intersection, cycleway and pedestrian networks upgrades will be required in conjunction with the development of the land.</p> <p>(xi) A pedestrian facility including pedestrian gates is to be provided in accordance with ARTC requirements at the railway crossings at Ogilvie</p> | <p>plan.</p> <p>No alternate access points are proposed.</p> <p>Provision has been made at the intersection of Almond Street and the proposed entry road into the subdivision for a future roundabout in accordance with Figure 6.</p> <p>Almond Street is to be upgraded as development fronting Almond Street progresses to the north.</p> <p>One (1) cul-de-sac is proposed within the development however pedestrian/cycle access is provided at the end of the cul-de-sac to provide alternative access.</p> <p>The need for offsite road, intersection, cycleway and pedestrian network upgrades is not triggered by the proposed development as noted in the Traffic Report accompanying the development application. However, contributions will be made by the developer towards the cost of the upgrades in accordance with the Section 94 plan.</p> <p>As above.</p> |  |
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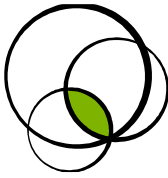
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|                 | and Kenilworth Streets.<br><br>(xii) The Ogilvie Street vehicular rail crossing is to be upgraded to a boom gate control.   | As above.  |     |
| 27.5 Open Space | <p>(i) Open space is to be provided generally in accordance with the Open Space Concept Plan at Figure 8.</p> <p>(ii) A local park with an area of not less than 0.5ha with various facilities, including a playground should be provided at the location shown in the Open space concept plan.</p> <p>(iii) Multiple use open space should remain usable for its intended purpose.</p> <p>(iv) Riparian vegetation along the main watercourse is to be re-established.</p> <p>(v) The drainage reserve riparian corridor is not to be less than 40 metres in width.</p> <p>(vi) Open space areas are to be linked by pedestrian and cycle paths to provide an accessible network of open space.</p> <p>(vii) Where possible, roads or laneways/shareways are to border open space areas in order to provide passive surveillance and access.</p> | <p>No open space is identified within the subject site as shown in Figure 8.</p> <p>As above.</p> <p>Not relevant to subject site.</p> <p>Not relevant to subject site.</p> <p>Not relevant to subject site.</p> <p>Not relevant to subject site.</p> <p>Not relevant to subject site.</p> | Yes |
| 27.6            | (i) Consent shall not be granted for the subdivision of   | A Landscape Plan for the proposed subdivision has been submitted with the  | Yes |



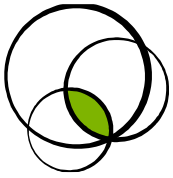
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| Landscape | <p>land unless a landscape plan has been lodged to the satisfaction of the consent authority.</p> <p>(ii) Landscape plans should include:</p> <ul style="list-style-type: none"> <li>- A schedule of the species and the planting locations.</li> <li>- Technical details of the planting and initial maintenance regime.</li> <li>- An assessment of ongoing maintenance requirements.</li> <li>- Landscape treatments , including paving and street furniture.</li> <li>- A guide to landscaping and plant species to be provided to prospective land purchasers.</li> <li>-</li> </ul> <p>(iii) Street trees are to be planted to:</p> <ul style="list-style-type: none"> <li>- Soften the streetscape.</li> <li>- Act as traffic calming measures through perceived narrowing of the road.</li> <li>- Provide shade to footpaths and roads.</li> <li>-</li> </ul> <p>(iv) The main watercourse drainage reserve is to be landscaped as a riparian area, with native vegetation.</p> <p>(v) Larger lots are to be considered along the western edge of the urban release area in order to provide an APZ and to re-establish vegetation links between existing areas of woodland to the southwest and northwest of the site.</p> | <p>development application.</p> <p>The landscape plan addresses the relevant provisions of Control 27.6(ii).</p> <p>Street trees are to be planted in accordance with the landscape plan.</p> <p>Not relevant to subject site.</p> <p>Larger lots are not warranted or desirable as an APZ is not required and there are minimal opportunities for the provision of links to existing vegetation.</p> |  |
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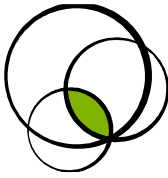
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| <p>27.7 Water Management</p> | <p>(i) Consent will not be granted for the subdivision of land unless a Water Management (stormwater) Strategy has been lodged to the satisfaction of the consent authority.</p> <p>(ii) Water management strategies are to be generally consistent with the Water Management Concept Plan at Figure 9.</p> <p>(iii) The quality and quantity of runoff of each stage of development is to be equivalent to the pre development state.</p> <p>(iv) Development of land inconsistent with the Water Management Strategy can occur if the proposed measures are justified by a supporting study, to the satisfaction of the consent authority.</p> <p>(v) The supporting study is to include:.....</p> <p>(vi) The water management strategy for the main water course is to be designed to appear as a natural stable stream in a riparian corridor.</p> <p>(vii) Stormwater strategy and design is to consider the context of the site along with upstream and downstream impacts.</p> <p>(viii) Water Management Strategies should aim to</p> | <p>A Water Management Strategy for the proposed subdivision has been submitted with the development application.</p> <p>The Water Management Strategy is generally consistent with the Water Management Concept Plan at Figure 9.</p> <p>As demonstrated by the Water Management Strategy, the quality and quantity of runoff of each stage will be equivalent to the pre-development state.</p> <p>The proposed development is not inconsistent with the Water Management Strategy. As such, a supporting study is not required.</p> <p>As above.</p> <p>Not applicable to the subject site.</p> <p>Refer to Water Management Strategy.</p> <p>Refer to Water Management Strategy.</p> | <p>Yes</p> |
|------------------------------|--|---|------------|



