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19 May 2025

General Manager
Muswellbrook Council
PO Box 157
Muswellbrook NSW 2333

Attention: Hamish McTaggart

Dear Hamish,

Planning Statement

**Application for s4.55(2) Modification Application to DA 2022-95 (PPSHCC – 140)
Lot 7010 DP933327 No. 3 Wilkinson Avenue Muswellbrook**

1. Introduction

We refer to the Development Consent issued by Hunter and Central Coast Regional Planning Panel for a new grandstand and amenities at Olympic Park under DA 2022-095 dated 16 April 2024. We are pleased to submit this modification application to amend the approved development as detailed in Section 2 below. The modification relates to internal and external design changes to satisfy construction, structural, fire safety and accessibility requirements. The design changes are the result of reduction in the overall floor area of the building and the retention of the existing grandstand structure for cost saving purposes. The modifications do not detract from the design quality or compromise the design intent of the development for which consent was granted.

2. Proposed Modification

The proposed modification will result in changes to the following Conditions:

- **Condition 1 – Approved plans and Supporting Documents** – to reflect the modified plans and reports submitted with the application.
- **Condition 19 – Section 7.12 Contributions** – to reflect payment in line with the reduced Estimate Development Cost
- **Condition 56 – Hours of Operation** – to allow use of the function room and terrace to Sunday to Thursday 8am to 10pm and Friday, Saturday and public holidays 8am to 11pm.

The changes to the design of the building are summarised as follows:

- Retention of parts of the existing grandstand and simplification of the overall design
- Reduction of grandstand overall areas
- Increase of canteen/bar/amenities/clubhouse overall areas
- Reversal of changerooms and amenities locations
- Increase in terrace area

- Access and egress has been improved throughout the building to comply with the relevant standards.
- The storage rooms have been removed from the main building with an 80sqm colorbond steel storage shed proposed adjacent to the building along the railway line.
- Reduction in number of grandstand seats from 870 to 630

A detailed breakdown on the area changes is provided in **Table 1**.

Table 1: Modified Area Schedule

Location	DA Approved (m ²)	Modified Design (m ²)
Ground Level		
Changerooms etc	591	441
Canteen/Bar/Amenities	243.5	325
Level 1		
Clubhouse	144	154
Kitchen/Amenities/Circulation	214	75
Terrace	250	276
Seating/Circulation	515	505
Level 2		
Media/Coaches	177	103
Total	2134.5m²	1879 m²

A comparison between the approved and proposed site plan is provided in **Figure 1a & Figure 1b**.

A comparison between the approved and proposed elevations is provided in **Figure 2a & Figure 2b, Figure 3a & Figure 3b, Figure 4a & Figure 4b, and Figure 5a & Figure 5b**.

