



**muswellbrook  
shire council**

**Muswellbrook Shire Council**  
**EXTRA ORDINARY COUNCIL  
MEETING**

**BUSINESS PAPER**  
**26 JUNE 2019**



**EXTRA ORDINARY COUNCIL MEETING, 26 JUNE 2019**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
21 June, 2019

Councillors,

You are hereby requested to attend the Extra Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **26 June, 2019** commencing at 6.00pm.

Fiona Plesman  
**GENERAL MANAGER**



# Order of Business

ITEM	SUBJECT	PAGE NO
1	ACKNOWLEDGEMENT OF COUNTRY	4
2	CIVIC PRAYER	4
3	APOLOGIES AND LEAVE OF ABSENCE	4
4	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	4
5	PUBLIC PARTICIPATION	4
6	ENVIRONMENTAL SERVICES	5
6.1	DA 38/2019 - SITE PREPERATION WORKS AND INSTALLATION (STORAGE) OF ASPHALT PLANT (NO PRODUCTION PROPOSED)	5
6.2	DA 78/2018 - MIXED USE DEVELOPMENT COMPRISING A SERVICE STATION AND RESTAURANT	45
7	CORPORATE AND COMMUNITY SERVICES	374
7.1	CHANGING THE VENUE FOR THE JULY 2019 AND SEPTEMBER 2019 COUNCIL MEETINGS	374
7.2	REPORT ON INVESTMENTS HELD AS AT 31 MAY 2019	376
8	ADJOURNMENT INTO CLOSED COUNCIL	387
9.1	Contract 2018-2019-0346 WATER AND SEWER CONSTRUCTION AND MAINTENANCE SERVICES PANEL <i>Item 9.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
9.2	T511920HUN SUPPLY AND DELIVERY OF READY MIX CONCRETE <i>Item 9.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
9.3	FUTURE FUND POLICY SCHEDULE <i>Item 9.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
9	CLOSED COUNCIL	387
10	RESUMPTION OF OPEN COUNCIL	388
11	CLOSURE	388



## MUSWELLBROOK SHIRE COUNCIL

# AGENDA

### **1 ACKNOWLEDGEMENT OF COUNTRY**

### **2 CIVIC PRAYER**

### **3 APOLOGIES AND LEAVE OF ABSENCE**

Leave of Absence for the meeting was previously granted to Councillor Woodruff.

### **4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY 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.

### **5 PUBLIC PARTICIPATION**

## 6 ENVIRONMENTAL SERVICES

### 6.1 DA 38/2019 - SITE PREPERATION WORKS AND INSTALLATION (STORAGE) OF ASPHALT PLANT (NO PRODUCTION PROPOSED)

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>
Attachments:	A. DA 38/2019 Section 4.15 Assessment Report B. DA 38/2019 Recommended Conditions of Consent C. DA 38/2019 Proposed Development Plans (as amended) D. DA 38/2019 Concept Engineering Plans for Asphalt E. DA 38/2019 Submission

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

#### APPLICATION DETAILS

Applicant:	ADW Johnson Pty Ltd & Newpave Asphalt Pty Ltd
Owner:	Designbild Pty Limited
Proposal:	Site Preparation Works and Installation of Asphalt Plant
Location:	Lot 14 DP 1119843 43-45 Enterprise Crescent Muswellbrook
Permissibility:	The proposed development is permissible as Storage Premise within the IN1 General Industrial
Recommendation:	Approve Subject to Conditions

#### RECOMMENDATION

That Council approve Development Application No. 038/2019 proposing Site Preparation Works and Installation of Asphalt Plant at Lot 14 DP11119843, 43-45 Enterprise Crescent Muswellbrook, subject the conditions in Appendix B of the report.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

☐ Cr J. Ledlin  
\_\_\_\_\_

☐ Cr S. Bailey  
\_\_\_\_\_

☐ Cr G. McNeill  
\_\_\_\_\_

<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates to the placement of asphalt plant equipment (storage only) on 43-45 Enterprise Crescent Muswellbrook. The property is formally identified as Lot 14 DP 1119843.

The subject land is zoned IN1 General Industrial under Muswellbrook Local Environmental Plan 2009. The land has an area of 9.6ha. The installation of the asphalt plant for storage is defined as a storage premise. Storage premise means, a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

The application is for the installation of M-280 modular asphalt plant with the following components:

- Aggregate bins;
- Conveyor;
- Diesel rotary dryer;
- Fabric filter bag house;
- Dust conditioner;
- Hot elevator;
- Batch tower;
- Control cabin and electric cabin;
- Heater;
- Asphalt tanks with associated feed pumps; and
- Generators.

As well as the placement of the plant, limited site works will be undertaken, including a creation of a bunded area, drainage pits/pipe work and landscaping. The plant has a maximum height on 12 metres.

### ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. As a result of the assessment, Council Staff recommend that development consent be granted to the proposed development subject to recommended conditions provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). Council Officers did not identify any inconsistencies with the proposed development and the requirements of any SEPP which would prevent Council from granting development consent to the development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.
- The application was referred to Council's Community Infrastructure in the assessment and comments received.

The installation of the asphalt plant has been requested as the plant is no longer required at its current location, but the owner is not ready at this time to seek approval for operation of the asphalt plant at Muswellbrook. The future use of the plant would be assessed as a separate application, or the Plant will be relocated to another site. A condition of consent has been included outlining that if an application is not lodged and deemed suitable the plant is to be relocated within twelve (12) months.

Council has previously approved development applications to allow for the carrying out of site preparation works and the temporary storage of plant or machinery, or structures on industrial sites. Notable examples of development applications which have permitted site preparation works and the installation of temporary structures include:

- **DA 62/2017** – Storage of shipping containers, driveway access, temporary road and site levelling, erection of sheltered area and security fencing (24 Carramere Road, Muswellbrook). This application related to site preparatory works (including temporary and permanent structures for the Hunter Pilot Biorefinery. A later development application was lodged for more substantial construction works at the site and the operation of the premises which was reported to, and determined by the Regional Planning Panel.
- **DA 63/2010 Section 96(1a)** – This Section 96 modification allowed for the temporary location of a demountable building, amenities block, three shipping containers and an attached canopy at 9 Enterprise Crescent. The section 96 modification was associated with the establishment of a permanent depot on adjoining land. The depot related to the temporary facilities was approved under the initial development consent issued for DA 63/2010.

## COMMUNITY CONSULTATION

The proposed development was notified and advertised between the 9 May 2019 and 23 May 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

One submission was received from the public in relation to the proposed development.

## OPTIONS

The Council may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to alternative conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.

## LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application they have an opportunity under the provisions of *the Environmental Planning and Assessment Act 1979* to appeal that determination at the Land and Environment Court.

## CONCLUSION

DA 38/2018 has been reported to the Council for determination as the development application received a submission during the notification period.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that Council grant development consent to DA 38/2019 subject to recommended conditions of consent outlined in Attachment B.

## DEVELOPMENT ASSESSMENT REPORT

**Attached:** Site Plan

### REPORT TO THE GENERAL MANAGER

<b>ADDRESS:</b>	LOT: 14 ALT: DP: 1119843 REF: 43-45 Enterprise Crescent MUSWELLBROOK			
<b>APPLICATION No:</b>	38/2019			
<b>PROPOSAL:</b>	Site Preparation Works and Installation (Storage) of Asphalt Plant (no production proposed)			
<b>PLANS REF:</b>	Drawings no.	Drawn by	Date	Received
	PROJECT No.180717.1 A00 TO A02	AE	11/06/2019	
<b>OWNER:</b>	Designbild Pty Limited & Designbilt Pty Limited			
<b>APPLICANT:</b>	Newpave Asphalt & ADW Johnson C/- Adw Johnson Pty Ltd 7/335 Hillsborough Road Warners Bay NSW 2282			
<b>AUTHOR:</b>	Ms A J Evans			
<b>DATE LODGED:</b>	18-04-2019			
<b>AMENDED:</b>	14 June 2019			
<b>ADD. INFO REC'D:</b>	14 June 2049			
<b>DATE OF REPORT:</b>	29 May 2019			

---

### SUMMARY

**ISSUES:** Objection (1)

**SUBMISSIONS:** One (1)

**RECOMMENDATION:** Approval subject to conditions

---

**Documents reference to in the assessment but not attached:**

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Water Management Act 2000
- Building Code of Australia
- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- Rivers & Drainage Channels Policy
- Contaminated Land Policy
- Interim Construction Noise Guidelines
- Hunter River Flood Study 2014
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (UPSS) Regulation 2014
- Protection of the Environment Operations (Noise Control) Regulation 2008
- Food Act 2003
- Public Health Act 2010
- Public Health Regulation 2012
- Telecommunications Act 1997
- Telecommunications in New Developments Policy
- Australia and New Zealand Food Standards Code
- Australian Standard 1428: 2009– Design for Access & Mobility
- Australian Standard 4674: 2004 – Design, construction and fit out of a food premises
- Australian Standard 2890.1: 2004 – Parking Facilities – Off Street Car Parking
- NSW Environment Protection Authority Noise Policy
- Floodplain Development Manual

## **1.0 BACKGROUND**

The subject land was created under DA238/2005 for industrial subdivision. The lot has remained vacant with no previous land use approval for the subject land.

## **2.0 SITE AND LOCALITY DESCRIPTION**

The subject land is located within Muswellbrook Industrial Estate. The land is currently vacant. The land slopes to the rear of the site with one tall standing tree within the allotment. An easement for stormwater and sewer drainage benefiting Council is detailed on DP 1119843 and is located along the southern boundary (rear).

Allotments to the east and west are vacant with a mixed use industrial building being erect on the adjacent road frontage of Enterprise Crescent. The site is not identified as being bushfire prone, within a mine subsidence area or flood liable.





Ariel Photograph of subject land Lot 14 DP 1119843 43-45 Enterprise Crescent Muswellbrook

### **3.0 DESCRIPTION OF PROPOSAL**

The application is for the installation of M-280 modular asphalt plant for its storage. The plant proposed for storage at the site would have the following components:

- Aggregate bins;
- Conveyor;
- Diesel rotary dryer;
- Fabric filter bag house;
- Dust conditioner;
- Hot elevator;
- Batch tower;
- Control cabin and electric cabin;
- Heater;
- Asphalt tanks with associated feed pumps; and
- Generators.

As well as the installation of the plant limited site preparations works will be undertaken including the plants bunden area, drainage pits/pipe work and landscaping. The plant has a maximum height on 12 metres (which has been amended from the previously proposed at 18 metres).

The erection of the plant is required to be undertaken to ensure the plants use and function in the future. The plant is being relocated from another site and is required to be removed asap. The use of the plant will be proposed and assessed under separate application.

### **4.0 ADEQUACY OF APPLICANT'S SUBMISSION**

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, the applicant has provided adequate information to enable an assessment of the Application.

The applicant has included the following ancillary reports with the supporting documentation:

- Statement of Environmental Effects;
- Detailed Plans
- Engineering Plans
- Landscaping Plans
- Water Cycle Strategy

### **5.0 SPECIALIST COMMENTS**

#### **5.1 Internal Referrals**

The application was referred to Council's Community Infrastructure to review the Water Cycle Strategy and was deem to be satisfactory. A Section 68 will be required for the proposed work and its discharge into its stormwater management system.

#### **5.1 External Referrals**

As the application is relating to the storage only of the Asphalt Plant no external agencies were notified or required to be notified for the storage premise under relevant planning policies or regulations.

Number of External referrals will be undertaken when an application is received for the use of the plant.

## **6.0 ASSESSMENT**

This report provides an assessment of the material presented in the Application against the relevant State and local planning legislation and policy.

### **Section 4.15 Matters for Consideration**

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

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

##### **1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

###### **Land Use Zone and Permitted Land Use**

The development site is zoned IN1 General Industrial pursuant to MLEP 2009. The proposal is best defined as '*storage premise*', which is permitted with consent in the subject Zone.

The following is the zoning table for IN1 General Industrial under MLEP 2009.

###### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To recognise existing industries and to encourage the establishment of new industries so as to expand the local employment base, and to minimise any adverse effects of industry on residential communities.
- To accommodate larger industries or those which potentially could create nuisance in locations separated from residential areas but accessible to the workforce.
- To enable development that is associated with, ancillary to, or supportive of industry or industrial employees.

###### **2 Permitted without consent**

*Nil*

###### **3 Permitted with consent**

*Air transport facilities; Car parks; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; **Storage premises**; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies*

###### **4 Prohibited**

*Pond-based aquaculture Any development not specified in item 2 or 3*

It is considered that the development proposal is not contrary to the objectives of the Zone.

###### **Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009**

**Item 6.1 - Attachment A DA 38/2019 Section 4.15 Assessment Report**

<i>Part 1 Preliminary</i>	
1.1 Name of Plan	Muswellbrook Local Environmental Plan 2009
1.1AA Commencement	The MLEP 2009 was gazette 17 April 2009.
1.2 Aims of Plan	Noted
1.3 Land to which Plan applies	The MLEP 2009 applies to the whole of Muswellbrook Local Government Area.
1.4 Definitions	Noted
1.5 Notes	Noted
1.6 Consent authority	The consent authority for this development is Muswellbrook Shire Council.
1.7 Maps	Noted.
1.8 Repeal of planning instruments applying to land	Noted.
1.8A Savings provision relating to pending development applications	Noted
1.9 Application of SEPPs	Noted
1.9A Suspension of covenants, agreements and instruments	Noted
<i>Part 2 Permitted or prohibited development</i>	
2.1 Land use zones	Noted
2.2 Zoning of land to which Plan applies	See above
2.3 Zone objectives and Land Use Table	See above
2.4 Unzoned land	NA
2.5 Additional permitted uses for particular land	NA
2.6 Subdivision—consent requirements	NA
2.7 Demolition requires development consent	NA
2.8 Temporary use of land	NA
<i>Part 3 Exempt and complying development</i>	
3.1 Exempt development	NA
3.2 Complying development	NA
3.3 Environmentally sensitive areas excluded	NA
<i>Part 4 Principal development standards</i>	
4.1 Minimum subdivision lot size	NA
4.1AA Minimum subdivision lot size for community title schemes	NA
4.2 Rural subdivision	NA
4.3 Height of buildings	MLEP 2009 specifies a maximum building height of 15 m in relation to the land. The proposal does not involve building works over 12 metres.
4.4 Floor space ratio	MLEP 2009 specifies a floor space ratio of 1:1 in relation to the land. The proposal does not involve building works that would result in floor space greater than 0.25:1 of the site.
4.6 Exceptions to development standards	NA
<i>Part 5 Miscellaneous provisions</i>	
5.1 Relevant acquisition authority	NA
5.2 Classification and reclassification of public land	NA
5.3 Development near zone boundaries	NA
5.4 Controls relating to miscellaneous permissible uses	NA
5.5 Development within the coastal zone	NA
5.6 Architectural roof features	The application is for the erection and storage of asphalt plant, there is no roofline for consideration.

**Item 6.1 - Attachment A DA 38/2019 Section 4.15 Assessment Report**

5.7 Development below mean high water mark	NA
5.8 Conversion of fire alarms	NA
5.9 Preservation of trees or vegetation	NA
5.9AA Trees or vegetation not prescribed by development control plan	NA
5.10 Heritage conservation	NA
5.11 Bush fire hazard reduction	NA
5.12 Infrastructure development and use of existing buildings of the Crown	
5.13 Eco-tourist facilities	
<b>Part 6 Urban release areas</b>	
6.1 Arrangements for designated State public infrastructure	NA
6.2 Public utility infrastructure	NA
6.3 Development control plan	NA
6.4 Relationship between Part and remainder of Plan	NA
<b>Part 7 Additional local provisions</b>	
7.1 Terrestrial biodiversity	NA
7.2 Subdivision in Zone RU1 Primary Production and Zone E3 Environmental Management	NA
7.3 Controls relating to rural worker's dwellings	NA
7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village	NA
7.5 Erection of dwelling houses on land in certain rural and environmental protection zones	NA
7.6 Earthworks	Earthworks will be carried ancillary to the development. Works will involve the leveling of plant area and the construction of a v drainage along the length of the southern boundary as detailed within the water cycle strategy submitted for the application. The works are will not impact adjoining lands
7.7 Development at Muswellbrook Showground	NA
7.8 Events permitted on public reserves and public roads without development consent.	NA

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

Site is suitable for Industrial use. Land is vacant with no identified contamination.

**3. State Environmental Planning Policy**

The following State Environmental Planning Policies apply to the Muswellbrook Local Government Area and were considered and found not to be applicable to the proposed development.

- SEPP No. 21 Caravan Parks
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 36 Manufactured Home Estates
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 62 Sustainable Aquaculture
- SEPP No. 64 Advertising and Signage
- SEPP No. 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007

- SEPP (miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Renting Housing) 2009
- SEPP (State and Regional Development) 2011

**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 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the Muswellbrook DCP.

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 9 May 2019 to 23 May 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

One (1) submission was received during the notification period. The issues raised in the submissions are addressed in this Report.

Section 10 – Industrial Development

The proposed plant is setback 10m from the Enterprise Crescent. Its built form is a requirement for function. The plant is consistent with industrial use and is in character with the locality use. The plant's maximum height is 12m. The plant is a broken form and is not intrusive to the surrounding land uses. The plant

Section 16 – Car Parking and Access

As the proposal is installation of plant and site preparation works no car parking spaces are required. The site has ample room for informal parking. Accesses will be assessed with a 138 approval under Roads Act. The development complies with Section 16 of the Muswellbrook Development Control Plan regarding car parking.

Section 20 – Erosion and Sediment Control

Site will have erosion and sediment controls installed for proposed works. Drawing 801 and 802 of Concept Engineering plans shown details. The information supplied is in accordance with the DCP chapter.

Section 21 – Contaminated land

The site is suitable for an industrial land use. No further assessment is required to be undertaken due to contaminated land.

Section 24 – Waste Management

A site waste management and minimisation plan was prepared and is Appendix E of SOEE. The proposal is consistent with the requirements of the DCP.

Section 25 – Stormwater Management

The application has been submitted with a water cycling strategy for the proposal. Community and Infrastructure have reviewed the information and are satisfied that the application is in accordance with their policies and the DCP.

Water will be collected and conveyed to the stormwater drainage easement and discharge is in accordance with the easement restriction.

#### Section 94A Contributions Plan 2009

Under the provisions of this plan developer contributions are applicable to development with an estimated value greater than \$100,000.