|                 |  |   |     |
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|                 | <p>achieve a:</p> <ul style="list-style-type: none"> <li>- Reduction of erosion.</li> <li>- Reduction of flow velocity.</li> <li>- Reduction of runoff volume through at source controls and water quality treatment.</li> <li>- Maximum infiltration.</li> <li>- Salinity Management</li> <li>- Drainage easements may need to be provided.</li> <li>-</li> </ul> <p>(ix) Contributions will be required towards the acquisition of a downstream drainage easement as shown in Figure 9.</p> <p>(x) Development is to comply with the provisions of Section 25 of the Muswellbrook DCP.</p> <p>(xi) Easements may need to be created in circumstances where water management infrastructure, such as detention basins, is located on land not included in that development.</p> | <p>Any contributions required will be dealt with as a condition of consent.</p> <p>The proposed subdivision complies with the relevant provisions of Section 25 of the DCP as demonstrated in an earlier section of this report.</p> <p>Easements will be created where required.</p> |     |
| 27.8 Built Form | <p>(i) New dwellings with frontage to Almond Street and Kenilworth Street extended should have the appearance of a detached dwelling in order to maintain the low density streetscape typical of Denman.</p> <p>(ii) Dwellings should be designed, sited and constructed to minimise the impact of highway or rail noise and vibration.</p> <p>(iii) Development along the west and north-western</p>  | <p>This requirement will be included in the 88B instrument for the subdivision.</p> <p>Given the distance of the site from the highway and railway line, noise and vibration impacts will be minimal.</p> <p>The site does not adjoin Environmentally Sensitive Land –</p>            | Yes |



|  |  |   |     |
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|  | boundary of the DCP area should give special consideration to managing the potential bushfire risk arising from the Environmentally Sensitive Land – Biodiversity in or adjacent to those localities.  | Biodiversity.   |     |
| 27.9 Biodiversity                          | <p>(i) Consent will not be granted for the subdivision of land identified in the Muswellbrook LEP as Environmentally Sensitive Land – Biodiversity unless a Vegetation Management Plan has been lodged to the satisfaction of the consent authority.</p> <p>(ii) The Vegetation Management Plan is to include:...</p> <p>.</p> <p>(iii) Measures such as....</p>   | <p>The subject site does not contain Environmentally Sensitive Land – Biodiversity.</p> <p>Not applicable.</p> <p>Not applicable.</p> | N/A |
| 27.10 Rail and Highway Noise and Vibration | <p>(i) Consent shall not be granted for the subdivision of land, or for noise sensitive development within 200 metres of the Golden Highway or within 200 metres of the railway line unless...</p> <p>(ii) The noise and vibration assessment....</p> <p>(iii) In the case of the Golden Highway.....</p> <p>(iv) In the case of the railway....</p> <p>(v) Alternatively, in the case of....</p> <p>(vi) Noise and vibration attenuation measures undertaken to comply with the conditions of development</p> | The proposed subdivision is not within 200 metres of the railway line or Golden Highway.  | N/A |



|       |  |   |     |
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|       | consent...   |   |     |
| 27.11 | (i) The urban release area is located within a declared Mine Subsidence District. Accordingly, consent will not be granted for the development unless prior approval has been obtained from the Mine Subsidence Board under the provisions of the Mine Subsidence Compensation Act 1961. | The development application will be referred to the Mine Subsidence Board for approval as part of the development assessment process. | Yes |