Figure 1a – Approved Site Plan

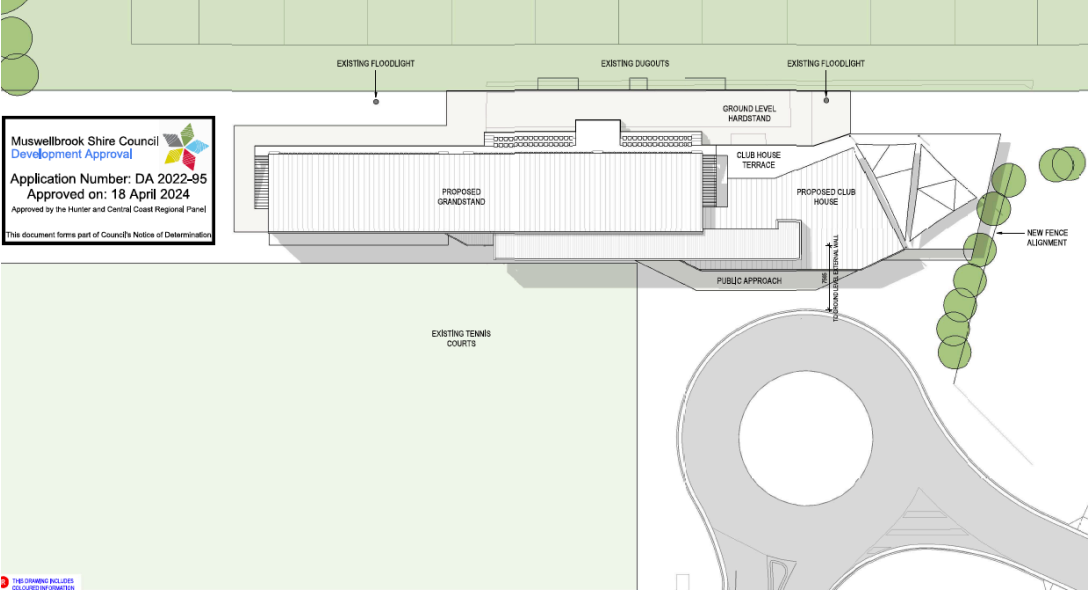


Figure 1b – Proposed Site Plan

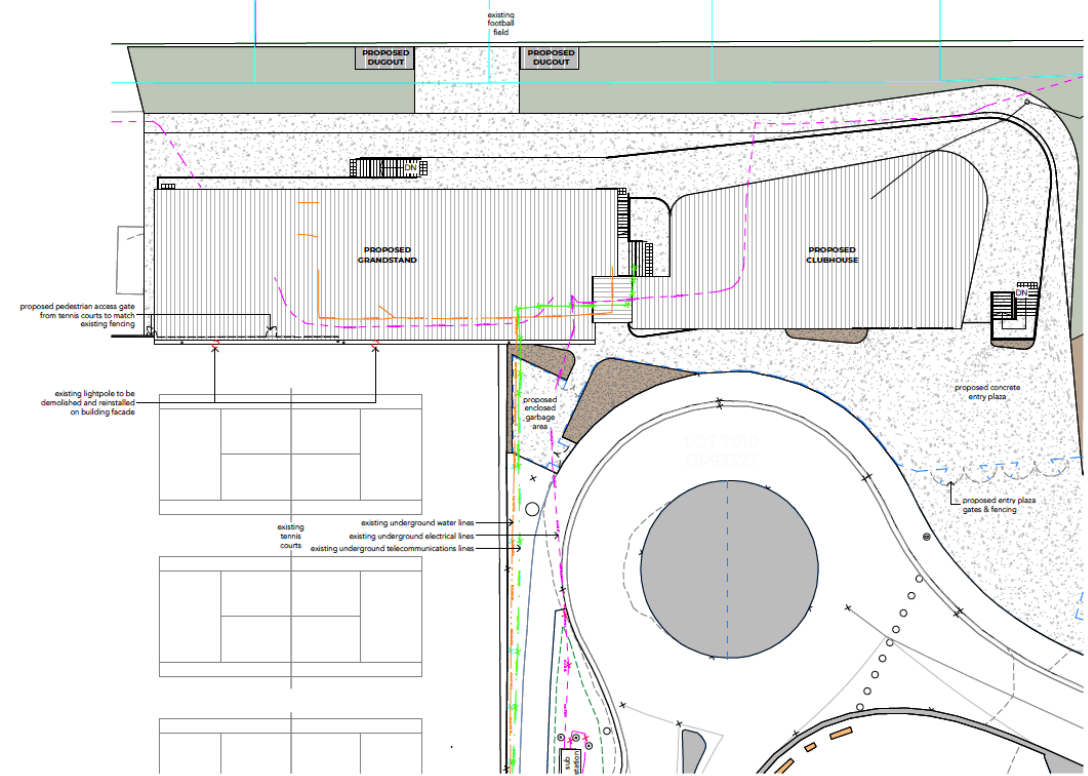


Figure 2a - Approved North Elevation

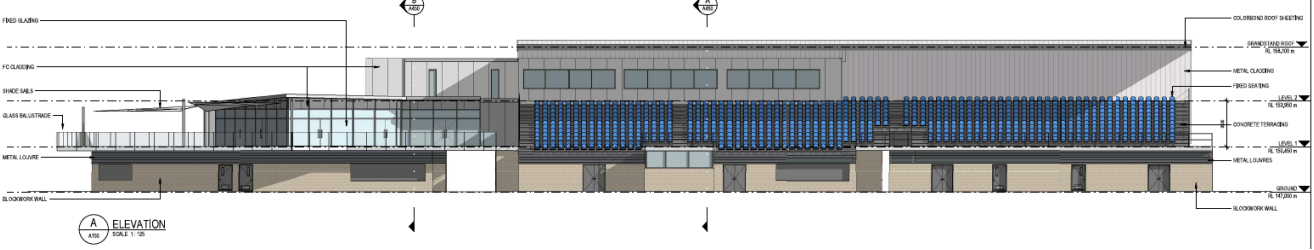


Figure 2b - Proposed North Elevation

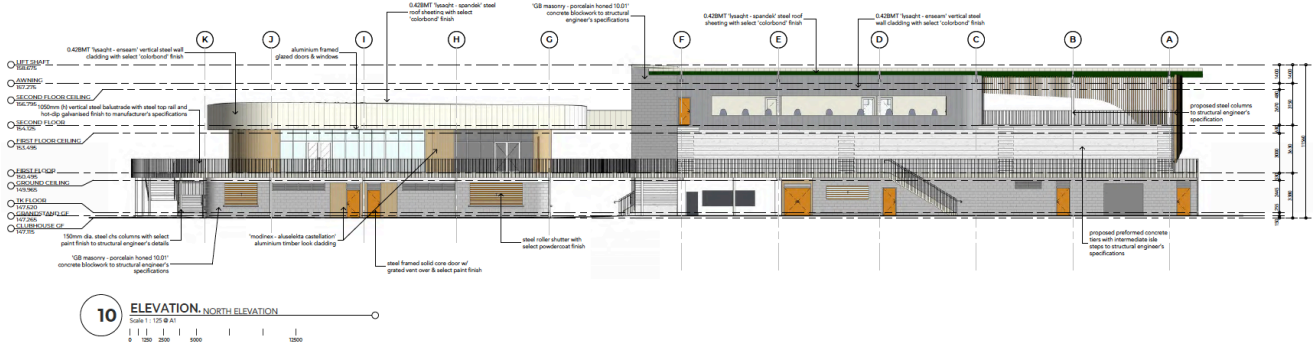


Figure 3a - Approved South Elevation



Figure 3b - Proposed South Elevation

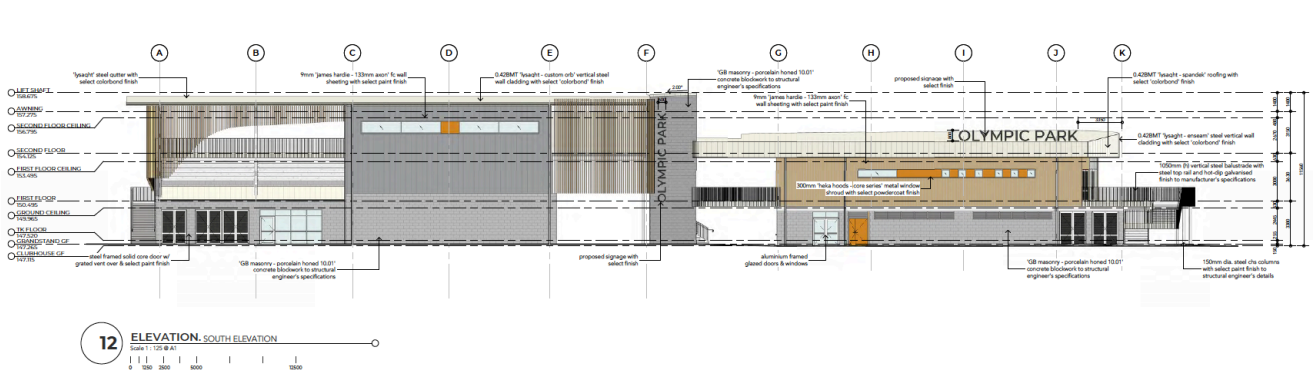


Figure 4a - Approved West Elevation

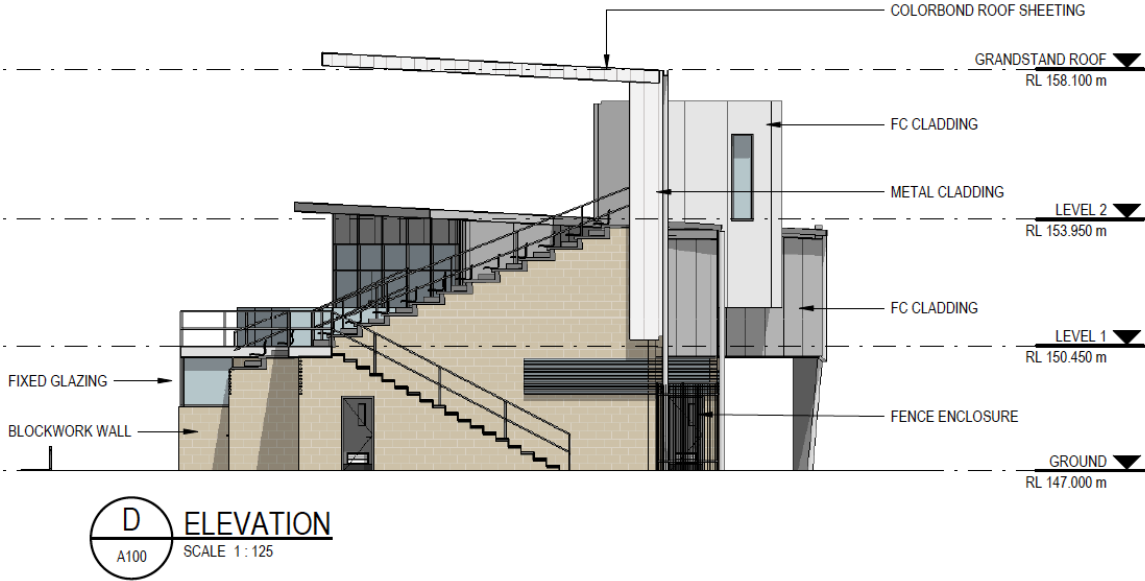


Figure 4b - Proposed West Elevation

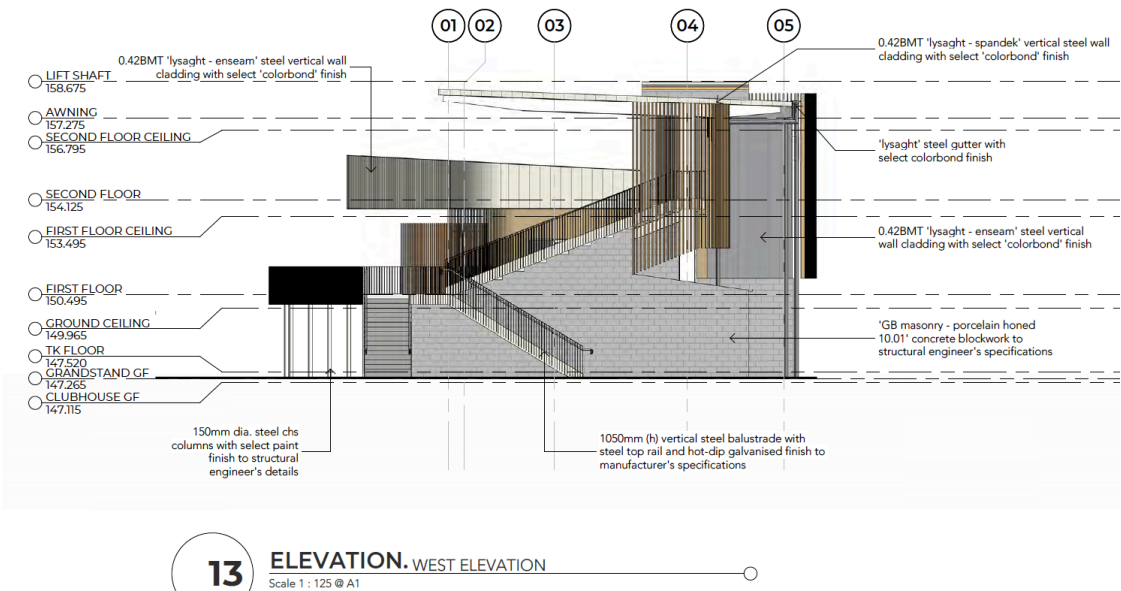


Figure 5a – Approved East Elevation

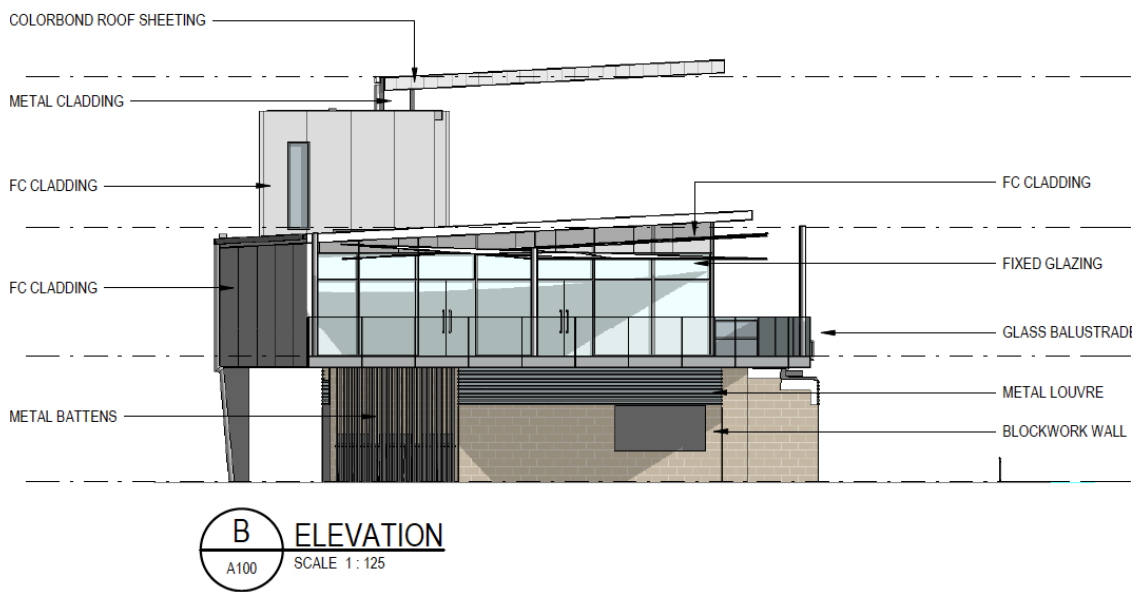
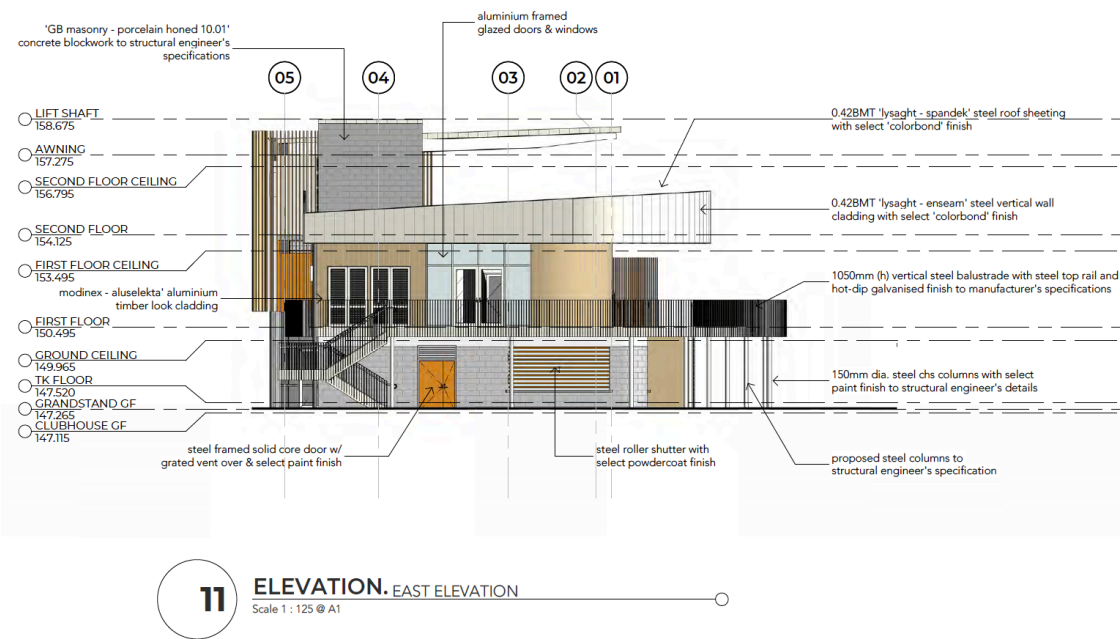


Figure 5b – Proposed East Elevation



3. Planning Assessment