However, the provisions of Section 7.12 (former S 94A) of the Environmental Planning and Assessment Act 1979 restrict a consent authority from levying a Section 7.12 contribution on development which has previously paid a Section 7.11 contribution (former Section 94). Council Officers have identified that a Section 7.11 Contribution was paid by the developer of the land at the time the land was subdivided under DA 238/2005. Accordingly, Council is unable to charge a further Section 7.12 contribution on the land as part of any development consent granted to this development application.

Section 1 - Introduction	Section 2 – Submitting an application
Section 5 – Subdivision	Section 6 – Residential Development
Section 7 – Village Zones	Section 8 – Rural Development
Section 9 – Local Centre Development	Section 10 – Industrial Development
Section 11 – Extractive Industries	Section 12 – Tourist Facilities and Accommodation
Section 13 – Flood Prone Land	Section 14 – Outdoor signage
Section 15 – Heritage Conservation	Section 16 – Carparking and Access
Section 17 – Sex Services Premises	Section 18 – Child Care Centres
Section 19 – Use of Public Footpaths	Section 20 – Erosion and Sediment Control
Section 21 – Contaminated Land	Section 22 – Land Use Buffers
Section 23 – Onsite Wastewater management systems	Section 24 – Waste Management
Section 25 – Stormwater Management	Section 26 – Site Specific controls
Section 27 – West Denman Urban Release Area	

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

There are no planning agreements relevant to the subject Application.

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

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the development.

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

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

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

##### ***Expand on Significant Matters listed in the table below.***

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

Context & Setting	Waste
Built Form	Energy
Potential Impact on Adjacent Properties	Noise and Vibration
Access, Traffic and Transport	Natural hazards
Public Domain	Technological hazards
Utilities	Safety, Security, and Crime Prevention
Heritage	Social Impact on Locality
Other land resources	Economic Impact on the Locality

Water  
Soils  
Air & microclimate  
Flora & fauna

Site Design and Internal Design  
Construction  
Cumulative Impacts

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

It is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

### **Section 4.15(1)(d) any submissions made**

One (1) submission was received during the notification period. The concerns raised in the submissions are summarised below.

#### **Concern**

*Council notification letter provides different information to letter received from proponent, Newpave.*

#### **Planning Response:**

Council application is for the installation and limited site works in asphalt plant (storage only). Newpave in the preparation for the lodgement of use development application made contact via letters to adjoining land owners of the industrial estate outlying their intentions to operate the site as an asphalt batching plant.

#### **Concern**

Newpave information detailed a total of 136 truck movements within a 24 hour period. Believes this will sterilise the street frontages of surrounding businesses. State that business should have its own entry off the main road and create road maintenance issues for Council.

#### **Planning Response**

As part of the use application a traffic study will be completed to determine the suitability of the access to the site. However, it should be noted that the site has ample road frontage on Enterprise Crescent and that it is located within an Industrial area with an adequate road design to cater for large transport.

Also 136 truck movements over a 24 hour period is 5.66 truck per hour which is not seen as being a significant load for the locality. Roads within the locality on subdivision should have been designed with the capability to cater for future industrial land uses such as Asphalt Batching Plant.

#### **Concern**

That Newpave inform them in their letter that an EIS (Environmental Impact Statement) for the use was being prepared and is that normal that plant is installed prior to this being carried out.

#### **Planning Response**

The use of the site as an asphalt batching plant triggers designated development. The application being assessed DA38/2019 is for the installation of the plant for storage only as the proponent is required to move the plant in a timely manner after its purchase.

The plant installation is required to ensure the integrity of the plant so that it can be reused for asphalt production. If plant is stored dismantle it can become distorted and unsuitable to be erected for use (damaged). It is unusual for the plant to be installed without use proposed however the MLEP 2009 as does allow for storage premises which does enable it to occur

The proponent is aware that when a use application is received and an assessment is carried out for the use that it could be determined that the use of the plant for asphalt

production may be unsuitable and result in the application being refused. It is part of this application that a condition of consent be included outlining the removal on the plant with 12 months if use application is refused.

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

It is considered that the proposal is not contrary to the public interest.

#### NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections; however, the following legislation has not been discussed in detail elsewhere in the report.

#### Council Adopted and Draft Policies

The following policies have been adopted by Council and are required to be considered in the assessment of the application.

D7/1 Development Cost Estimating  
D25/1 Rivers and Drainage Channel  
S28/1 Street Trading Policy  
D6/1 Demolition Policy  
C20/1 Contaminated Land Policy  
S15/1 Building Over Existing Sewer Policy  
R26/1 Retaining wall

## **5 CONCLUSION**

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with ONE (1) submission being received.

It is recommended the application be approved subject to conditions of consent.

Signed by:

Alisa Evans  
Project Planner

Date: 19/06/2019

#### **Disclosure of Political Donations and Gifts:**

No disclosures of a political donations or gifts have been made in relation to this application.

#### **SOCIAL IMPLICATIONS**

The development as presented will not result in any specific social implications for Council.

#### **FINANCIAL IMPLICATIONS**

This development as presented has no direct financial impact upon Council's adopted budget or forward estimates.

#### **POLICY IMPLICATIONS**

The development as presented will not result in any specific policy implications for Council.



**STATUTORY IMPLICATIONS**

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

**LEGAL IMPLICATIONS**

This matter has no specific legal implications for Council.

**OPERATIONAL PLAN IMPLICATIONS**

This matter has no specific Operational Plan implications for Council.

**RISK MANAGEMENT IMPLICATIONS**

This matter has no specific risk management implications for Council.



**DA 38/2019 Recommended Conditions of Consent:**

**IDENTIFICATION OF APPROVED PLANS**

**(1) Development in Accordance with Plans**

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
Project No. 180717.1 A00 to A02	D	AE	11/06/2019	13/06/2019
Project No. 239818 001, 101, 111, 131, 501,511,801 & 802	B	S.H.O	13/06/2019	13/06/2019

**OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**

**(2) Building Code of Australia**

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

**(3) Storage Premise**

The use of the subject land Lot 14 DP 1119843 is approved for twelve months (12) from the date of this consent as a storage premise for the storage of the Asphalt Plant. At the lapse of the 12 months an application for the use of the subject land for an asphalt bathing plant is determined or pending determination.

If the application is refused the proponent will have sixty (60) days to remove and remediate the site back a vacant industrial land.

**ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**(4) Vehicular Access way Design – Commercial and Industrial**

Prior to the issue of a Construction Certificate, a 138 Application is to be lodged and approved for the design of the sealed vehicular access way. The design will be in accordance with Council requirements.

**(5) Section 68 Local Government Act Approval**

Prior to the issue of a Construction Certificate and the commencement of any works it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all drainage works for stormwater design.

(6) **Sediment Control**

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Muswellbrook Shire Council's Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;
- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;
- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved in writing by the Certifying Authority prior to issuing of the Construction Certificate.

<b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b>
--

(7) **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.

(8) **Construction Certificate Requirement**

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(9) **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.

(10) **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 hoarding) 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.

(11) **Water Meter**

A water meter as issued and installed by Muswellbrook Water & Waste department must be connected to the town's reticulated water supply prior to any commencement.

<b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b>
--

(12) **Occupation**

Prior to the completion of the development a final inspection is to be carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

(13) **Installation of Driveway Crossover**

Prior to the issue of any Occupation Certificate the driveway crossover is to be installed at the site in accordance with the approved plans and Section 138 Approval issued by Council.

(14) **Stormwater Construction**

Prior to the issue of any Occupation Certificate all stormwater works including on-site stormwater detention is to be constructed in accordance with the approved plans and Section 68 approval issued by Council.

**CONDITIONS WHICH MUST BE COMPLIED WITH AT ALL TIMES**

(15) **No Operation of the Plant**

Unless otherwise approved by Council in writing, at no time shall the asphalt plant approved for storage be operated at the site.

Should the site owner intend to operate the premises a subsequent development application will need to be lodged in relation to the construction and operation of the premises.

**REASON FOR IMPOSITION OF CONDITIONS:**

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

(a) To encourage:

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- (ii) The promotion and co-ordination of the orderly and economic use of development of land;
- (iii) The protection, provision, and co-ordination of communication and utility services;
- (iv) The provision of land for public purposes;
- (v) The provision and co-ordination of community services and facilities;
- (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
- (vii) Ecologically Sustainable Development; and

- (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

**ADVICE:**

- nil
- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application. Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
  - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

**RIGHT OF APPEAL:**

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of*

*Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.



DEVELOPMENT APPLICATION DOCUMENTATION FOR  
PROPOSED INSTALLATION OF ASPHALT PLANT FOR STORAGE  
LOT 14 D.P. 1119843 43-45 ENTERPRISE CRESCENT, MUSWELLBROOK

SHEET INDEX

SHEET No.	CONTENTS	REVISION	DATE
A00	SHEET INDEX, LOCATION MAP & PICTURES OF PLANT	D	11-06-2019
A01	PLANT'S SUBMITTAL DOCUMENTS	D	11-06-2019
A02	PLANT'S SUBMITTAL DOCUMENTS	D	11-06-2019

NOTE

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER RELATED PLANS AND DOCUMENTS.  
THESE PLANS ARE NOT FOR THE PURPOSE OF CONSTRUCTION.

LOCATION MAP



SUBJECT SITE



LOT 14 D.P. 1119843

PICTURES OF PLANT





**BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA**  
MEMBER SINCE 2004



**ACCREDITED BUILDING DESIGNER**  
ACCREDITED SINCE 2007



**GreenSmart PROFESSIONAL**  
ACCREDITED SINCE 2007



**MEMBER**  
MEMBER SINCE 2004

GENERAL NOTE: THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THOMAS & CO. PTY LTD. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THOMAS & CO. PTY LTD.

REV	DESCRIPTION	DATE
D	AMENDED FOR APPROVAL	11-06-2019
C	FOR APPROVAL	11-06-2019
B	DEVELOPMENT AMENDED	11-06-2019
A	FOR REVIEW	11-06-2019

**THOMAS**

THOMAS & CO. PTY LTD.  
11-06-2019

Copyright © 2019 Thomas & Co. Pty Ltd. All Rights Reserved. This document is the property of Thomas & Co. Pty Ltd. and is not to be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written permission of Thomas & Co. Pty Ltd.

**LOT 14 D.P. 1119843 43-45 ENTERPRISE CRESCENT, MUSWELLBROOK**

**NEWSPAPER ASPHALT PLANT PTY LTD.**

**180717.1**

**A00**



BOUNDARIES HAVE BEEN DETERMINED BY BOUNDARY SURVEYS ONLY AND HAVE NOT BEEN SURVEYED

SERVICES HAVE BEEN LOCATED THERE AND THE PLANT IS TO BE MOVED TO A NEW CONSTRUCTION SITE LOCATED IN THE VICINITY OF THE EXISTING PLANT LOCATED IN THE RELEVANT AUTHORITY

SPOT LEVELS AND CONTIGUOUS SLOAN HEREIN ARE TO BE DETERMINED BY THE ENGINEER TO BE CONFINED ON SITE PRIOR TO AN EXCAVATION OR CONSTRUCTION

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF ASHRAFT PLANT DESIGN AND SHOULD NOT BE USED FOR ANYTHING OTHER THAN THAT PURPOSE

DESIGNED BY: **WILLIAM T. HARRIS**  
DRAWN BY: **JOHN W. HARRIS**

(M) EASEMENT FOR DRAINAGE OF WATER 5.5 WIDE  
(W) EASEMENT FOR DRAINAGE OF SEWER 5.5 WIDE  
(P) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 13 WIDE

☐ PROPOSED LANDSCAPED AREA  
☐ PROPOSED SEALED CONCRETE AREA  
☐ PROPOSED STRUCTURE

[illegible]

REV	DESCRIPTION	DATE
D	AMENDED FOR APPROVAL	11-08-2019
C	FOR APPROVAL	14-05-2019
B	DETENTION BASIS/AMENDED	09-05-2019
A	FOR REVIEW	15-04-2019

Black Cherry 100 mg/ml

Copyright © 2006 by Humana Press  
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without permission in writing from Humana Press.

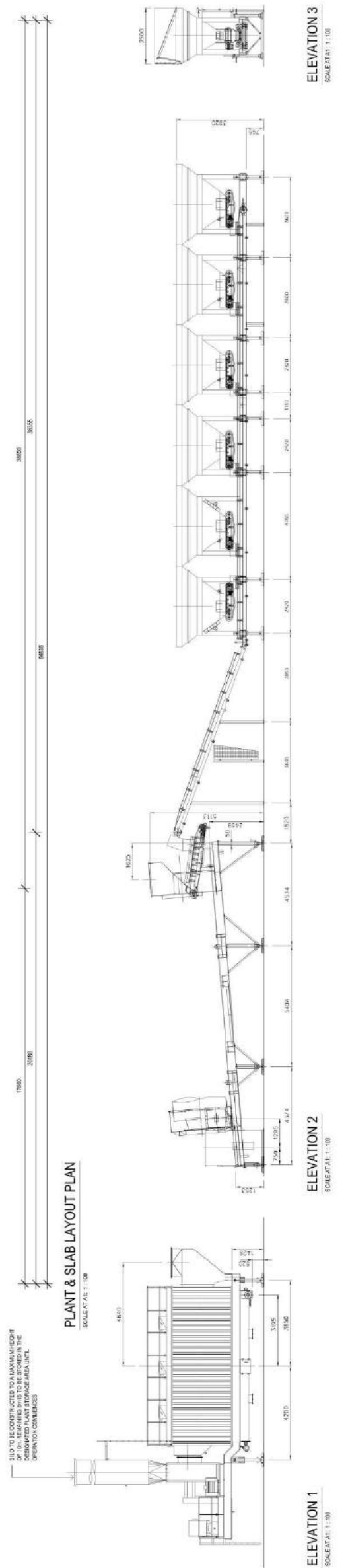
### PROPOSED ASPHALT PLANT STORAGE

DOT 14 CP1118843 43-45 ENFERPRISE CRES. MUSWELLBROOK  
2187  
EMPAVE ASPHALT PTY LTD

1807171

DATE: 1-06-2019  
SHEET NO: 401  
401







CONCEPT ENGINEERING  
ASPHALT PLANT STORAGE  
LOT 14 D.P. 1119843  
43-45 ENTERPRISE CRESCENT, MUSWELLBROOK  
DA 38/2019

**GENERAL NOTES:-**  
ALL WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED PLANS, SUBJECT TO MUSWELLBROOK SHIRE COUNCIL'S ENGINEERING STANDARDS.  
**SURVEY:-**  
ALL LEVELS SHALL BE OBTAINED FROM ESTABLISHED BENCHMARKS TO AUSTRALIAN HEIGHT DATUM (AHD).  
**TRAFFIC:-**  
TRAFFIC CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE RTA DOCUMENT "TRAFFIC CONTROL AT WORKSITES".  
**TREES:-**  
ALL TREES WITHIN THE ALLOTMENTS AND RESERVES (OTHER THAN ROAD RESERVES) SHALL BE RETAINED, UNLESS OTHERWISE NOMINATED BY AN APPROVED LANDSCAPE PLAN.  
REMOVAL OF TREES FOR THE ESTABLISHMENT OF FIREBREAKS SHALL BE CARRIED OUT IN CONSULTATION WITH THE FIRE CONTROL OFFICER AND/OR COUNCIL'S ENVIRONMENTAL OFFICER.  
**UTILITIES:-**  
POINTS OF CONFLICT BETWEEN NEW CONSTRUCTION AND EXISTING UTILITY SERVICE MAINS SHALL BE IDENTIFIED, EXPOSED AND REPORTED TO THE PROJECT MANAGER PRIOR TO CONSTRUCTION.  
SERVICE CONDUITS SHALL BE LAID IN POSITIONS AS APPROVED BY THE RELEVANT AUTHORITY.  
**ADJOINING ACCESS:-**  
ADJOINING ACCESS SHALL BE MAINTAINED FOR SUITABLE PROTECTION OF THE EXISTING ROAD PAVEMENT, KERB AND GUTTER AND FOOTPATH.  
FORMER DRIVEWAY ACCESS AND ALL SERVICES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION WORKS, SHALL BE MAINTAINED AT ALL TIMES.  
**SOIL / GRASS:-**  
TOPSOIL, MIN. 150mm THICK SHALL BE APPLIED TO ALL FOOTPATHS AND FILLED AREAS, WHERE TURF IS NOT REQUESTED. ALL EXPOSED TOPSOIL SHALL BE SEEDER IMMEDIATELY UPON COMPLETION OF THE SOIL SPREADING OPERATION. AT MINIMUM, A 100% GRASS SEED SHALL BE APPLIED TO ALL EXPOSED AREAS, INCLUDING DRIVEWAYS, DRIVEWAYS, DRIVEWAYS, DRIVEWAYS, DRIVEWAYS, DRIVEWAYS, DRIVEWAYS AND AT REAR OF ALL KERBS.  
**EROSION CONTROL:-**  
ALL SILT CONTROL MEASURES SHALL BE PLACED PRIOR TO COMMENCEMENT OF EARTHWORKS. SUCH MEASURES SHALL BE SUBJECT TO FURTHER ADDITIONS OR ALTERATIONS, WHERE CONSIDERED NECESSARY, AS DIRECTED BY THE PROJECT MANAGER OR COUNCIL, DURING THE PROGRESSION OF WORKS. ALL FINAL EROSION PREVENTION MEASURES INCLUDING ESTABLISHMENT OF GRASS SHALL BE COMPLETED PRIOR TO THE "FINAL" INSPECTION.  
**SUBSOIL DRAINAGE:-**  
SUBSOIL DRAINS SHALL BE PROVIDED AS SHOWN ON THE PLANS. ADDITIONAL DRAINS SHALL BE PROVIDED WHERE CONSIDERED NECESSARY, BY COUNCIL OR A GEOTECHNICAL ENGINEER.  
**MATERIALS & TESTING:-**  
ALL MATERIALS AND PRODUCTS FOR INSTALLATION AND CONSTRUCTION SHALL COMPLY WITH AUSTRALIAN STANDARDS. ALL MATERIALS AND PRODUCTS SHALL BE TESTED IN ACCORDANCE WITH THE STANDARDS REFERRED TO IN THE PLANS. TESTING TO BE PERFORMED BY COUNCIL, SHALL BE ARRANGED 24 HOURS IN ADVANCE, WHERE A COUNCIL OFFICER IS NOT AVAILABLE, A GEOTECHNICAL ENGINEER MAY PERFORM SUCH TESTS.