#### 4.4 WEST DENMAN SECTION 94 CONTRIBUTIONS PLAN 2012

Should the application be approved, a contribution will be payable under the West Denman Section 94 Contributions Plan 2012 at a rate of \$12,104.00 per lot.

#### 4.5 PLANNING AGREEMENTS

At the time of writing this report, there were no planning agreements or draft planning agreements relevant to the proposed development or subject site.

#### 4.6 REGULATIONS

There are no provisions of the regulations that are specifically relevant to the proposed development.

#### 4.7 THE LIKELY IMPACTS OF THE DEVELOPMENT

##### Context and Setting

The proposed subdivision is in keeping with the site context and the intended future character of the West Denman Urban Release Area.

The proposal is compatible with the older grid style subdivision pattern of Denman and will provide a seamless extension to the existing urban area.

The proposed subdivision provides an orderly and efficient lot layout which integrates with surrounding and future development and ensures the cost effective provision of infrastructure and services.

### **Potential Impact on Adjacent Properties**

The proposal will have a negligible impact upon the amenity of the locality, is unlikely to give rise to any land use conflicts with adjoining development and will have minimal impact on neighbouring properties with respect to drainage, overshadowing, view loss, visual or acoustic amenity.

The proposed subdivision has adequate regard for the development potential of adjoining land.

### **Access, Transport and Traffic**

Access to the proposed development will be provided by a proposed entry road connected to Almond Street and an internal road network comprising 9 metre wide carriageways and 1.2 metre wide footpaths to be constructed as the subdivision progresses. Proposed lots fronting Almond Street will be accessed directly from Almond Street. Provision will be made for a future roundabout at the intersection of the entry road and Almond Street which is to be funded by Section 94 contributions collected by Council. It is proposed to upgrade Almond Street (in part) along the frontage of the development (kerb and gutter, half width road construction).

A traffic report in respect of the proposed development has been prepared by Colston Budd Hunt and Kafes and accompanies the development application. The traffic report concludes that the proposed access arrangements, internal circulation and layout are considered appropriate and satisfy the provisions of Council's DCP. Furthermore, the existing intersections of Palace Street with Kenilworth Street and Crinoline Street/Golden Highway will cater for the additional traffic from the proposed development, without the upgrades identified in the Section 94 Plan. In relation to the other works in the Section 94 Plan (upgrading of the railway crossings and provision of a pedestrian/cycle path along Almond Street), these could be implemented by Council in association with other relevant authorities, as Section 94 funds become progressively available from both the proposed development and other future developments.

### **Public Domain**

The proposed subdivision will involve a range of works within the public domain including the upgrade of Almond Street and the augmentation of utility services and stormwater infrastructure. In addition, significant areas of land will be dedicated to Council as public roads, drainage easements and open space as various stages are completed.

A range of measures will be implemented to minimise the impacts of works on the public domain during construction including the implementation of erosion, dust and sediment controls and traffic control measures, limiting construction hours and limiting areas of disturbance.

### **Other Land Resources**

No valuable land resources such as productive agricultural land, watercourses or water supply catchments will be significantly impacted by this development.



## Flora and Fauna

A Flora and Fauna Assessment (Seven (7) Part Test) has been undertaken for the proposed subdivision by Wildthing Environmental Consultants and a report has been submitted with the development application. The results of the assessment indicate that the site contains a number of remnant trees that were likely to have once been representative of the Endangered Ecological Community, Central Hunter Grey Box – Ironbark Woodland. However, past disturbance of the site has resulted in the virtual removal of the native understorey layers and the removal of remnant trees proposed by the development is unlikely to have a significant impact on this community in the local area.

