

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	9 February 2026
DATE OF PANEL DECISION	9 February 2026
DATE OF PANEL MEETING	3 February 2026
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Stephen Leathley
APOLOGIES	Eugene Sarich, Jacinta Ledlin
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 December 2025.

MATTER DETERMINED

PPSHCC-376 – Muswellbrook – DA 2022-95(2) - Wilkinson Avenue, Muswellbrook 2333 - S.455 (2)
Grandstand (Modification of design and operating hours) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

The application is a modification to a development consent for the redevelopment of the existing grandstand approved by the Panel in April 2024.

The Panel has had the benefit of a briefing from Council and the applicant.

The proposed development involves significant modifications to the approved development, an extension of operating hours to the function space, and revised stormwater management. Further acoustic reporting has been undertaken to support the extended hours.

The Panel is satisfied that the modified design will not result in the loss of any additional trees from that already approved.

The condition regarding the limitation on the frequency of use of the function space is not proposed to be altered.

The hours of operation now proposed align with Council's other community and recreation facilities.

The Panel is satisfied that the development, as proposed, is substantially the same development as that originally approved. The Panel considers that the modified application would not result in unreasonable impacts that cannot be managed and mitigated.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the modification to conditions at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The development, as modified, does not result in unreasonable impacts.
2. The development is considered to be substantially the same development as originally approved.
3. The site is well located and suited to the proposed uses.

CONDITIONS

The Modification Application was approved subject to the modified conditions in Schedule 2.

Condition 9 was amended from that in the Council Report to refer to the updated Acoustic Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Stephen Leathley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-376 – Muswellbrook – DA 2022-95(2)
2	PROPOSED DEVELOPMENT	Grandstand (Modification of design and operating hours)
3	STREET ADDRESS	Lot 7010 DP 93327 Olympic Park, Muswellbrook 2333
4	APPLICANT/OWNER	Muswellbrook Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Muswellbrook Local Environmental Plan 2009 - Draft environmental planning instruments: Nil - Development control plans: - Muswellbrook Development Control Plan 2009 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 9 December 2025 - Written submissions during public exhibition: 0 - Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: - Alison McCabe (Chair): 27 October 2023 - Roberta Ryan: 27 October 2023 - Final briefing to discuss Council's recommendation: 3 February 2026 <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Stephen Leathley <u>Council assessment staff</u>: Hamish McTaggart, Donna Watson, Peter Chambers <u>Applicant representatives</u>: Paul Chandler, Amy Paynter, Kirk Gleeson, Kellie Scholes <u>Department</u>: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2**INSTRUMENT OF MODIFICATION****Modification of Conditions of Development Consent DA/2022/95****1. Condition 1 – Amended to read as follows:****(1) Approved Plans and Supporting Documents**

Development must be carried out in accordance with the following approved 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.
44840 (A00)	B	Cover Sheet	Barnson	NA
44840 (A01)	B	Overall Site Plan	Barnson	28/5/2025
44840 (A02)	C	Existing Part Site Plan	Barnson	8/12/2025
44840 (A03)	C	Part Site Plan	Barnson	8/12/2025
44840 (A04)	B	Existing Demolition Plan	Barnson	28/5/2025
44840 (A05)	B	Ground Floor Overall	Barnson	28/5/2025
44840 (A06)	B	First Floor Overall	Barnson	28/5/2025
44840 (A07)	B	Second floor general arrangement	Barnson	28/5/2025
44840 (A08)	B	Roof Plan	Barnson	28/5/2025
44840 (A09)	B	Building Elevations 1	Barnson	28/5/2025
44840 (A10)	B	Building Elevations 2	Barnson	28/5/2025

44840 (A00-A11)	B	Building Elevations 3	Barnson	28/5/2025
44840 (C00-C012 inclusive)	C	Civil (stormwater) Design Documents	Barnson	24/11/2025
N/A		Olympic Park Parking Plan for Large Events	No author	No date

Document Title.	Ver · No.	Prepared By.	Dated.
Olympic Park Grandstand and Amenities Statement of Environmental Effects	B	GHD	16/08/2022
Noise Impact Assessment		Muller Acoustic Consulting	19/11/2025
Olympic Park Grandstand Hazardous Building Materials Assessment	B	GHD	16/08/2022
Olympic Park Grandstand Traffic Assessment	B	GHD	16/08/2022
Social Impact Assessment Olympic Park Event Precinct Development		Hunter Events Group	June 2023
Sustainable Design Statement		Barnson	16/05/2025
Letter – Further Information following Deferral		Muswellbrook Shire Council	03 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.