239818 MUSWELLBROOK ASPHALT PLANT STORAGE	
Sheet Title	Sheet Description
239818-CENG-001(B)	COVER SHEET, INDEX OF DRAWINGS & LOCALITY SKETCH
239818-CENG-101(B)	CIVIL ARRANGEMENT PLAN
239818-CENG-111(B)	TYPICAL SECTIONS
239818-CENG-131(B)	PAD, RETAINING WALL AND DROP EDGE PLAN
239818-CENG-501(B)	SITE REGRADE PLAN
239818-CENG-511(B)	SITE REGRADE SECTIONS
239818-CENG-801(B)	EROSION AND SEDIMENT CONTROL PLAN
239818-CENG-802(B)	EROSION AND SEDIMENT CONTROL DETAILS

LOCALITY SKETCH  
NOT TO SCALE

NOT FOR CONSTRUCTION

PROJECT		MUSWELLBROOK ASPHALT PLANT (STORAGE)	
PLAN TITLE		COVER SHEET, INDEX OF DRAWINGS & LOCALITY SKETCH	
PROPERTY DESCRIPTION		PROPOSED ASPHALT PLANT STORAGE LOT 14 DP 1119843 43-45 ENTERPRISE CRESCENT, MUSWELLBROOK DA 38/2019	
SURVEYED		ADW Johnson	
DATE		A.H.D.	
PROJECT No.		239818	
DISCIPLINE		CENG	
NUMBER		001	
REV.		B	

**Hunter Office**  
Unit 7/335 Hillborough Rd  
Warriors Bay N.S.W. 2282  
Phone: (02) 4978 5100  
Fax: (02) 4978 5199  
email: hunter@adwjohnson.com.au  
www.adwjohnson.com.au  
ABN 62 129 445 398

CLIENT

REV.

DATE

AMENDMENT

INITIAL ISSUE

COUNCIL COMMENTS

DRAWN

CHECK

DESIGN

VERIFY

SCALE

S.H.Q.

A.V.

A.L.

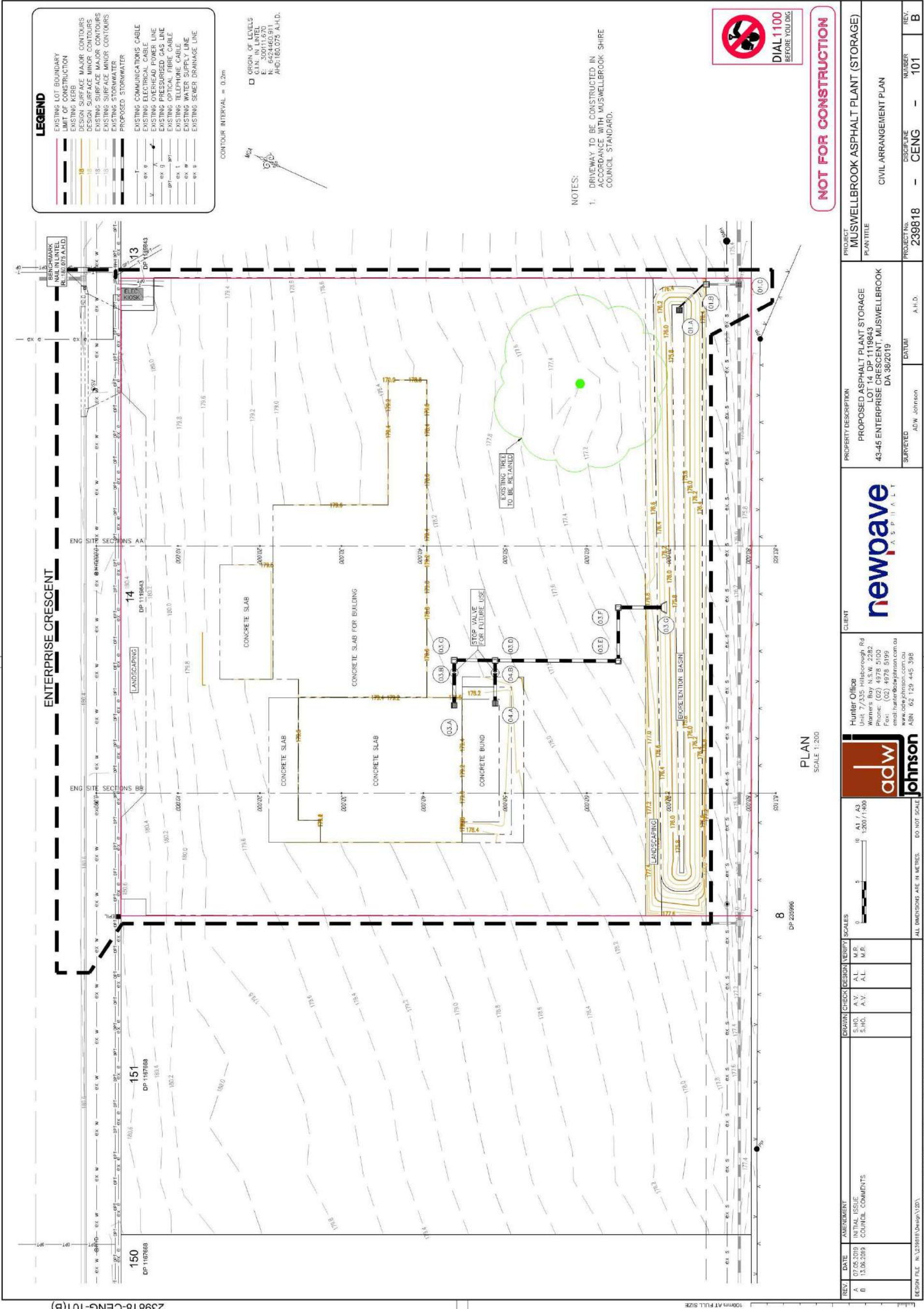
M.R.

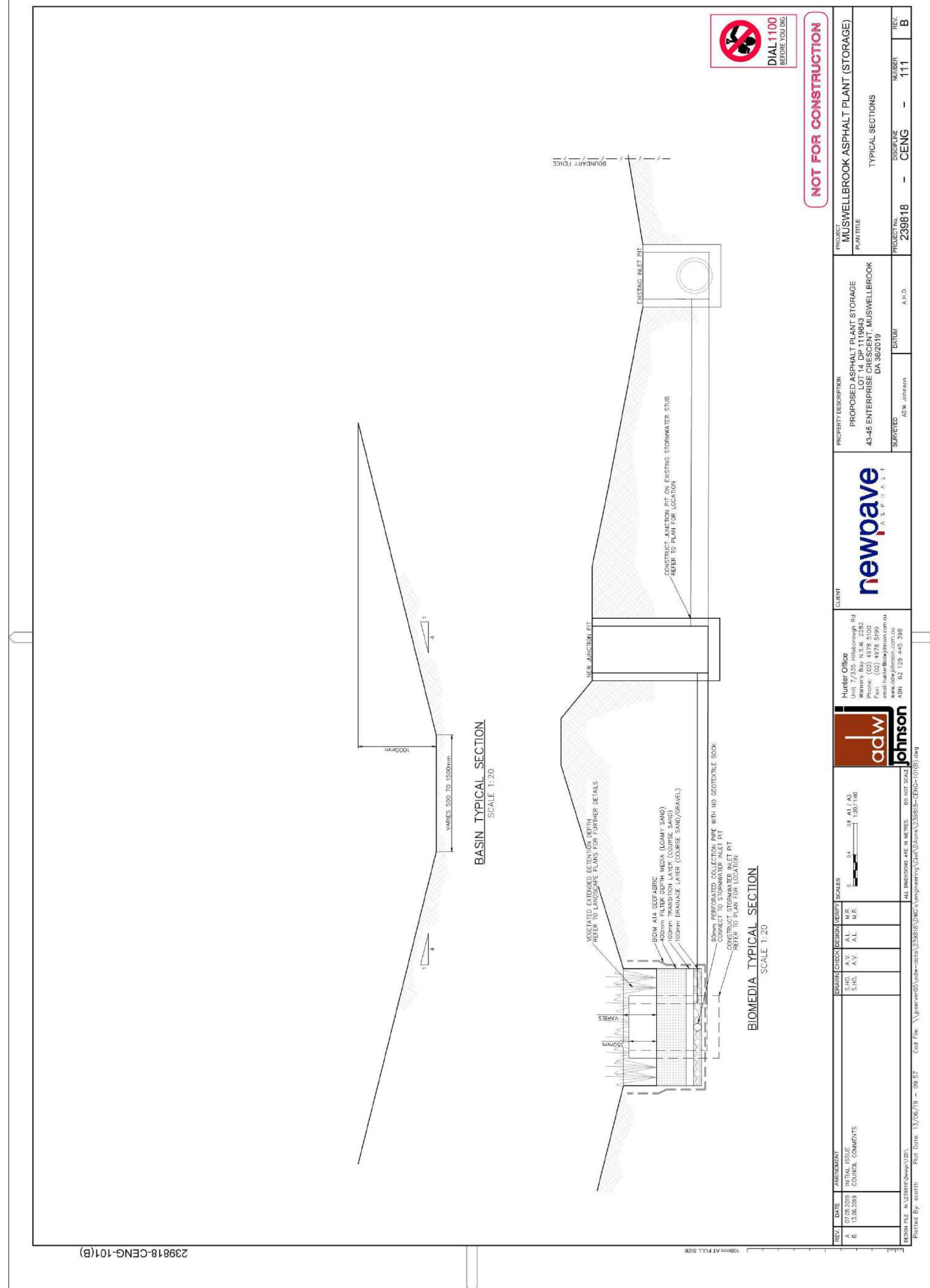
M.R.

ALL DIMENSIONS ARE IN METRES. DO NOT SCALE.  
Plot Date: 13/06/19 - 09:57  
Cod File: \\pserver05\adw-data\239818\DWG\Engineering\Civil\DAone\239818-CENG-001(B).dwg  
DESIGN FILE: N:\239818\Design\100\

Plotted By: scott



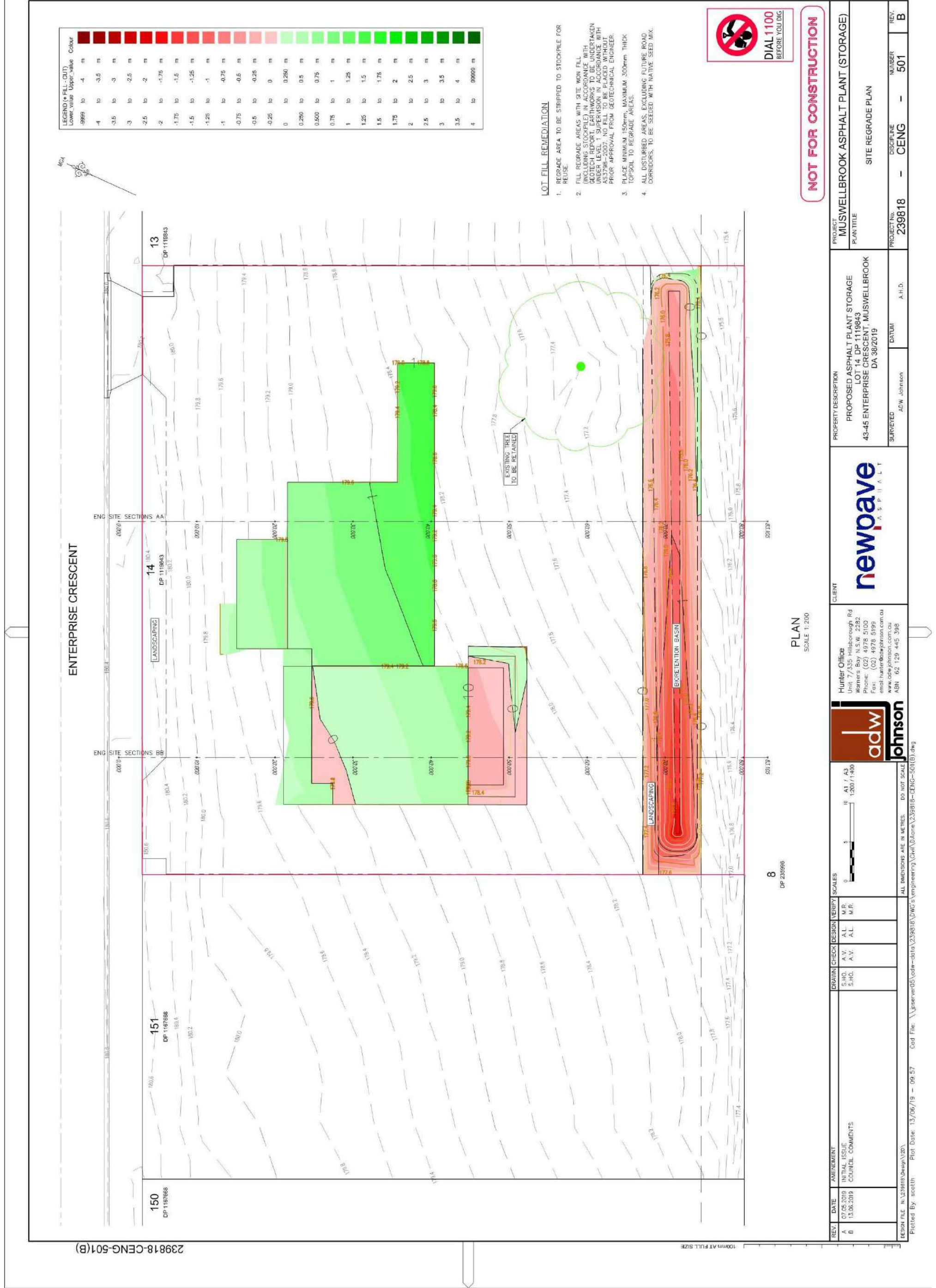




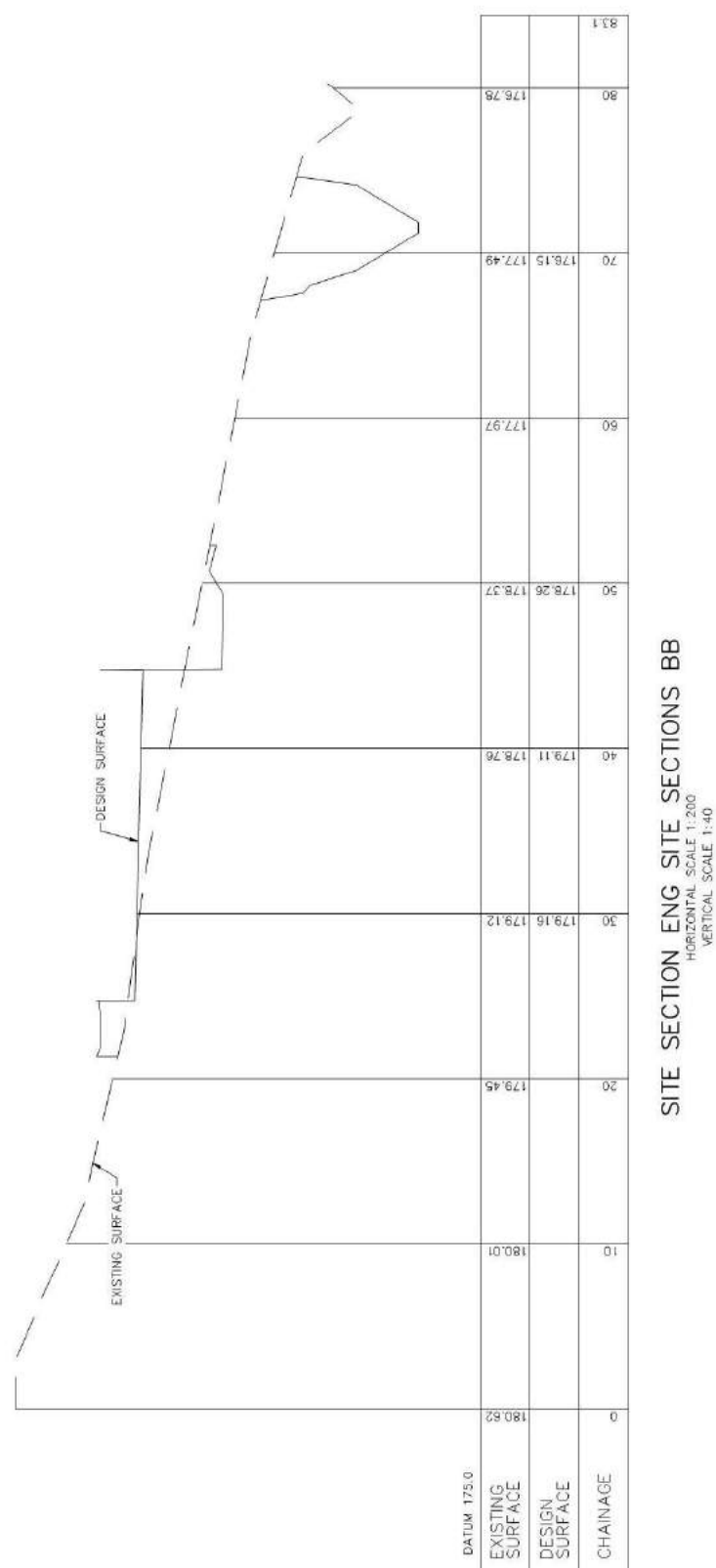
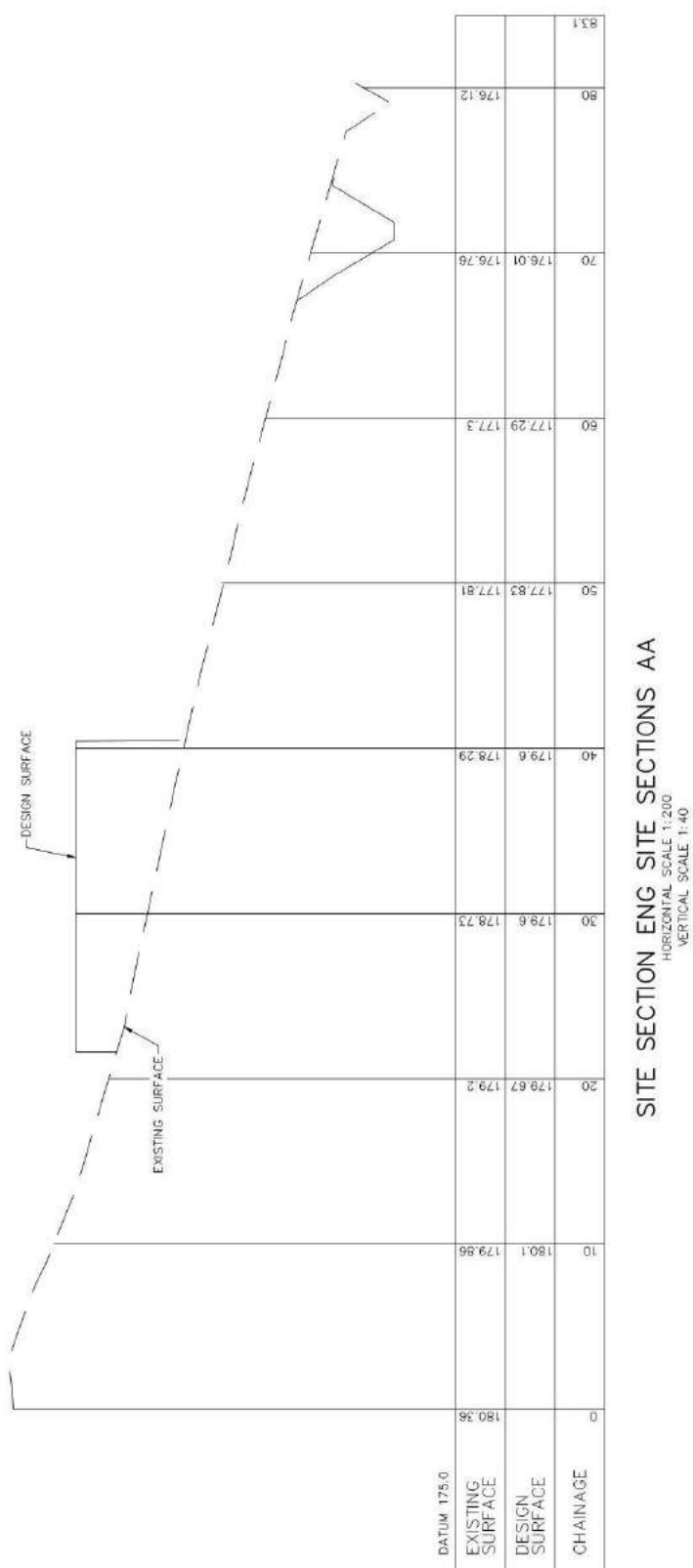