A stand of the Endangered Population *Acacia pendula* was present outside the site between the road reserve of Almond Street and the eastern boundary of the site. Recommendations have been made to ensure that the proposed development does not impact this stand of trees. These recommendations include the protection of the stand by a fenced off exclusion zone.

## Utilities

The proposed development will require the augmentation/extension of utility services including power, telecommunications, water and sewerage in order to service each of the proposed allotments. Details of the required works are provided in the Servicing Strategy submitted with the development application.

## Heritage

The subject site is not located within a heritage conservation area and does not contain any items of heritage significance listed under the Muswellbrook LEP 2009.

An Aboriginal Cultural Heritage Due Diligence Assessment undertaken by Junburra Aboriginal Consultancy Services found no evidence of any sites or items of Aboriginal heritage significance within the subject site. A copy of the assessment report has been submitted with the development application.

## Soils

The development is unlikely to have a significant impact on soil conservation in terms of soil qualities, stability, soil erosion and degradation.

Erosion and sediment control measures will be installed prior to the commencement of any site works to minimise soil loss and prevent impacts on downstream properties and watercourses.

## Natural Hazards

The subject site is not identified as being bushfire prone or subject to flooding.

## Technological Hazards

As discussed previously, the past uses of the land are unlikely to have resulted in any site contamination.

As the site is located within a Mine Subsidence District, the proposed subdivision is integrated development and requires approval from the Mine Subsidence Board under Section 15 of the Mine Subsidence Compensation Act 1961.

### **Economic Impact on the Locality**

The proposed subdivision will allow additional housing opportunities for Denman and address a current shortage of residential land. Future residential development on the proposed lots will generate additional income for the local economy and contribute to the viability of the town centre through increased spending on local goods and services.

### Social Impact on the Locality

The proposal will attract new families and individuals to the area who will make a positive contribution to the community of Denman.

### Site Design and Internal Design

The proposed subdivision will result in an efficient and orderly lot layout which responds to the environmental attributes and constraints of the land and provides for integration and connectivity with future development on adjoining land.

The proposed subdivision design provides opportunities for a range of dwelling sizes and allows for adequate solar access to future dwellings and private open space whilst retaining important site features including remnant trees and views. The proposed lots have an appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings, the provision of private open space and convenient vehicle access and parking.

### Cumulative Impacts

The cumulative impacts of the proposal would be considered insignificant.

## 4.8 SUITABILITY OF THE SITE FOR DEVELOPMENT

### *Does proposal fit in the locality?*

The proposal is consistent with the objectives of the zone, is in keeping with the traditional subdivision pattern and character of the area and will have minimal environmental impacts.

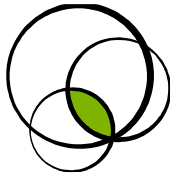
The proposed subdivision will not compromise the agricultural viability or amenity of the locality and is unlikely to give rise to any land use conflicts with adjoining development.

### *Are the site attributes conducive to the development?*

As demonstrated throughout this report, the site attributes are conducive to the proposed development.

There are no major natural or technological hazards or constraints that would preclude development of the site.

The land has suitable topography, good access to the local road network (being directly accessible from Almond Street), and is within walking distance of the Denman village centre. Utility services including power, telephone, water and sewerage are available in the local vicinity and can be extended to service the proposed allotments.



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#### 4.9 SUBMISSIONS

Any submissions received by Council will be taken into consideration during the assessment of the application.

#### 4.10 PUBLIC INTEREST

The proposal is considered to be in the public interest as it will have minimal environmental impacts, will have a positive social and economic impact on the local community and will help to address a current shortage of residential lots within the area.

## 5. CONCLUSION

The proposed development is consistent with the objectives of the RU5 Village zone, is in keeping with the village character of Denman and will have minimal environmental impacts. The proposed subdivision provides an orderly and efficient lot layout which integrates with surrounding and future development and ensures the cost effective provision of infrastructure and services.

As demonstrated within this report, the proposal complies with the relevant provisions of the Muswellbrook LEP 2009, State Environmental Planning Policy No. 55 – Remediation of Land and the Muswellbrook Development Control Plan.

The proposal will have a positive social and economic impact on the local community and contribute to the long term viability of Denman's commercial precinct.

In view of the above, it is considered that the proposed development is worthy of Council's support.

## ANNEXURE A – PLAN OF SUBDIVISION