2. Condition 7 – Amended to read as follows:

(7) Stormwater Management Plan

Prior to the issue of any Construction Certificate a comprehensive Stormwater Management Plan is to be submitted to and approved by Council's Chief Engineer in relation to the site. The Stormwater Management Plan is to detail the existing and proposed method of stormwater management in relation to the new building and demonstrate

- a) that all stormwater management would occur in accordance with the provisions of Muswellbrook Shire Council Development Control Plan 2009 and AS 3500.
- b) That any flow discharge from the site for events up to the design storm event (10% AEP) does not lead to concentration of stormwater which may cause erosion of existing channels or bank stability of Muscle Creek.
- c) Suitable first flush filters are to be installed to downpipes from roof areas to reduce sediment and leaf litter prior to discharge to rainwater tank
- d) A stormwater retention tank with no less than 25,000ltr of storage capacity is provided to captures stormwater and enable re-use as a non-potable water source for toilet flushing and/or landscape maintenance.
- e) That the flow of stormwater toward the rail corridor must not be increased by the proposed development
- f) No removal of any existing trees, in addition to any shown to be removed in the approved plans to facilitate stormwater drainage.
- g) Proposed twin kerb adaptors/connections for stormwater discharge to Wilkinson Street to be suitably separated so as not to impact kerb integrity.

Reason: To ensure that surface water from hard stand areas receives treatment to minimise the potential for pollution of adjoining waterways and to reduce the quantity of stormwater leaving the site or impacting nearby land uses.

3. Condition 9 – Amended to read as follows:

(9) Noise Management Plan

A Noise Management Plan prepared by an appropriately qualified acoustic engineer in accordance with the recommendations of the Noise Assessment Proposed Modification to Function Room and Terrace Olympic Park Grandstand, Muller Acoustic Consulting (19 November 2025), shall be submitted to Council for written approval prior to the issue of any Construction Certificate.

Reasons: To minimise noise impacts on nearby residential properties.

4. Condition 19 – Amended to read as follows:

(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 \$86,386.59 shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying out the development.

Documentary evidence demonstrating payment of the above contribution to Council is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure contributions are made to upgrade roads and facilities in the area.

5. Condition 25 – Amended to read as follows:

(25) Construction Management Program

Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and be approved in writing by the Principal Certifying Authority. The program shall include such matters as:

- a) a Safe Work Method Statement;
- b) a construction traffic management plan which includes 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;
- k) the location and operation of any on site crane; and
- l) location, identification, treatment and disposal of all hazardous materials on site.
- m) Detail measures to be implemented to protect the playing surface of the adjacent tennis court from any damage through the carrying out of work.

6. Condition 56 – Amended to read as follows:

(56) Hours of Operations

The Grandstand and Function Rooms may only operate between the following hours:

Facility	Time of use	Description of use
- Football fields 1,2 and 3. - Grandstand Amenities (except	<u>Sun to Thu:</u> 8:00am to 10:00pm <u>Fri, Sat & Public Holidays:</u> 8:00am to 11:00pm	- Major regional events and competitions - Typical local sporting events - Training

Function Room)	(except for amplified sound which is restricted to 8:00am to 10:00pm)	
- Main building (except Function Room) - Carpark	<u>Sun to Thu: 7:00am to 12:00am</u> <u>Fri, Sat & Public Holidays: 7:00am to 12:00am</u> (except for amplified sound which is restricted to 8:00am to 11:00pm)	- Sporting participants and visitors to the main building and playing fields - carpark for events - community events
Function Room and Terrace	<u>Sunday – Thursday: 8:00am to 10:00pm</u> <u>Friday, Saturday & Public Holidays 8:00am to 11:00pm</u>	Associated with sporting and community events and as permitted by condition 53

Upon expiry of the permitted hours, no person shall be permitted entry and all customers on the premises shall be required to leave within the following 15 minutes and all signage is to cease illumination.

Reason: to manage impacts on adjoining residential uses.

New Conditions

7. Addition of the following new conditions at (12A) and (52A).

(12A) Structural Certification – Existing Building

Prior to the issue a Construction Certificate the person acting with this consent is to provide the Certifying Authority with a Structural Design Statement and accompanying plans prepared by an suitably qualified engineer confirming that structural elements of the existing grandstand building to be retained will be capable of supporting the additional structural loads associated with the new building works.

Any structural supports or alterations required to existing structure to achieve this outcome are to be detailed in the detail design plans accompanying the Construction Certificate.

Reason: ensure upgrade of existing building in accordance with S 64 of the *Environmental Planning and Assessment Regulation 2021*

(52A) Work affecting Tennis Court

Prior to the issue of the Occupation Certificate all alterations to the adjoining tennis court required to facilitate the development are to be completed, compound fencing and lighting re-instated and any damage to the court playing surface resulting from construction work rectified to the satisfaction of Council's Recreation and Property Section.

Reason: ensure completion of work and rectification of any damage to adjoining tennis court.