[illegible]



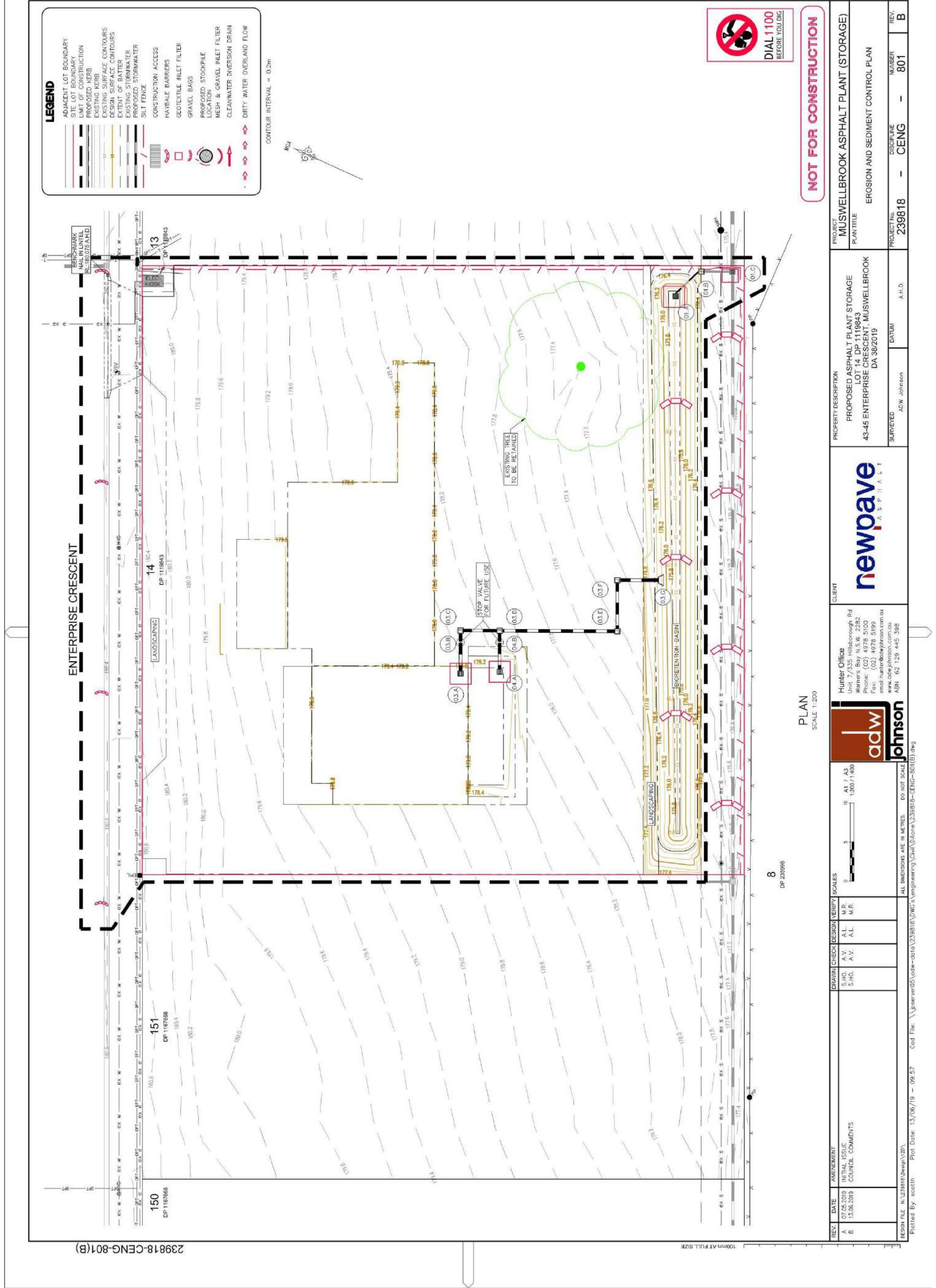






NOT FOR CONSTRUCTION

REV.		DATE	AMENDMENT		DRAWN		CHECK	DESIGN	VERIFY	SCALES		CLIENT		PROPERTY DESCRIPTION		PROJECT														
A		07.05.2019	INITIAL ISSUE		S.H.O.	A.V.	A.L.	A.L.	M.R.			 <b>Hunter Office</b> Unit 7, 335 Hillborough Rd Warners Bay N.S.W. 2282 Phone: (02) 4978 5100 Fax: (02) 4976 5199 info@johnson.com.au www.johnson.com.au ABN 62 129 445 398		 A S P I A L T		PROPOSED ASPHALT PLANT STORAGE LOT 14 DP 1119943 43-45 ENTERPRISE CRESCENT, MUSWELLBROOK DA 362019		PROJECT												
B		13.06.2019	COUNCIL COMMENTS		S.H.O.	A.V.	A.L.	M.R.	PLAN TITLE		MUSWELLBROOK ASPHALT PLANT (STORAGE)																			
													SURVEYED		A.D.W. Johnson		DATE		A.H.D.		PROJECT NO.		DISCIPLINE		NUMBER		REV.			
																					239818		- CENG		511		B			
																													B	





## EROSION &amp; SEDIMENT CONTROL NOTES:

- [illegible]

26. BULK TREE CLEARING AND GRUBBING

27. TREES AND VEGETATION CLEARED FOR

- SEMI-BOARDS SHALL BE CONSTRUCTED AND FULLY OPERATIONAL PRIOR TO ANY OTHER SOIL OR SEDIMENT REMEDIATION ACTIVITIES. THE FOLLOWING WATER QUALITY OBJECTIVES SHALL BE ACHIEVED:
- TOTAL SUSPENDED SOLIDS (TSS) TO A MAXIMUM 50 mg/L
  - WATER pH BETWEEN 6.5 AND 8.5 (UNLESS OTHERWISE REQUIRED BY THE COUNCIL)

a) TOTAL SUSPENDED SOLIDS (TSS) TO A MAXIMUM 50mg/l;  
b) WATER pH BETWEEN 6.5 AND 8.5 UNLESS OTHERWISE REQUIRED BY THE COUNCIL;

43. THE LENGTH OF SETTLED SEDIMENT IS ABOVE THE BACKS SEDIMENT WATERLINE.
44. SEDIMENT PROTECTION MEASURES PLACED ON SEDIMENT BASIN EXPOSED SPALLS SHALL APPROPRIATELY PROTECT THE SPALLS UNTIL AND ITS SURF BATTERS FROM SCOR, AND SHALL EXCEED A MINIMUM OF 1 METERS BEYOND THE DOWNSIDE OF THE SPALLS' EXPOSED.
45. SUIABLE ALL-WEATHER MAINTENANCE ACCESS SHALL BE PROVIDED TO ALL SEDIMENT CONTROL DEVICES.
46. SEDIMENT CONTROL DEVICES (OR OTHER TEMPORARY BARRIERS) SHALL BE DESIGNED AND MAINTAINED TO PREVENT SEDIMENT FROM ENTERING THE DRAINAGE SYSTEM.
47. ALL MATERIALS REMOVED FROM EXCAVATIONS DURING MAINTENANCE, OR RECONSTRUCTION, WHETHER SOLID OR LIQUID, SHALL BE DISPOSSED OF IN A MANNER THAT DOES NOT CAUSE ANY ONGOING PROBLEMS OF POLLUTION HAZARD.
48. SEDIMENT BASIN WATER QUALITY SHALL BE TAKEN AT A DEPTH NO MORE THAN 200 MILLIMETERS BELOW THE WATER SURFACE WITHIN THE BASIN.

REVEGETATION/STABILISATION

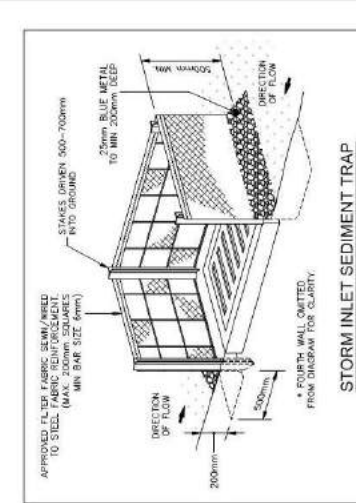
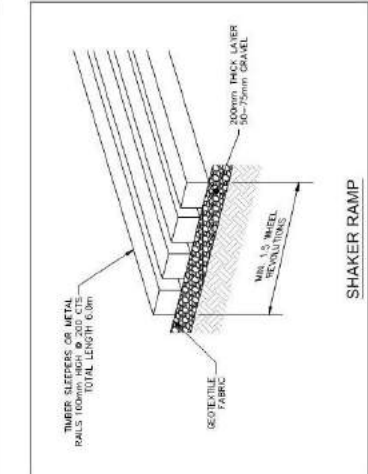
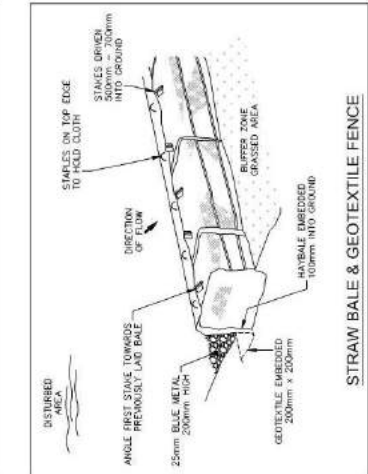
56. THE AFFIDAVANT SHALL ENSURE THAT APPROPRIATE PROCEDURES AND SUITABLY QUALIFIED PERSONNEL ARE ENGAGED TO PLAN AND CONDUCT SITE INSPECTIONS AND WATER QUALITY MONITORING THROUGHOUT THE CONSTRUCTION AND MAINTENANCE PHASE. ALL EIS MEASURES SHALL BE INSPECTED:

b) AT LEAST WEEKLY (WHEN WORK IS NOT OCCURRING ON-SITE); AND

c) WITHIN 24HRS OF EXPECTED RAINFALL; AND

- [illegible]

- ON FILE N:\29818\Design\120\

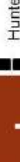



EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED, MONITORED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED SOIL AND WATER MANAGEMENT PLANS UNDER SCC/34/2015 (BULK EARTHWORKS FOR STAGES 2.1 TO 2.7). REMOVAL OF OR ALTERATION TO, ANY MEASURES SHALL BE RE-APPROVED BY COUNCIL



**DIAL 1100**  
BEFORE YOU DIG

NOT FOR CONSTRUCTION

REV	DATE	AMENDMENT	DRAWING	CHECK	DESIGN	VERIFY	SCALES	 	<p><b>Hunter Office</b>  Unit 7/135, Hillborough Rd  Womersley Bay N.S.W. 2282  Phone: (02) 4978 5103  Fax: (02) 4978 5199  email: hunter@adwjohnson.com.au  www.adwjohnson.com.au  ABN 62 129 445 398</p>	<p><b>CLIENT</b></p>	<p><b>PROPERTY DESCRIPTION</b></p> <p>PROPOSED ASPHALT PLANT STORAGE  LOT 14, DP 1119843  43-45 ENTERPRISE CRESCENT, MUSWELLBROOK  DA 38/2019</p>	<p><b>PROJECT</b>  <b>MUSWELLBROOK ASPHALT PLANT (STORAGE)</b></p> <p><b>PLAN TITLE</b></p> <p>EROSION AND SEDIMENT CONTROL DETAILS</p>	<p><b>PROJECT No.</b>  <b>239818</b></p> <p><b>DISCIPLINE</b>  <b>- CENG -</b></p> <p><b>NUMBER</b>  <b>- 802</b></p> <p><b>REV.</b>  <b>B</b></p>
A	07/05/2019	INITIAL ISSUE	S.H.D.	A.V.	A.L.	M.R.							
B	13/06/2019	COUNCIL COMMENTS	S.H.D.	A.V.	A.L.	M.R.							
								ALL DIMENSIONS ARE IN METRES. DO NOT SCALE					





[REDACTED]

21 May 2019

Muswellbrook Shire Council  
PO Box 122  
Muswellbrook NSW 2333

**LETTER OF OBJECTION TO DA 38/2019 – NEWPAVE 43-45 ENTERPRISE CRESCENT  
MUSWELLBROOK**

Dear General Manager,

Thank you for advising of the above DA . We are the current owners of Lot 20 Enterprise Drive which is directly across the road from the proposed development and as such have the following concerns which are relevant to the council's notification and Newpave Notification that we attach for your reference.

1. The DA states Site Preparation Works and Installation (Storage) of Ashalt Plant ( No Production) . This is a different story to what is communicated by Newpave? Please clarify the intent.
2. In Newpave's information a maximum number of truck movements of 136 per day is stated on a 24 hours per day , 7 day a week basis. This will sterilize the street frontages for other business and reduce access for potential customers visiting other sites in the street. Our opinion is this business should be located with it's own entry from the main road not sharing a common entry. From a maintenance prospective regards roads and land use the frequency is considerably more so is reasonable to assume this will cause much more road damage for the council to deal with.
3. Newpave state they are required to prepare an Environmental Impact Statement (EIS) for this proposal. It is the norm that this is executed prior to application so it can be considered with the application. Will this be completed and what is the extent of the assessment?

Thank you for considering our concerns. We remain available to discuss or comment in relation to the above at a time to suit the council.

Yours faithfully

[REDACTED]

[REDACTED]

0418 633



ADWJ Ref: 239818

2 April 2019

To the Property Owner / Occupier,

**RE: PROPOSED ASPHALT PLANT  
43 – 47 ENTERPRISE CRESCENT, MUSWELLBROOK  
LOT 14 DP 1119843 & LOT 151 DP 1167668**

### **INTRODUCTION**

Newpave Asphalt Pty Ltd (Newpave) is the owner of No. 43 – 47 Enterprise Crescent, Muswellbrook. We propose to construct and operate an asphalt plant on the site.

Attached to this letter is a Site & Locality plan showing the site in its local and broader context.

We have a growing market in the Muswellbrook and Upper Hunter region. The proposed asphalt plant will allow us to establish a plant in Muswellbrook and supply product to a range of projects, including the Scone bypass.

At this time our Upper Hunter projects are serviced from the Newcastle region. The Muswellbrook plant will substantially reduce travel distances and accordingly provide a significant environmental benefit. The proposal will also create local employment opportunities during construction and operation.

We have commissioned the services of ADW Johnson to prepare a Development Application (DA) that will be submitted to Muswellbrook Shire Council seeking approval for the asphalt plant. The DA will be supported by an Environmental Impact Statement (EIS) that will be prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs 1278) that have been issued by the NSW Department of Planning & Environment (DPE).

The SEARs require Newpave Asphalt Pty Ltd to notify surrounding landowners / occupiers and invite comment on the proposal prior to the Development Application being lodged with Muswellbrook Shire Council. Please note that once the DA is lodged within the coming months, Muswellbrook Council will publicly advertise the application formally inviting public comment and any comments will be taken into consideration by Council during assessment of the application.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Following is a summary of the proposed development:

#### **Site & Plant**

- Asphalt plant and material storage areas;
- Site office and amenity facilities;
- Drainage infrastructure to manage water quality and runoff quantity;
- Staff, customer and machinery parking areas;
- Landscaping;
- Signage; and
- Security fencing.

Earthworks and site preparation works will be required to accommodate the proposed asphalt plant.

#### Operational Details

- Production of up to 125,000 tonnes of asphalt annually;
- Production of up to 1,200 tonnes of asphalt daily;
- Operation 24 hours a day, 7 days a week;
- Maximum truck movements are anticipated to be 136 per day (ie. 68 truckloads); and
- Equipment on site will be a loader / excavator; bobcat; generator; and compressor.

No maintenance of heavy vehicles or equipment will be undertaken on the site.

#### CONSIDERATION OF POTENTIAL IMPACTS

We are required to address the SEARs issued by the NSW DPE. Accordingly, the EIS will consider the following important matters:

- Noise and Vibration;
- Air Quality and Odour;
- Traffic, Access and Transport;
- Hazards and risk;
- Waste Management;
- Soil and Water Management;
- Biodiversity;
- Visual Impacts; and
- Heritage.

Specialist consultants in the above fields have been commissioned to inform the preparation of the EIS.