The proposed modification is assessed under S4.55(2) of the Environmental Planning & Assessment Act 1979 which states:

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

We note that the intent of the Section 4.55 process is to assist the modification process rather than act as an impediment to it. Although the proposed amendments involve revised floor plans and elevations the development retains the essential characteristics of the approved development being the use of the land, the scale of the development and the functionality of the building. The footprint is similar and the access arrangements are retained. It is submitted that the proposed modifications represent a refinement of the original design rather than a fundamental departure from it.

This position is supported by the following facts:

- The general orientation of the grandstand and positioning on the site is the same.
- There is an overall reduction in the development footprint as a result of the reduced floor area.
- The overall bulk and scale of the grandstand is similar, albeit the facade of the building is being updated in line with changes to the footprint, with a similar colour palette in use.
- There is no change to the approved vehicle access arrangements on site.
- There will be no change in impact on adjoining neighbours by way of overshadowing or loss of privacy.
- There is minimal change to the nature or intensity of the use, with a reduction in capacity proposed.
- There is no change to the relationship to surrounding development as the modification will maintain the character of the original approval.

- The changes in operating house for the approved function area are supported by an acoustic assessment that has demonstrated that the change can be accommodated without adversely impacting on the amenity of adjoining neighbours.

In our professional opinion the proposed amendment will result in a development that is substantially the same as that originally approved and is well within the scope of Section 4.55(2) of the Environmental Planning and assessment Act 1979.

4. Conclusion

Supplementary information including an updated acoustic assessment and s4.15(1) assessment is currently being prepared and will be submitted under separate cover. Should you require any further information please do not hesitate to contact the undersigned on 0427 000 910.

Yours faithfully



Sally Flannery REGISTERED PLANNER
Director