#### INVITATION TO COMMENT

If you would like to offer any comments on the proposal, please provide your comments in writing and submit to ADW Johnson via email at [hunter@adwjohnson.com.au](mailto:hunter@adwjohnson.com.au).

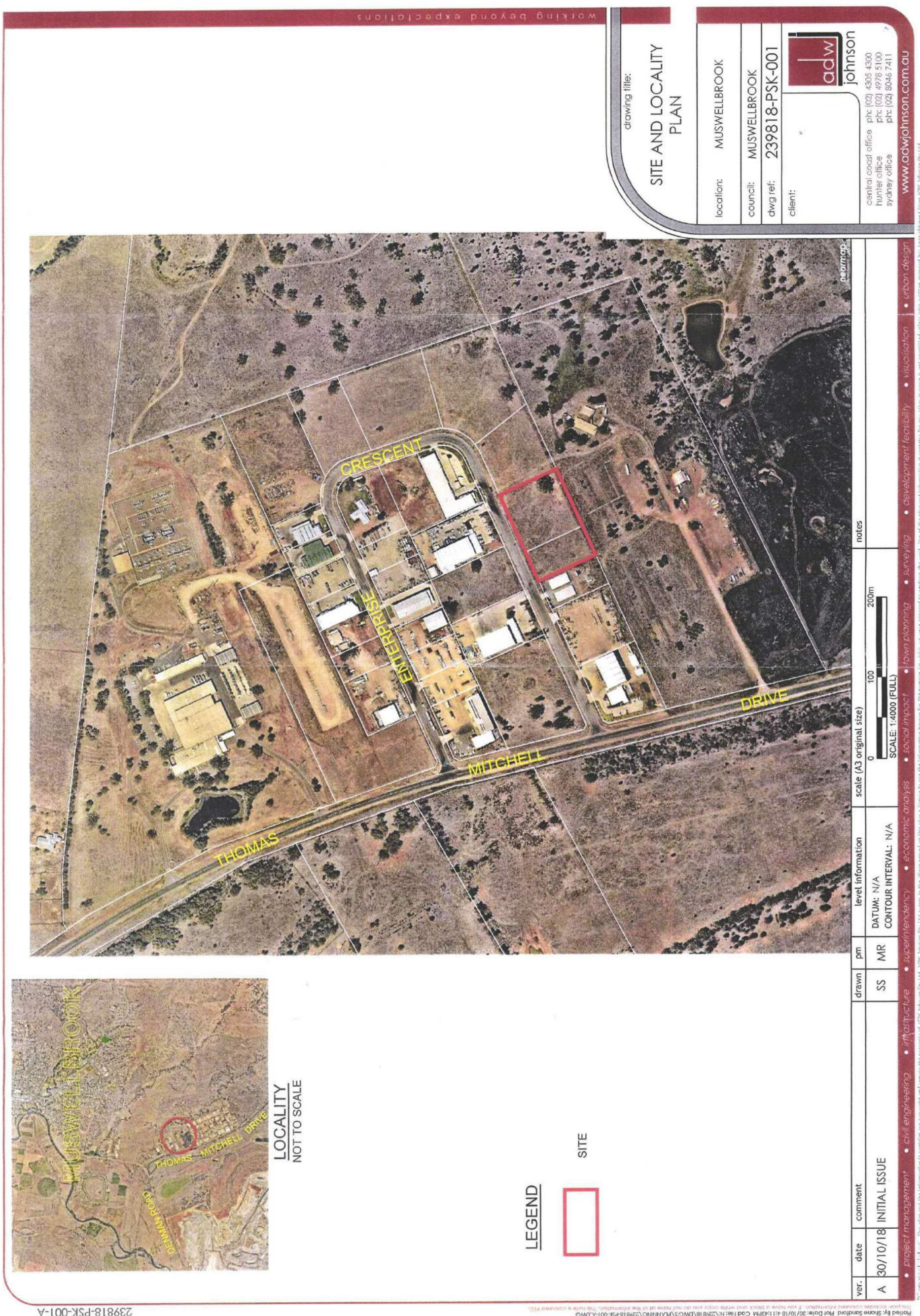
If you intend to offer any comments, it would be appreciated if you could do so within 14 days of the date of this letter.

Yours sincerely,

**Newpave Asphalt Pty Ltd**











## 6.2 DA 78/2018 - MIXED USE DEVELOPMENT COMPRISING A SERVICE STATION AND RESTAURANT

<b>Attachments:</b>	<ul style="list-style-type: none"> <li>A. DA 78/2018 - Section 4.15 Assessment Report</li> <li>B. DA 78/2018 - Recommended Conditions of Consent</li> <li>C. DA 78/2018 - Proposed Plans (Revision E)</li> <li>D. DA 78/2018 - Pylon Sign Design Plan</li> <li>E. DA 78/2018 - Revised Statement of Environmental Effects</li> <li>F. DA 78/2018 - Statement of Heritage Impact</li> <li>G. DA 78/2018 - Traffic and Parking Assessment</li> <li>H. DA 78/2018 - Supplementary Traffic Statement (February 2018)</li> <li>I. DA 78/2018 - Noise Impact Assessment</li> <li>J. DA 78/2018 - Data Review of Previous Environmental Reports (Soil Validation)</li> <li>K. DA 78/2018 - Reports and Information Submitted by the Applicant in Response to Council's 29 April 2019 Request for Additional Information</li> <li>L. DA 78/2018 - 88B Instrument Proposed by the Applicant</li> <li>M. DA 78/2018 - NSW Police Referral Comments</li> <li>N. DA 78/2018 - NSW Roads and Maritime Services Referral Comments</li> <li>O. DA 78/2018 - Submissions</li> </ul>
<b>Responsible Officer:</b>	Carolyn O'Brien - Acting Director - Environment & Community Services
<b>Author:</b>	Hamish McTaggart - Co-Ordinator - Development
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i>

### PURPOSE

This report has been prepared to inform Council in determining Development Application (DA) 78/2018. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information.

Delegations issued to the General Manager include a limitation on the General Manager determining development applications under the *Environmental Planning and Assessment Act 1979* where the development has an estimated capital investment value that exceeds \$750,000.00. Delegations issued to the Development Assessment Committee include a limitation on the Committee determining development applications under the *Environmental Planning and Assessment Act 1979* where the development has an estimated capital investment value that exceeds \$2,000,000.00

The proposed development has an estimated Capital Investment Value of \$2,400,000.00 and therefore requires determination by Council.

This development application was previously reported to Council for Determination on the 11 June 2019, but a decision was deferred. Matters related to the deferral of the development application have been reviewed under the 'matters related to the deferral of determination' heading of this report.

## RECOMMENDATION

**That Council approve Development Application No 78/2018, involving a Mixed Use Development of a Service Station and Restaurant, at Lot 1 DP 161784, Lot 1 DP 794803, Lot 1 DP 784361 and Lot 1 DP 159620, subject to the recommended conditions of consent contained in Attachment B.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the construction and operation of a service station and restaurant at Lot 1 DP 161784, Lot 1 DP 794803, Lot 1 DP 784361 and Lot 1 DP 159620 (147–153 Bridge Street, Muswellbrook).

The subject site is located on the corner of Bridge Street and St Heliers Street, and is part of the Muswellbrook Central Business District (CBD). Under the Muswellbrook Local Environmental Plan (LEP) 2009 the land is zoned B2 Local Centre, and is situated within the Muswellbrook Heritage Conservation Area and in the vicinity of Eatons Hotel, a State listed Heritage item.

The subject site was historically operated as a car dealership and mechanics workshop, until approximately 2013. Council approved demolition of existing buildings at the site and the construction of 'tourist accommodation' under DA 7/2013. Demolition works were carried out at the site, but the approved accommodation was never constructed.

The following works would be carried out at the site as part of the proposed development:

- Construction of a service station sales/service building with a floor area of 207m<sup>2</sup>, the retail/customer area would be 80m<sup>2</sup>.
- Installation of thirty - seven (37) car parking spaces.
- Refuelling area canopy and fuel bowsers.
- Underground fuel storage tanks.
- Free standing pylon sign advertisement structure.
- Restaurant building with 138m<sup>2</sup> indoor seating area and 65m<sup>2</sup> outdoor seating area.
- Service station and restaurant unloading areas.
- Blockwork retaining walls along the north, east and south property boundaries.
- A vehicle crossover point from Bridge Street.

- A two vehicle crossover points from St Heliers Street.
- Installation of landscaping.
- Construction of 1.8m acoustic timber fence along the sites boundary.

The proposed development was for a 24/7 operation of the service station but has been amended by the applicant and now proposes the following operating hours :

- **Restaurant** 6:00am – 10:00pm 7 days a week.
- **Service Station** 5:00am – 10:00pm 7 days a week

The 3D image below provides an overview of the proposed development and associated works.

The proposed development is permitted in the B2 Local Centre zone.

### ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. Council Officers recommend that development consent be granted to the proposed development, subject to recommended conditions of consent provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The land subject to this development application is zoned B2 Local Centre under the Muswellbrook LEP 2009. The proposed development is permissible with consent under the provisions of the land use table for the B2 Local Centre land use zone.
- The proposed development would comply with the provisions of the Muswellbrook LEP 2009 that relate to the proposed development.
- The proposed development would be compatible with the requirements of the relevant State Environmental Planning Policies.
- Where the proposed development is carried out in accordance with the recommended conditions of consent Council Officers are satisfied that the development would be in accordance with the relevant requirements of the Muswellbrook Development Control Plan (DCP).
- The proposed development is not inconsistent with the recommendations in the Muswellbrook Town Centre Strategy and the Muswellbrook CBD Urban Domain plan.
- The proposed development was advertised and notified in accordance with the requirements of the Muswellbrook Development Control Plan. Submissions from two (2) individuals were received. The issues raised by the submitters have been considered by Council Officers and measures to mitigate environmental impacts have been incorporated into the recommended conditions.
- The proposed development was referred to the NSW Police and NSW Roads and Maritime Services who did not object to the development.
- The assessment report has considered potential environmental impacts related to the proposed development. Council Officers are satisfied that the proposed development is unlikely to have a significant adverse environmental impact where it is carried out in accordance with the recommended conditions of consent.

Where the proposed development is carried out in accordance with the recommended conditions of consent Council Officers are satisfied that it would be generally in accordance with the public interest. The proposed development has the potential to generate additional economic activity and retail/hospitality employment opportunities for the Muswellbrook community.

### COMMUNITY CONSULTATION

The proposed development was notified and advertised in accordance with the requirements of the Muswellbrook DCP between 19 September 2018 and the 4 October 2018. Two (2) submissions were received during the notification period.

Following the receipt of additional information and revised plans, the proposed development was re-notified to the submitters. One (1) submitter responded to the re-notification of the proposed development and raised additional matters for consideration by Council.

Copies of the submissions received have been included as attachments to this report.

The issues raised by the submissions have been considered by Council Officers through the assessment of the development application, and are commented on in detail under the 'any submissions made' heading of the attached Section 4.15 Assessment.

Council Officers are satisfied that issues raised by the submissions can be appropriately managed by recommended conditions of consent. Council Officers are of the view that there are not any concerns or issues raised by the submissions that would substantiate a decision to refuse the proposed development.

### **CONSULTATION WITH PUBLIC AUTHORITIES AND COUNCIL DEPARTMENTS**

Council Officers referred the proposed development to the NSW Roads and Maritime Services, and NSW Police for comment. The responses provided raise no objection to the proposed development, and are discussed in further detail in the Development Assessment Report. The comments provided by these public authorities have been included as attachments to this report.

The referral comments from both the NSW Roads and Maritime Services and the NSW Police recommend conditions of consent, and these have been incorporated into the recommended conditions of consent prepared by Council officers.

Council Planning Officers have also referred the proposed development internally to the following Council Officers/Departments:

- Heritage Advisor
- Water and Waste Team
- Building Surveyor
- Community Infrastructure (Roads and Drainage Team)
- Environmental Health Officer

The comments provided by each of these sections have been considered and commented on under the 'internal referrals' section of the attached Section 4.15 Assessment.

The reports from each of the Council Officers/Departments do not raise objection to the development. A number of referral responses put forward recommended conditions. These recommended conditions have been reviewed and have informed the conditions of consent recommended to Council.

### **MATTERS RELATED TO THE DEFERRAL OF DETERMINATION**

This development application was reported to the 11 June 2019 for determination. At this meeting Council deferred the determination of the development application until its 26 June 2019 Ordinary Council Meeting. The draft Council Meeting Minute from its 11 June 2019 Meeting relating to this matter reads as follows:

---

*This matter be deferred for consideration at the Extra-Ordinary Council Meeting Scheduled for 26 June 2019.*

Deferral was sought for further consideration to be given to lighting, footpath construction and the decommissioning of underground petroleum tanks at the conclusion of the premises operation. These matters are considered under the sub-headings below.

#### Lighting

At the 11 June 2019 Meeting, Councillors sought an amendment to recommended condition of consent No 26, relating to lighting. The tabled amendment sought to amend the condition by specifying the following in relation to lighting:

*'lights are to be of a style and design that avoids direct glare into the eye line of passing motorists and pedestrians in any public place, or the rear yards and windows of adjoining property'.*

This amendment has been reviewed by Council's Assessing Officer who is satisfied the adjustment of condition 26 to incorporate this provision would not be unreasonable and would re-enforce the required design requirements imposed by condition 26 through its reference to Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting'. The recommended conditions of consent have been updated to include the additional car park lighting design requirements.

#### Fuel Tank Contamination and Decommissioning

- The Protection of Environment Operations (Underground Petroleum Storage Systems Regulation 2014 specifies commissioning, modification, repair, decommissioning and operational requirements for underground petroleum systems. Any person installing and operating an underground petroleum storage system is required to comply with the requirements of this legislation.
- The Protection of Environment Operations (Underground Petroleum Storage Systems Regulation 2014 includes provisions outlining how the decommissioning of any petroleum systems is to be carried out. These Regulations and its Governing Act do not directly specify any requirements for disused petroleum storage facilities to be removed. However, the Regulations and Governing Act (the Protection of the Environment Operations Act 1997) enables the Environmental Protection Authority to take action against non-compliant underground petroleum storage systems and issue fines and penalty notices that would provide a financial incentive for operators to rectify any non-compliances and/or remove tanks that do not comply with the relevant operational standards.
- Council Officers have engaged with the applicant to identify a mutually acceptable mechanism that would provide Council with the certainty regarding the decommissioning of fuel tanks at the conclusion of the service station operation. A new condition has been drafted and included in the recommended conditions of consent to require that a positive covenant is registered on the land to require the removal of fuel tanks at the conclusion of the service station operation. This condition has been included as recommended condition of consent No 45.

#### Footpath Construction

- The proposed development was referred to Council's Community Infrastructure Department to consider matters related to traffic, parking and the impact of the proposed development on Council's Infrastructure. Referral comments/conditions provided from Council's Assistant Director and Chief Engineer included a recommended condition of consent relating to the preparation of a Public Domain Plan in accordance with the Muswellbrook CBD Public Domain Manual 2012 and the carrying out of required footpath improvements as part of the carrying out of the development.
- At Council's 11 June 2019 Council Meeting, Councillors asked that the proposed footpath be comparable to the existing footpaths in the vicinity of the development site, particularly the opposite side of St Heliers Street. Council Officers have reviewed the conditions of consent



related to footpath construction and adjusted the recommended conditions to identify the footpath design criteria and construction standards required to adequately address the requirements of the Manual.

### OPTIONS

The Council may:

- (A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- (B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- (C) Refuse development consent to the proposed development and nominate reasons for refusal.

### LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application they have an opportunity under the provisions of the *Environmental Planning and Assessment Act 1979* to appeal that determination in the Land and Environment Court.

### CONCLUSION

DA 78/2018 is being reported to Council as the determination of the development application is outside the function delegated to the General Manager and the Development Assessment Committee. This is due to the value of the proposed development exceeding \$2,000,000.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. The outcome of the Section 4.15 Assessment is that Council Officers recommend that Council grant consent to DA 78/2018 subject, to the conditions of consent outlined in Attachment B.

**DEVELOPMENT ASSESSMENT REPORT**

<b>ADDRESS:</b>	LOT: 1 DP: 161784, LOT: 1 DP: 794803, LOT: 1 DP: 784361, LOT: 1 DP: 159620 147 Bridge Street to 153 Bridge Street MUSWELLBROOK
<b>APPLICATION No:</b>	78/2018
<b>PROPOSAL:</b>	Mixed Use Development Comprising a Service Station and Restaurant
<b>OWNER:</b>	Kanyon Pty Ltd
<b>APPLICANT:</b>	Inland Building And Construction Po Box 1864 BATHURST NSW 2795
<b>AUTHOR:</b>	Mr H A McTaggart
<b>DATE LODGED:</b>	06/09/2018
<b>DATE OF REPORT:</b>	5 April 2019

---

**SUMMARY**

**SUBMISSIONS:**        Two (2)

**RECOMMENDATION:** Approval subject to conditions

---

## 1.0 SITE AND LOCALITY DESCRIPTION

The site subject to this development application is located in the northern part of the Muswellbrook CBD, at the corner of Bridge St and St Heliers Street. The site's address is 147 – 153 Bridge Street, and involves four (4) separate property titles, Lot 1 DP 161784, Lot 1 DP 794803, Lot 1 DP 784361 and Lot 1 DP 159620.

The subject site is identified in the figure below.



(Figure except from the SoEE, Anthony Dantith, 7 December 2018)

Under the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) the subject land is zoned B2 Local Centre. The site adjoins similarly zoned land to the north, south and west. To the east the subject site is a B2 zoned and R1 General Residential zoned land. In the Muswellbrook Town Centre Strategy the site sits in a recommended Mixed Use Precinct, with further recommendations to encourage active street frontages to Bridge Street and to improve pedestrian infrastructure in Bridge Street and St Heliers Street.

The subject site is located in the Muswellbrook Heritage Conservation Area. The subject land is not identified as a heritage item, but is situated in the vicinity of Eatons Hotel, a State listed item that is located south east of the site on the opposite side of Bridge Street.

The Muswellbrook Hungary Jacks is located immediately south of the subject site, on the direct opposite side of St Heliers Street.

St Heliers Street is a part of the local Road network under the control of Council as the Roads Authority, while Bridge Street forms part of the New England Highway, which is managed and maintained by the NSW Roads and Maritime Authority as the relevant Roads Authority for classified state roads. The land also fronts Flanders Avenue, a local road for which Council is the Roads Authority. However, the proposed development does not propose any vehicle access to this road.

The site has a gradual west to east slope, sloping upward from Bridge Street toward Flanders Avenue.

The site was previously operated as a car dealership and mechanics workshop until approximately 2013. In 2013, Council approved a development application for 'tourist accommodation,' comprising 45 serviced units and demolition of existing buildings on the site (DA 7/2013). These approved units have not been constructed on the site. Demolition of the dealership buildings has been carried out.

## **2.0 DESCRIPTION OF PROPOSAL**

The proposed development involves the construction and operation of a service station and restaurant at the site.

As part of the proposed development, the following would be carried out:

- Construction of a service station sales/service building with a floor area of 207m<sup>2</sup>. The building would include a sales service area, unisex amenities, food prep area, office, store room and 80m<sup>2</sup> retail/customer floor area.
- Installation of seven (7) car parking spaces immediately adjacent the service area.
- Refuelling area canopy and fuel bowsers.
- Underground fuel storage tanks.
- Free standing pylon sign advertisement structure.
- Restaurant building to include amenities, kitchen preparation and sale area, cool room and freezer, office, 138m<sup>2</sup> indoor seating area, and 65m<sup>2</sup> outdoor seating area.
- Thirty (30) car parking spaces to the east of the restaurant.
- Blockwork retaining walls along the north, east and south property boundaries.
- A vehicle crossover entry point to the site from Bridge Street.
- A vehicle crossover exit point from St Heliers and a second vehicle crossover entry/exit point to St Heliers.

The applicant has advised Council that they anticipate that this development would support the employment of 6 full time employees and 8-10 casual positions.

When development application was lodged the applicant put forward the following operating hours for the proposed development:

- **Restaurant** 6:00am – 10:00pm 7 days a week.
- **Service Station** 24 hours 7 days a week.

Following a request for additional information, the applicant amended the proposed development and the hours of operation to between 5:00am – 10:00pm, 7 days a week.

## **3.0 SPECIALIST COMMENTS**

### **3.1 Internal Referrals**

The following Council Officers and Council Departments were referred the development application for consideration/comment.

#### **3.1.1 Heritage Advisor**

The proposed development is located within a Heritage Conservation Area and north east of Eatons Hotel a State Heritage item listed under the Muswellbrook LEP 2009.

The applicant was required to prepare a Statement of Heritage Impact (SOHI). Council's Heritage Officer was satisfied that the proposed development was satisfactory from a heritage impact perspective. The comments of the Heritage Advisor observed the physical separation between the site and Eatons Hotel as a key factor minimising impact.

#### **3.1.2 Water and Waste**

The proposed development was referred to Council's Water and Waste Team to consider the availability of sewer and water service connections to support the proposed development. No issues were raised with the development, however, the applicant will need to obtain a Notice of Requirements from Council for the carrying out of the development. Council's Water and Waste Team have also provided an

estimate of the anticipated Section 64 Contributions that would be payable for the development:

\$7,743.12 (water) and \$4,132.08 (sewer) based on the 2018/2019 fees and charges.

### **3.1.3 Building Surveyor**

Council's Casual Building Surveyor raised no objection to the proposed development and recommended the imposition of a number of standard conditions of consent if development consent is granted to the development application.

### **3.1.4 Environmental Health Officer**

Council's Environmental Health Officer initially asked for more information. Final comments were received from Council's Environmental Health Officer on 11 April and 30 May 2019.

Council's Environmental Health Officer has recommended the imposition of standard conditions of consent relating to the operation of the premises as a food, and that the development be progressed in accordance with the recommendations of the remediation action plan.

Issues were initially raised with the proposed 24/7 operation of the premises and the related Noise Impact Assessment. The proposed hours of operation for the premises were These hours of operation were reviewed and supported by Council's Environmental Health Officer supports the revised operating hours of between 5:00am and 10:00pm, 7 days per week, subject to a recommended condition of consent.

The conditions recommended by Council's Environmental Health Officer have informed the recommended conditions of consent.

### **3.1.5 Community Infrastructure/Roads and Drainage**

Council's Community Infrastructure Assistant Director and Chief Engineer raised no objection to the proposed development from the perspective of Council's Community infrastructure Department provided it was carried out in accordance with a number of recommended conditions of consent:

- The applicant obtaining a section 68 approval for stormwater work and the submission of detailed stormwater drainage design information with any section 68 application
- The applicant obtaining a section 138 for the carrying out of works in Council's Road reserve and any section 138 application being accompanied by driveway crossover designs and a public domain plan.
- The establishment of no stopping zones in accordance with plans to be referred to Council's Traffic Committee.
- The construction of all required car parking areas, and installation of related signs and lighting.
- Replacement of redundant vehicle laybacks, the installation of new vehicle accesses, kerb and gutter and footpaths in accordance with plans approved with any Section 138 application.

Conditions that relate to the above requirements have been included as recommended conditions of consent.

## **3.2 External Referrals**

The proposed development was referred to the following external Public Authorities for

comment:

### 3.2.1 NSW Roads and Maritime Services

The proposed development was referred to the NSW Roads and Maritime Services (RMS) for concurrence as the development would be accessed from a Classified State road.

The NSW RMS provided final comments in relation to the proposed development on 13 March 2019. NSW RMS have no objection to the proposed development provided that any development consent included conditions which address the following matters:

- *Vehicular access from the proposed Bridge Street driveway to be left in only.*
- *All vehicles are able to enter and exit the site in a forward direction.*
- *Heavy vehicle fuelling shall not be permitted.*
- *Council to ensure turning paths for fuel deliveries is suitable.*

### 3.2.2 NSW Police

The proposed development was referred to NSW Police on the 19 September 2019 for comment. The proposed development does not require concurrence from the NSW Police.

NSW Police do not object to the proposed development, but made a number of recommendations in relation to the design and construction of the premises to manage the safety of the operation. A number of these recommendations have been incorporated into the recommended conditions of consent.

In addition to its recommendations the NSW Police correspondence included some commentary on the proposed 24/7 hour operation of the service station and possible conditions to limit anti-social behaviour. The applicant has now amended the hours to 5:00am and 10:00pm, 7 days per week to address these concerns.

## 4 ASSESSMENT

This report provides an assessment of the material presented in the Application against the relevant State and local planning legislation and policy.

### Section 4.15 Matters for Consideration

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

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

#### **Muswellbrook Local Environmental Plan (LEP) 2009**

##### Land Use Zone and Permitted Land Use

The proposed development relates to land zoned B2 Local Centre under MLEP 2009.

The proposed development involves the establishment of two (2) business premises - a service station and a restaurant or café. The MLEP 2009 definitions for these uses have been provided below:

***restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.*

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

Both land uses are permissible with consent in the B2 zone. When reviewing the land use table it is relevant to note that the restaurant or café land use is a sub-category of the commercial premises land use. Where a collective land use term such as the commercial premises land use is identified as a permissible land use all sub-categories of that land use are also taken to be permissible with consent unless the subcategories of that use are specifically identified as a prohibited land use elsewhere in the land use table.

The B2 Local Centre Land Use table has been included below:

**2 Permitted without consent**

*Home occupations*

**3 Permitted with consent**

*Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Hostels; Information and education facilities; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; **Service stations**; Sewage reticulation systems; Sex services premises; Shop top housing; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water reticulation systems; Wholesale supplies*

**4 Prohibited**

*Pond-based aquaculture Any development not specified in item 2 or 3*

As can be seen from the table above Service Stations are permissible with consent and commercial premises (of which restaurants or cafes is a sub-land use category) are permissible with consent. Therefore the proposed development is viewed as a development permissible with consent.

**Objectives of the B2 Local Centre Zone**

Clause 2.3 of Muswellbrook LEP 2009 requires a consent authority to have due regard to the land use objectives of a zone when determining a development application.

The land use objectives of the B2 Local Centre zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.*
- *To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.*

- *To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.*
- *To support business development by way of the provisions of parking and other civic facilities.*

Council's Heritage Advisor has reviewed the heritage impacts associated with the proposed development and is satisfied that the proposed development would not impinge on the heritage value of the locality. Council Officers are also satisfied that the proposed development would be supported by adequate off-street car parking.

In view of the above the proposed development is considered to compatible with the objectives of the B2 Local Centre zone and can be supported by Council.

#### Other Relevant Muswellbrook LEP 2009 Clauses

The following table considers the proposed development against the provisions of the proposed development relevant to the assessment of the proposed development.

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	<p>Clause 2.3 of the Muswellbrook LEP 2009 requires a consent authority to have regard to the land use objectives of the relevant land use zone when determining a development application.</p> <p>The land subject to this development application is zoned B2 Local Centre and the relationship of the proposed development with the land use zone objectives have been considered above under the sub-heading Objectives of the B2 Local Centre Zone.</p> <p>The proposed development is considered to be compatible with the B2 Local Centre land use zoning objectives. <b>Complies</b></p>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	<p>The maximum building height for the land subject to this development application as identified by the height of buildings map is 13m.</p> <p>The maximum height of the proposed development would be 6.6m. <b>Complies</b></p>
<i>4.4 Floor space ratio</i>	<p>The maximum floor space ratio prescribed to the land related to this development application is 2:1.</p> <p>The proposed development would have a floor space ratio of 0.25:1. <b>Complies</b></p>
<i>Part 5 Miscellaneous provisions</i>	
<i>5.10 Heritage conservation</i>	<p>The land subject to this development application is located within a heritage conservation area. The consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>A statement of heritage impact was prepared in relation to the proposed development and submitted to Council. Council's Heritage Advisor was satisfied that the propose development could be supported from a heritage impact perspective. <b>Complies</b></p>
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	



7.1 Terrestrial biodiversity	The land subject to this development application is not identified as 'biodiversity' by the relevant map. Accordingly, the provisions of this part do not require further consideration in relation to the development application. <b>Not Relevant</b>
7.6 Earthworks	<p>The Clause specifies a number of matters that a consent authority must consider when assessing a development application involving earthworks.</p> <p>Council Officers have considered the, detailed comments are provided under the DCP and environmental impacts headings of this Section 4.15 Assessment Report.</p> <p>Based on these considerations, Council Officers are satisfied that the proposed development would be compatible with the requirements of this Clause where earthworks are carried out in accordance with the recommended conditions of consent. <b>Complies</b></p>

### **State Environmental Planning Policy No. 33 Hazardous and Offensive Development**

The aims and objective of this State Environmental Planning Policy (SEPP) relate to identifying hazardous and offensive development and additional assessment considerations for the determination of this type of development.

The proposed development involves the storage of dangerous goods, as it would have a total storage capacity of up to 105kl of flammable liquid and 35kl of combustible liquid.

Council Officers requested that the applicant to prepare a preliminary hazard assessment (PHA) to assess the development against relevant provisions of the SEPP and the Department of Planning and Environment's Hazardous Industry Planning Assessment (HIPA) Guidelines. The applicant provided Council with a Risk Screening Report. The conclusions of the Risk Screening Report is that, based on the quantities of dangerous goods to be stored at the site and the setback distances of dangerous good stores, the proposed development would not comprise a potentially hazardous development, and accordingly the preparation of a PHA is not required.

Based on the findings of the Risk Screening Report, the proposed development is not considered to be a 'hazardous' or 'potentially hazardous development' and further consideration of the provisions of the SEPP which relate to the determination of hazardous developments is not required.

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

Under Clause 7 of this SEPP a consent authority must not consent to the carrying out of any development on land unless:

- (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.*

In reviewing the historic use of the development site (car dealership and mechanics) and Council's records, it was determined that information from an appropriately qualified person

was required to confirm that the site had been appropriately remediated (or could be remediated) to support the proposed use.

The applicant engaged Presna to prepare a Data Review of previous Environmental Reports. This report was submitted to Council on the 21 March 2018 and concluded that remediation works and findings of the 2014 validation report supported the use of the site for a commercial purpose

*'the validation samples reporting contaminant concentrations less than the adopted health and ecological investigation and screening levels for the proposed commercial use of the Site (i.e. a service station)'.*

However, the report also identified the presence of fibre-cement fragments at the site and that this material was considered likely to be asbestos containing material not identified at the time of the 2014 report.

The report recommends that a remediation action plan be prepared in relation to the management of this residual material, prior to the commencement of redevelopment works, and that the development be carried out in accordance with the requirements of the Report.

Council Officers are satisfied that the land is not subject to contamination that would prevent the carrying out of the proposed development, provided it is carried out in accordance with the recommendations of Data Review of previous Environmental Reports, and a remediation action plan prepared in relation to the management of asbestos fragments during the construction and development of the site.

#### **State Environmental Planning Policy No.64 – Advertising and Signage**

The proposed development involves the installation of signs at the site to comprise:

- Business identification signs on the service station canopy and front and side elevations of the main service station building (non-illuminated)
- Business identification signs installed on the southern and western elevations of the premises (non-illuminated)
- Freestanding pylon advertisement structure to include the business logo of the service station and fuel price information.

Clause 13 of the SEPP requires a consent authority to consider the aims of the SEPP and assessment criteria listed in schedule 1 of the SEPP.

Council Officers have reviewed the proposed signs against the SEPP:

- The design of the proposed signs is considered to be compatible with the character of the area as a business area and would not impact on significant views and vistas.
- The proposed signs would not be illuminated with the exception of the pylon sign. The illumination of this sign would not have an unreasonable impact on the amenity of the locality and is unlikely to result in any light emissions with the potential to impact on the amenity of the locality.
- With the exception of wall sign proposed for the northern elevation of the service station building, the proposed signs are considered to be suitably located in respect to the existing environment. The sign on the northern elevation wall is inappropriate for the following reasons:
  - The orientation of signs toward neighbouring properties is considered to be intrusive and an unnecessary impact on the utility and enjoyment of this adjoining land;
  - The sign would not advertise the premises direct to a public area; and

- Vistas of the sign would be only observable from neighbouring premises

It is recommended that if development consent is granted to the proposed development, a condition be imposed on the consent to restrict the installation of the northern elevation business identification sign.

**Section 4.15(1)(a)(ii) the provisions of any draft EPI.**

The proposed development does not relate to any draft environmental planning instrument. There are no draft EPIs relevant to the subject Application.

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

### Section 3 – Site Analysis

Council Officers are satisfied that the proponent has adequately considered the provisions of this Section and prepared the documentation accompanying the development application in accordance with the requirements of this Section.

### Section 4 – Notification

The proposed development was notified for a minimum of fourteen days, as specified by this section of the DCP. The proposed development was notified to neighbouring and potentially impacted properties between the 19 September 2018 and the 4 October 2018. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Two (2) submissions were received during the notification period.

Following the receipt of additional information and revised plans the proposed development was renotified to the submitters between the 13 December 2018 and 16 January 2019. One (1) submission was received in relation to the amended development.

The issues raised in the submissions have been considered and commented on under Submitter Concerns heading of this report.

### Section 9 – Local Centre Development

This Section of the DCP relates to development in the Local Centre zone.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<b>9.1.1 Built Form</b>  (i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area) (ii) Building design should relate to its retail/commercial/office function. (iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape. (iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres (v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc. (vi) Buildings should provide for 'activated street frontages' by	<b>Yes</b>	The proposed development is considered to be compatible with the requirements of this Section of the Muswellbrook DCP. This view has been formed based on the following considerations: <ul style="list-style-type: none"> <li>➤ The proposed development would be compatible with the character of the streetscape. There are other modern buildings in the vicinity of the development site including the adjoining Hungary Jacks.</li> <li>➤ The design of the proposed service station and restaurant would support their intended use.</li> <li>➤ The information submitted with the development application indicates that new materials would be used in the development construction and that those materials would not be highly reflective.</li> <li>➤ The proposed restaurant has been designed to address Bridge Street and supports an active street frontage to</li> </ul>

<p>incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings. (ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>(ix) Building entrances should be well defined and well lit.</p> <p>(x) New residential development shall be located above street level.</p> <p>(xi) Incorporate areas for future signage into the building design.</p>		<p>that street for 50% of the frontage of the lot. The Service Station will also generate activity, although the sales area is setback from Bridge Street.</p> <ul style="list-style-type: none"> <li>➤ The premises have been designed to incorporate signage to address the streetscape.</li> <li>➤ The proposed development is located within a heritage conservation area. The proposed development has been reviewed by Council's Heritage Advisor who is satisfied that the proposed development would not have a significant adverse impact the cultural significance of the locality.</li> </ul>
<p><b>9.1.2 Height of Buildings</b></p> <p>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	<p><b>Yes</b></p>	<p>The proposed development would comply with the requirements of this section of the DCP. This view has been formed based on the observations below:</p> <ul style="list-style-type: none"> <li>➤ The height of the proposed development would not exceed the maximum building height for the land specified by the Muswellbrook LEP 2009 (see detailed comments under the Muswellbrook LEP 2009 heading of this report).</li> <li>➤ The site subject to this development application is located on a corner lot adjacent the Hungary Jacks Restaurant and the former Philippe's restaurant. The height and bulk of the proposed development would be comparable with the nearby Hungary Jacks.</li> <li>➤ The proposed development would not be constructed at the site in a manner that would result in unreasonable overshadowing to an adjoining property.</li> <li>➤ The proposed restaurant and service station building would not include any external windows orientated toward an adjoining property. While views from the car parking area are possible into neighbouring residential properties, these views would be obscured by the slope of the site, and the construction of retaining walls and fence screening at the property boundary.</li> </ul>
<p><b>9.1.3 Setbacks</b></p> <p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks should allow for street</p>	<p><b>Yes</b></p>	<p>The proposed development is considered to be in accordance with the development controls specified by this Section of the DCP. This position has been informed by the following considerations:</p>

<p>landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p> <p>(v) (Not included Relates to Rail Corridor Development)</p>		<ul style="list-style-type: none"> <li>➤ The proposed restaurant would be constructed adjacent the boundary with Bridge and St Heliers street and establish active street frontages along both streets. Due to topography of the site, the building will be elevated above the footpath, but it would still be possible for passing pedestrians to see into the Restaurant.</li> <li>➤ Landscaping has been included at a number of locations across the site and alterations and improvements to the footpath will be required to establish laybacks for the vehicle entry and exit points at the site.</li> <li>➤ The development site is not situated adjacent a rail corridor and thereby the controls specified by 9.1.3 (iv) and (v) do not relate to the proposed development.</li> </ul>
<p><b>9.1.4 Accessibility</b></p> <p>This Section of the DCP requires new commercial developments to be designed and constructed in a manner which comply with the relevant accessibility standard.</p>	<b>Yes</b>	<p>Should development consent be granted to the proposed development it would be subject to the works being carried out in accordance with the Building Code of Australia and Access to Premises Standard. Detailed designs plans will be required demonstrating that the development would comply with the relevant accessibility standards prior to the issue of a Construction Certificate and to ensure that the accessibility standards have been met prior to issue of an Occupation Certificate.</p>
<p><b>9.2.1 Urban Landscaping</b></p> <p>(i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.</p> <p>(ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area.</p> <p>(iii) Landscaping should be used to soften the impact of hard surfaces where necessary.</p> <p>(iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application</p>	<b>Yes</b>	<p>The proposed plans provide detail of landscaping to be established on the development site and in the St Heliers Road Reserve to enhance the visual appearance of the proposed development and provide visual relief to the car park hardstand area. It is considered that the level of landscaping proposed would be compatible with the requirements of this Section and the Muswellbrook CBD Urban Domain Plan. If development consent is granted a condition of consent is recommended requiring detailed landscape plans, with schedules of plant species, to be submitted for approval prior to the issue of a Construction Certificate.</p>
<p><b>9.2.2 Car Parking</b></p>	<b>Yes</b>	<p>This Section of the DCP requires the provision of sealed vehicle car parking and accessible parking in accordance with the off-street car parking requirements of Section 16 of the</p>

		DCP.  Council Officers are satisfied that the rate off off-street car parking proposed meets the relevant off-street car parking requirements.
<b>9.2.3 Outdoor Eating Areas</b> (i) Any outdoor eating areas should be located directly adjacent to cafes or restaurants. (ii) A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic. (iii) Outdoor eating areas are required to comply with section 19 of this DCP.	<b>Yes</b>	The proposed restaurant would include an outdoor eating area along the Bridge Street frontage. The outdoor eating area would comply with the requirements of this section of the DCP and would be directly attached to the restaurant and not obstruct the public footpath.
<b>9.2.4 Signage and Advertising</b>	<b>Yes</b>	The proposed signs has been considered against the provisions of Section 14 of the DCP and the requirements of the SEPP Advertising Signage. Council Officers are satisfied that the proposed signage would be in accordance with requirements of this legislation and can be supported with the exception of the north elevation service station wall sign.

#### Section 14 – Outdoor Signage

The proposed signage has been considered against the requirements of the Muswellbrook DCP that relate to signage installation.

Council Officers are satisfied that the proposed signage, with the exception of the business identification sign to be installed on the northern elevation of the service station building, would be compatible with the controls of this Section of the DCP and DCP objectives. It is recommended that if development consent is granted to the proposed development that no consent is granted to north elevation service station business identification sign.

#### Section 15 – Heritage Conservation

The site subject to this development application is located within the Muswellbrook Heritage Conservation Area and is located in the vicinity of the Eatons Hotel State Listed Heritage item. A Statement of Heritage Impact has been submitted to Council.

Council's Heritage Advisor considers that the proposed development would not have a significant impact on the significance of the heritage conservation area or nearby heritage item and could be supported from a heritage impact perspective.

In view of the comments from Council's Heritage Advisor, Council Officers are satisfied that the proposed development would be compatible with the heritage design requirements specified by this Section of the DCP.

#### Section 16 – Car Parking and Access

The proposed development has been assessed against the vehicle access, manoeuvrability and car parking requirements specified by this Section of the DCP.

To consider the adequacy of the vehicle access arrangements and internal loading, unloading and manoeuvring areas the proposed development was referred to Council's Community Infrastructure Section. In correspondence dated 31 May 2019 Council's Assistant Director and Chief Engineer indicated that Community Infrastructure did not have concerns regarding vehicle access or manoeuvrability.

This section of the DCP also prescribes rates at which off-street car parking should be provided to new development in the Muswellbrook LGA. The DCP prescribes the following rates of off-street car parking that relate to the proposed development.

**Restaurant** – 1 space per 7m<sup>2</sup> of gross floor area available for dining

**Service Station** – 1 space per 20m<sup>2</sup> of gross floor area of the convenience store plus 1 space per 6.5m<sup>2</sup> of gross floor area

These parking requirements have been considered in relation to the proposed development as follows:

**Restaurant** – total seating area 203m<sup>2</sup> 203/7 = **29 off-street car parking spaces**

**Service Station** – convenience store area 60m<sup>2</sup> 60/20 = **3 off street car parking spaces**

Other floor area 20m<sup>2</sup> 20/6.5 = **3.0 off street car parking spaces**

Based on the above calculations a total of 35 off-street car parking spaces are required for the development to comply with the DCP's off-street car parking requirements. The proposed plans indicate that 37 off-street parking spaces are proposed. Accordingly, Council officers are satisfied that the provision of off-street car parking meets the minimum off-street car parking requirements. If the development is approved it is recommended that conditions of consent are imposed, to require the construction of the off-street car parking in accordance with the approved plans and relevant Australian Standards.

#### Section 19 Use of Public Footpaths

The proposed development would not involve the establishment of any outdoor dining areas on public footpaths. Accordingly, the provisions of this Section are not considered to present any matters requiring further consideration in relation to the proposed development.

#### Section 20 – Erosion and Sediment Control

The proposed development involves a large area of disturbance, so it will be necessary for the applicant to prepare and submit an erosion and sediment control plan pursuant to the provisions of the DCP prior to the carrying out of any works.

To ensure compliance with this it has been recommended that a condition be imposed on any consent requiring the submission and approval of a sediment and erosion management plan prior to the issue of any Construction Certificate.

#### Section 24 – Waste Management

The proposed plans submitted with the development application identify waste storage areas to be made available to the development. The plans indicate that these storage areas would be discreetly located and screened in accordance with the requirements of this Section of the DCP. While turning circle information submitted also indicates that waste collection vehicles would be able to successfully access the waste stores for collection.

The applicant has also submitted a waste minimisation management plan. This waste management minimisation management plan has been reviewed by Council Officers and it is recommended that if the development is approved, conditions of consent be imposed on the development requiring it to be carried out in accordance with the requirements of this plan, and that screening be installed around outdoor waste storage areas.



**Section 25 – Stormwater Management**

The proposed development would increase stormwater runoff as a result of increased building footprint and car parking area.

Council's Community Infrastructure Department are satisfied with the conceptual stormwater management plan provided and indicated methods of stormwater collection and on-site detention. It would be necessary for detailed stormwater design plans to be provided to Council and approved prior to the issue of a Construction Certificate and any Section 68 Approval for the carrying out of stormwater work.

**Section 94 Contributions Plan 2001**

Section 94 Contributions are not applicable to the proposed development.

**Section 94A Contributions Plan 2009**

In accordance with Council's Section 94A Contribution Plan a developer contribution would be applicable to the proposed development at a rate of 1% of the total estimated capital investment value. The proposed development has a capital investment value of \$2,400,000 and thereby a contribution of \$24,000 would be applicable should the development application be approved.

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

There are no planning agreements relevant to the subject Application.

**Section 4.15(1)(a)(iv) the provisions of the Regulations**

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the proposed development. The prescribed conditions of this Division of the Regulations will be applied to the development where appropriate.

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

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

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

Likely impacts of the proposed development have been considered throughout the assessment of the development application. Potential impacts of the proposed development have been considered and commented on under the various headings of this report.

Based on the consideration of likely environmental impacts a number of recommended conditions have been imposed on the proposed development. The likely environmental impacts associated with the proposed development are not considered to be significant enough to substantiate a recommendation for the refusal of the proposed development.

Matters related to the following were considered through the assessment of likely environmental impacts.

Context & Setting  
Built Form  
Potential Impact on Adjacent Properties  
Access, Traffic and Transport  
Public Domain  
Utilities  
Heritage  
Other land resources  
Water

Waste  
Energy  
Noise and Vibration  
Natural hazards  
Technological hazards  
Safety, Security, and Crime Prevention  
Social Impact on Locality  
Economic Impact on the Locality  
Site Design and Internal Design

Soils  
Air & microclimate  
Flora & fauna

Construction  
Cumulative Impacts

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

The site subject to this development application is considered to be suitable to the proposed development. The subject site is zoned B2 Local Centre, has frontage to Muswellbrook's main street and adjoins other commercially developed land. While residential uses exist nearby, it is observed that this adjoining land is similarly zoned B2 Local Centre.

The site has access to services that would support the development of the land and is not subject to any hazards which would prevent the development from being carried out at the site.

### **Section 4.15(1)(d) any submissions made**

The proposed development was placed on public notification in accordance with the requirements of the Muswellbrook DCP. Two submissions objecting to the proposed development were received.

Following receipt of additional information on the 10 December 2018, the development was re-notified to submitters to review the additional plans and material and update their submissions accordingly. One (1) of the submitters provided an updated submission, while the other submitter did not outline any change to their previous submission.

The reasons for objection provided by the two (2) submitters have been considered by Council Officers through the assessment of the development application and key matters raised by the submissions have been summarised and commented on in the table below.

<b>Issue Raised</b>	<b>Planning Comment</b>
Impact of the proposed development on the privacy of 4 Flanders Avenue	No new buildings would have windows facing this property. The on-site parking area will be partially excavated to a level lower than the adjoining block. This combined with proposed fencing will restrict overlooking from the car park into the adjoining residential property.
Impact of the noise generated from the premises and its proposed 24 hour operation on the amenity of nearby residents.	<p>The proposed development has been amended by the applicant to no longer involve the 24 hour 7 day a week operation of the proposed service station. The proposed hours of would be between 5:00am – 10:00pm daily.</p> <p>The impact of noise from the premises on neighbouring properties has remained a relevant consideration for the assessment and determination of the development application.</p> <p>In determining the acceptability or otherwise of noise emissions of the proposed development Council Officers have reviewed the Noise Impact Assessment prepared by RCA Australia in relation to the proposed development and the existing site conditions. Council Officers are satisfied that the proposed development is unlikely to have a significant adverse impact on the amenity of the</p>

	<p>locality.</p> <p>Council Officers have drafted recommended conditions of consent to manage noise associated with the operation of the premises and control the risk of anti-social behaviour being carried out at the site.</p>
<p>The 24 hour operation of the premises is out of character with the scope of commercial operations being carried out in the locality and is not appropriate given the sites interface with residentially developed land.</p>	<p>The proposed hours of operation for the development would be between 5:00am – 10:00pm daily.</p> <p>This scale of operation is not considered to be out of character with the scope of approved commercial operations in the immediate locality of the development site. It is noted that the adjoining Hungary Jacks development has been approved to operate on a 24/7 basis and that the premises chooses to trade between 5:00am – 10:00pm for commercial reasons while the nearby Eatons Hotel typically trades into the later hours of the evening.</p>
<p>Concern regarding the location of any smoking areas and the impact of second hand smoke from users of the premises on adjoining properties</p>	<p>It will be necessary for the proposed development to comply with relevant legislation that relates to maintaining a smoke free environment. The recommended conditions of consent include a draft condition regards relevant smoke free environment legislation.</p>
<p>The potential for anti-social behaviour to occur at the premises during late night trading.</p>	<p>The proposed development was referred to the NSW Police who recommended a number of measures to manage anti-social behaviour at the premises. These recommendations have been reviewed and incorporated into recommended conditions of consent along with additional Council requirements.</p> <p>The proposed uses are typical for a town centre. Council Officers consider that it would be unreasonable to refuse of the development application due to likelihood of anti-social activity occurring as a result of the development.</p>
<p>Risk of anti-social behaviour at the site affecting adjoining properties and the potential for people to trespass on neighbouring private properties.</p>	<p>The proposed development would include the construction of retaining walls and fencing at adjoining property boundaries. Council Officers are satisfied that these structures would provide reasonable protection measures against the likelihood of people trespassing onto neighbouring properties from the development site.</p>
<p>Lack of information provided about the management of waste and control of vermin at the site.</p>	<p>The proposed development would need to be carried out in accordance with the requirements of the Public Health Act 2012 that relate to the operation of a food premises.</p> <p>A waste minimisation management plan has been</p>

	provided in relation to the proposed development in accordance with the requirements of the Muswellbrook DCP. Council Officers are satisfied that adequate waste management measures will be incorporated into the development.
Lack of information provided around external lighting at the premises and concern that lighting may be orientated toward neighbouring properties.	A recommended condition of consent has been proposed to ensure that all external lighting is constructed in accordance with Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting' to manage light spill and that non-security lighting is turned off at the close of business.
Lack of information provided around the location of any security cameras and concern that security camera locations may affect the privacy of adjoining properties.	A condition of consent has been recommended, in accordance with comments from the NSW Police around the installation of CCTV cameras at the site. This condition includes a Council requirement restricting the location of security cameras at the site in a manner that may infringe on the privacy of neighbouring residential properties.
Controls to manage damage to neighbouring properties during the construction and operation of the premises and the potential for property owners to receive or seek compensation for any damage	<p>The Environmental Planning and Assessment Regulation 2000 prescribes a condition of consent relating to the protection of neighbouring structures during the carrying out of the development and the underpinning of structures where required.</p> <p>This condition has been included in the recommended conditions of consent along with a pre-construction certificate condition requiring the preparation of a structural report relating to the prevention and management of damage to adjoining properties (this condition was prepared in consultation with Council's Building Surveyor).</p> <p>Council Officers are satisfied that the recommended conditions of consent would adequately manage this issue. Should any damage occur to adjoining properties, despite the recommended conditions, the affected property owner would have legal avenues to seek compensation.</p>
Impact of traffic from the development on the road network and existing traffic and parking conditions in nearby streets.	The proposed development was referred to Council's community Infrastructure Department who raised no issue with the proposed development from a traffic management perspective.
The design plans do not appear to be sympathetic to the heritage value of the area.	The proposed development was referred to Council's Heritage Advisor who raised no objection with the proposed development from a heritage impact perspective.
An interest in the inclusion of	The applicant has included landscaping in the

landscaping in the development design to mitigate the visual impact of the car parking areas and the impact of the development on adjoining residential properties.	design of the car park and fencing to manage the visual impact of the proposed development on neighbouring properties. Council Officers are satisfied that these mitigation measures would adequately manage the visual impact of the proposed development.
---	---

**Section 4.15(1)(e) The public interest**

Lighting

At the 11 June 2019 Meeting, Councillors sought an amendment to recommended condition of consent No 26, relating to lighting. The tabled amendment sought to amend the condition by specifying the following in relation to lighting:

*'lights are to be of a style and design that avoids direct glare into the eye line of passing motorists and pedestrians in any public place, or the rear yards and windows of adjoining property'.*

This amendment has been reviewed by Council's Assessing Officer who is satisfied the adjustment of condition 26 to incorporate this provision would not be unreasonable and would re-enforce the required design requirements imposed by condition 26 through its reference to Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting'. The recommended conditions of consent have been updated to include the additional car park lighting design requirements.

**Fuel Tank Contamination and Decommissioning**

- The Protection of Environment Operations (Underground Petroleum Storage Systems Regulation 2014 specifies commissioning, modification, repair, decommissioning and operational requirements for underground petroleum systems. Any person installing and operating an underground petroleum storage system is required to comply with the requirements of this legislation.
- The Protection of Environment Operations (Underground Petroleum Storage Systems Regulation 2014 includes provisions outlining how the decommissioning of any petroleum systems is to be carried out. These Regulations and its Governing Act do not directly specify any requirements for disused petroleum storage facilities to be removed. However, the Regulations and Governing Act (the Protection of the Environment Operations Act 1997) enables the Environmental Protection Authority to take action against non-compliant underground petroleum storage systems and issue fines and penalty notices that would provide a financial incentive for operators to rectify any non-compliances and/or remove tanks that do not comply with the relevant operational standards.
- Council Officers have engaged with the applicant to identify a mutually acceptable mechanism that would provide Council with the certainty regarding the decommissioning of fuel tanks at the conclusion of the service station operation. A new condition has been drafted and included in the recommended conditions of consent to require that a positive covenant is registered on the land to require the removal of fuel tanks at the conclusion of the service station operation. This condition has been included as recommended condition of consent No 45.

**Footpath Construction**

- The proposed development was referred to Council's Community Infrastructure Department to consider matters related to traffic, parking and the impact of the proposed development on Council's Infrastructure. Referral comments/conditions provided from Council's Assistant Director and Chief Engineer included a recommended condition of consent relating to the preparation of a Public Domain Plan in accordance with the Muswellbrook CBD Public Domain Manual 2012 and the carrying out of required footpath improvements as part of the carrying out of the development.
- At Council's 11 June 2019 Council Meeting, Councillors asked that the proposed footpath be comparable to the existing footpaths in the vicinity of the development site, particularly the opposite side of St Heliers Street. Council Officers have reviewed the conditions of consent related to footpath construction and adjusted the recommended conditions to identify the footpath design criteria and construction standards required to adequately address the requirements of the Manual.

The proposed development is considered to be generally in accordance with the public interest. This view has been informed by the following considerations:

- The proposed development is permissible with consent in the B2 local centre zone under the provisions of the Muswellbrook LEP 2009.
- The proposed development would be carried out in accordance with the relevant provisions of the Muswellbrook LEP 2009 and other applicable environmental planning instruments
- The proposed development would comply with the relevant requirements of the Muswellbrook DCP.
- The proposed development is not inconsistent with the recommendations in the Muswellbrook Town Centre Strategy and the Muswellbrook CBD Urban Domain Plan.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have a significant adverse environmental impact.
- The proposed development would generate additional economic activity and employment opportunities in the Muswellbrook locality.

## **5 CONCLUSION & RECOMMENDATION**

The proposed development has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is considered that the proposed development would be in accordance with the provisions of all relevant Environmental Planning Instruments, relevant Development Control Plans, the Environmental Planning and Assessment Act Regulations 2000, is unlikely to result in any significant adverse environmental impacts, is located on a site suited to the proposed development and is in the public interest.

It is recommended that development consent be granted to the proposed development subject to the recommended conditions of consent pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.

**DA 78/2018 – Recommended Conditions of Consent:**

**IDENTIFICATION OF APPROVED PLANS**

**(1) Development in Accordance with Plans**

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
A101	E	Calare Civil	20 May 2019	23 May 2019
A201	E	Calare Civil	20 May 2019	23 May 2019
A202	E	Calare Civil	20 May 2019	23 May 2019
A203	E	Calare Civil	20 May 2019	23 May 2019
A204	E	Calare Civil	20 May 2019	23 May 2019
A205	E	Calare Civil	20 May 2019	23 May 2019
A206	E	Calare Civil	20 May 2019	23 May 2019
A207	E	Calare Civil	20 May 2019	23 May 2019
A301	E	Calare Civil	20 May 2019	23 May 2019
A302	E	Calare Civil	20 May 2019	23 May 2019
A303	E	Calare Civil	20 May 2019	23 May 2019
A304	E	Calare Civil	20 May 2019	23 May 2019
6m Pylon Sign Overall Views for Mobile Petroleum	-	JFH Design Services	20 January 2018	14 January 2019

**(2) Development in Accordance with Documentation**

The development is to be carried out generally in accordance with the following documents.

Where there is a discrepancy between any of the documents referenced by this condition of consent and any other condition referenced by the consent or an amendment to the application made by the applicant in writing the provisions of the related condition or amendment to the application takes precedence over matters referenced by the documents below.

Title	Written by	Date
Risk Screening Documentation	Hazkem Pty Ltd	May 2019
Data Review of Previous Environmental Reports for 147 – 153 Bridge Street Muswellbrook	Presna Pty Ltd	March 2019
Waste Minimisation Management Plan	Inland Building	9 May 2019
Statement of Environmental Effects	Anthony Daintith Town Planning	7 December 2018
Conceptual Stormwater Management Plan and Preliminary Site Servicing Assessment	Calare Civil Pty Ltd	May 2019



(3) **Limitations on Approved Signage**

Consent is not granted or implied for the business identification sign proposed for installation on the north elevation of the service station building. The approved elevation plan (drawing number A302) has been marked in red to clearly identify that no approval is granted to this advertisement sign.

**OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**

(4) **Building Code of Australia**

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

(5) **Access to premises standard**

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

(6) **Condition Relating to Maximum Capacity Signage**

A sign specifying the maximum number of persons permitted in the restaurant building in accordance with the requirements of this consent is to be displayed at a prominent position in the building.

This is a prescribed condition under the provisions of Clause 98D of the Environmental Planning and Assessment Regulation 2000.

(7) **Condition Relating to the Shoring and Adequacy of Adjoining Property**

Where the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must at their expense:

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary underpin the building, structure or work to prevent such damage.

**REQUIREMENT FOR A CONSTRUCTION CERTIFICATE**

(8) **Construction Certificate Requirement**

Works shall not commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

**ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**(9) Management of Asbestos Containing Material during Construction Works**

Prior to the issue of a Construction Certificate for the development, an investigation of the site is to be carried out by an appropriately qualified person, to determine the extent of any asbestos containing material present at the site in accordance with the recommendations of the Data Review of Previous Environmental Reports for 147 – 153 Bridge Street prepared Presna and dated March 2019.

Where this investigation identifies residual asbestos contamination at the site requiring remediation a Remediation Action Plan is to be prepared and submitted to the Principle Certifying Authority and Council prior to the commencement of works.

Documented evidence is to be provided to the Principle Certifying Authority to demonstrate that this condition has been complied with prior to the issue of a Construction Certificate.

The development is to comply with all requirements of any Remediation Action Plan.

**(10) Construction Management Program**

Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and approved in writing by the Council prior. 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.

**(11) Sediment Control Plan**

Prior to the issue of a Construction Certificate a sediment and erosion management plan is to be submitted to and approved by the Certifying Authority. As a minimum, control techniques are to be in accordance with Muswellbrook Shire Council's Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;
- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;
- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

**(12) Landscape Design Plan**

Prior to the issue of a Construction Certificate, a detailed landscape plan is to be prepared and submitted to Council and approved in writing.

The plan is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and should be prepared in accordance with Council's Landscaping Guidelines, the provisions of the Muswellbrook Development Control Plan 2009 and the Muswellbrook CBD Urban Domain Plan.

Written confirmation demonstrating that the Landscape Plan has been approved by Council should be provided to the Principle Certifying Authority with an application for a Construction Certificate.

**(13) Flanders Avenue Street Frontage Fencing**

Prior to the issue of a Construction Certificate a revised fence design is to be submitted for approval, fencing proposed along the boundary with Flanders Avenue. The revised design is to reduce the height, bulk and scale of the proposed fence, enable passive surveillance of the car park from the street and comply with the following:

- the height of the fence is to be between 1.2m and 1.6m above ground level,
- the fence is to be 50% translucent to allow for passive surveillance of the development site and car park area,

- The maximum spacing between any breaks in the fence is to be 125mm to ensure that the fence provides an effective safety barrier to prevent falls into the site.
- Materials used in the fence are to be of a high quality and its appearance and design remain in keeping with the streetscape.

**(14) Muswellbrook Shire Water and Waste Division**

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' as requiring payment at construction certificate stage are to be paid prior to release of a Construction 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 Subdivision or Occupation Certificate.

**(15) Cleanliness and Maintenance of Food Preparation Areas**

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority in relation to the fit-out of the all kitchen, food preparation, storage, handling and serving areas.

These plans should demonstrate that fit out of the food handling areas would comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards relevant design construction and fit out of food premises (AS4674)

**(16) No External Service Ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Details demonstrating compliance are to be provided in the Construction Certificate documentation.

**(17) 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 \$24,000 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 Principle Certifying Authority prior to the issue of a Construction Certificate.

**(18) Section 68 Local Government Act 1993 Approvals**

Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater works.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

**(19)      Stormwater Drainage Design Detail**

Any section 68 application for the carrying out of stormwater works is to be accompanied by a complete set of hydraulic plans and specifications for all stormwater infrastructure including the proposed underground detention tank. The stormwater management system installed at the site should include pollution control measures in accordance with the requirements of Council's Development Control Plan.

Where the stormwater detention tank is located beneath hardstand areas which are path of traffic flow for heavy vehicles at the site engineering design details are to be provided demonstrating that the roof slab of the underground tank would have the structural capacity to withstand the load of a 19m AV moving over the slab.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that a section 68 application has been approved for the carrying out of stormwater works and the stormwater infrastructure plans endorsed by Council prior to the issue of a Construction Certificate

**(20)      Liquid Trade Waste Agreement**

Prior to the issue of a Construction Certificate and any Section 68 Approval for sewage works a Commercial Liquid Trade Waste Application is to be completed, signed by the property owner and submitted to Council for approval along with relevant documentation, including hydraulic plans, relating to the construction of the required liquid trade waste infrastructure at the site.

Documentary evidence is to be provided to the Principle Certifying Authority confirming that a Liquid Trade Waste application has been lodged with Council prior to the issue of a Construction Certificate.

**(21)      Section 138 Approval Requirement**

Prior to the issue of a Construction Certificate the person acting with this consent must obtain approval from Council under Section 138 of the Roads Act 1993 for the carrying out of works in the Bridge Street , St Heliers Street and Flanders Avenue Road Reserves.

Any Section 138 application must be accompanied by detailed design plans demonstrating that all required vehicle crossovers and associated works in the road reserve will comply with the relevant Australian Standards and Council requirements.

Where works are carried out in the public domain it will be necessary for the footpath and public domain to be upgraded in accordance with the provisions of the Muswellbrook Public Domain Manual 2012. A Detailed Public Domain Plan must be

prepared and submitted to Council for the making of improvements to the public domain adjacent the site with any Section 138 application.

The Public Domain Plan must include the following:

- Detailed design plans for the construction of new footpath pavement in the Bridge and St Heliers Street Road reserves to meet the requirements of the Public Domain Manual 2012. In addition the design plans should demonstrate the footpath construction would have regard to or achieve the requirements of the following as appropriate:
  - AS 1428 Design for Access and Mobility
  - AS 2876 Concrete kerbs and channels
  - AS 3600 Concrete structures
  - AS 3610 Formwork and Concrete
  - AS 3727 Guide to Residential Pavements
  - AS 4586 Slip Resistance Classification of New Pedestrian Surface Material.
  - Landscape design details for the construction of all street trees in the St Heliers road reserve. The species selected for planting should be in accordance with the relevant requirements of the Public Domain Manual and Muswellbrook Shire Council supplementary Landscaping Guidelines.
  - All footpath areas for the length of the property which adjoin Bridge St are to be constructed in the MSC three (3) type concrete finish; Cove, Rock salt and Exposed aggregate finish, with the design and construction guided by section 5.2.2 of the Public Domain Manual and Council's construction specification – '0274- Concrete Pavement'. Any concrete work undertaken is to be to the quality and standard acceptable to Council's Chief Engineer and assessed with reference to the Muswellbrook Shire Council CBD Acceptable Pavement Criteria.
  - For the footpath area extending the length of the property which adjoins St Heliers St a concrete strip footpath of minimum width 1.5m is to be constructed. The design and construction to be guided by section 5.2.1 of the Public Domain Manual and Council's construction specification – '0274- Concrete Pavement'. Any concrete work undertaken is to be to the quality and standard acceptable to Council's Chief Engineer and assessed with reference to the Muswellbrook Shire Council CBD Acceptable Pavement Criteria.
- Civil design plans for the design and construction of vehicle laybacks and driveway crossovers. All vehicle laybacks and driveway crossovers are to be designed to support the load of the largest vehicles anticipated to enter and exit the site and to comply with the relevant Australian Standards

Note1: Additionally any road work undertaken in Bridge Street will require approval from the NSW Roads and Maritime Services and a 'Road Occupancy License' in accordance with standard NSW Roads and Maritime Services requirements.

Note2: Prior to the preparation and lodgement of any Section 138 Application and the undertaking of detailed design works for vehicle crossovers and the preparation of a Detailed Public Domain Plan it is recommended that the person acting with this consent contacts Council's Community Infrastructure Department on 65493700.

Note3: A copy of Council's Public Domain Manual 2012 can be viewed online at Council's website and is available at Council's Administration Building.

**(22)      Design and Construction of Service Station Forecourt**

The service station is to be designed and constructed generally accordance with the Best Management Practice in Forecourt Design provisions of the NSW Environmental Protection Authority's Practice Note *Managing run-off from service station forecourts* or any document that supersedes this practice note.

Prior to the issue of a Construction Certificate detailed design plans should be provided to the principle certifying authority demonstrating the development design would be compatible with the design provisions of this document and that:

- a) The canopy extends to the maximum reach of fuel dispensing nozzles and has a 10 degree from vertical overhang reducing rainwater entering high contamination zones.
- b) Accessible spill kits are provided at the site
- c) Bunded areas are provided around the fuel dispensing areas and any hazardous chemical stores away from the refuelling area.
- d) Collection pits are provided the collection and management of high risk runoff from the refuelling zone.

**(23)      Shoring and Structural Adequacy of Adjoining Property**

Prior to the issue of a Construction Certificate for the development a Structural Certification Report is to be prepared by an appropriately qualified Civil Engineer to identify that the development would be carried out to manage and maintain the structural stability of adjoining structures, buildings and works in accordance with the requirements of Condition 7 and the related provision of Clause 98E of the Environmental Planning and Assessment Act 1979.

This report should:

- certify the structural adequacy of adjoining structures to withstand the proposed excavation and construction activities,
- identify measures to protect structures from damage during the course of the works,
- Where necessary identify measures to underpin and support the structural stability of buildings that may be affected by the carrying out of the approved works.
- This document should include observations of any existing structural dilapidation of adjoining buildings, structures or works.

**(24)      Noise from Mechanical Plant Adjacent to Residential Premises**

In accordance with the recommendations of the Operational Noise Impact Assessment the person acting with this consent should consult with a qualified Acoustic Engineer when selecting heating, ventilation and air conditioning plant positions.

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and



evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

**(25) Endorsement of no Stopping Zones and Signage**

Prior to the issue of a Construction Certificate, the person acting with this consent shall submit to Council plans relating to the establishment of no stopping zones along the entirety of the site Bridge Street frontage, between the driveways facing St Heliers Street and western driveway exit and the Bridge and St Heliers Street intersection. These plans should include details of signage proposed to be installed to establish the no stopping zones and the proposed location of its installation. All signage must be designed and located in accordance with the relevant Australian Standard.

These no stopping zones and related signage plans will be provided to Council's Local Traffic Committee for review and endorsement. The no stopping zones approved by Council's Traffic Committee are to be established adjacent the site in accordance with the conditions of this consent.

Documentary evidence is to be provided to the certifying authority demonstrating that the plans required by this condition have been submitted to Council for review or endorsed by Council's Traffic Committee prior to the issue of a Construction Certificate.

**(26) Lighting**

Prior to the issue of a Construction Certificate, the person acting with this consent shall submit to the Accredited Certifier, lighting design drawings for the car park and public places. Lights are to be of a style and design that avoids direct glare into the eye line of passing motorists and pedestrians in any public place, or the rear yards and windows of adjoining properties.

The design must be prepared in accordance with the requirements of Australian Standard AS 1158: Lighting for roads and public spaces and Australian Standard AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier.

<b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b>
--

**(27) 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.

**(28) 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:

- (a) stating that unauthorised entry to the work site is prohibited;

- (b) 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
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while to 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.

**(29)      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.

**(30)      Public Liability Insurance**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc. will require evidence of insurance upon lodgement of the application.)

**(31)      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 hoarding) 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.

<b>CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK</b>
--

**(32) Construction Hours**

- (a) Subject to this clause, building construction is to be carried out during the following hours:
  - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
  - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) 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.

**(33) Materials**

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from non-reflective metal cladding. Zincalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

**(34) 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.

**(35) Applicant's Cost of Work on Council Property**

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

**(36) Retaining Walls & Drainage**

- a) The excavation, footings and drainage associated with construction of the retaining wall shall be located wholly within the property boundaries of the land which relates to this development application and not on any adjoining property or road reserve.
- b) The approved retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must:-
  - (i) be constructed as soon as practicable (not more than 30 days) after the site has been cut and filled.
  - (ii) have adequate provision for drainage in accordance with the requirements of AS3500.

**(37) Mandatory Council inspections**

During the carrying out of building works the person acting with this consent shall ensure that all mandatory stage inspections specified by any approvals issued under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993 are carried out by Council at the relevant stage of works specified by these approvals.

<b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b>
--

**(38) 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.

**(39) 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.

**(40) Stormwater infrastructure**

Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan

approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.

**(41) Connection to Sewer**

Prior to the issue of an Occupation Certificate the premises shall be connected to the sewer system in accordance with the Australian Standard 3500 and the requirements of any Section 68 Approval. A Trade Waste Agreement is to have been entered into between the owner of the land and Council and the required Trade Waste infrastructure installed to Council's satisfaction in accordance with the Trade Waste Agreement.

A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

**(42) Construction of Parking Areas**

Prior to the issue of an Occupation Certificate all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted in accordance with the approved plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Car park lighting is also to be installed in accordance with the approved lighting plan and AS 1158 and AS 4282-1997.

**(43) Consolidation of Lots**

The person acting with this consent must consolidate Lot 1 DP 161784, Lot 1 DP 794803, Lot 1 DP 784361 and Lot: 1 DP 159620.

Prior to the issue of an Occupation Certificate the person acting with this consent shall provide suitable documentary evidence to the Principle Certifying Authority to demonstrate that a survey plan has been prepared for the consolidation of the Lots and that plan has been lodged with Lands and Property Information or the appropriate authority for the registration of land at the time the Occupation Certificate is applied for.

**(44) Registration of Easement for Support**

The person acting with this consent must register an easement for support over the land subject to this development application relating to the construction, maintenance and upkeep of retaining walls on the site. The terms of this easement should be generally in accordance with the terms set-out in the draft 88B instrument provided to Council in an email from the applicant dated 24 May 2019.

The easement should be registered in favour of Muswellbrook Shire Council and the owners of the adjoining properties Lot 1 DP 229566 and Lot 1 DP 198349.

Prior to the issue of an Occupation Certificate the person acting with this consent shall provide the Principle Certifying Authority with suitable documentary evidence that the 88B instrument has been lodged with Lands and Property Information or the

appropriate authority for the registration of land at the time the Occupation Certificate is applied for.

**(45) Registration of Public Positive Covenant**

The person acting with this consent must register a public positive covenant over the land subject to this development application relating to the decommissioning of the underground petroleum storage system.

The public positive covenant is to be registered in favour of Muswellbrook Shire Council and is to require the owner of the lot burdened to decommission the underground petroleum storage in accordance with the decommissioning requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation, or the relevant legislation in force at the time of decommissioning, at the conclusion of the service stations operational life.

Prior to the issue of an Occupation Certificate the person acting with this consent shall provide the Principle Certifying Authority with suitable documentary evidence that the 88E instrument has been lodged with Lands and Property Information or the appropriate authority for the registration of land at the time the Occupation Certificate is applied for.

**(46) Site Fencing**

Prior to the issue of any Occupation Certificate the following site fencing is to be constructed in accordance with the approved plans and the requirements of this consent:

- A 1.8m high timber acoustic fence is to be constructed at the boundary between the development site and adjoining properties at 4 Flanders Avenue and 155 Bridge Street in accordance with the approved plans.
- A fence is to be constructed along the sites boundary with Flanders Avenue in accordance with the revised fence plan required as a condition of this consent.

**(47) Food Shop Registration Requirement**

Prior to the issue of an Occupation Certificate, the food premises must be registered with Council's Environmental Health section accordance with the Food Safety Standards, prior to commencement of food business operations.

Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant construction requirements and Food Safety Standards.

**(48) Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of an Occupation Certificate, a certificate is to be prepared to the effect that that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

**(49) Disposal Information**

Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site;
- (b) the disposal points and methods used; and
- (c) a copy of all disposal receipts are to be provided

**(50) Redundant Vehicle Crossings**

Where a redundant layback will occur at the frontage of the property, a new concrete kerb and gutter must be constructed to replace the redundant layback prior to the issue of an occupation certificate.

**(51) Installation of 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.

**(52) Installation of vehicle laybacks and public domain improvements**

Prior to issue of any Occupation Certificate, the footpath along the frontage of Bridge Street and St Heliers Streets shall be constructed in accordance with Council's Public Domain Manual Muswellbrook CBD May 2012 and in accordance with the detailed design plans submitted to Council and approved with any Section 138 Permit.

The person acting with this consent shall provide the Principle Certifying Authority with documentary evidence demonstrating that Council is satisfied that these required works have been completed to a satisfactory standard.

**(53) Construction of Waste Storage Areas**

Prior to issue of any Occupation Certificate the bin storage area is to be constructed in accordance with the approved plans and requirements of this condition or as otherwise specified by Council in writing.

In addition to the design information included on the approved plans the bin storage area is to be constructed in accordance with the following:

- The bin storage is to be discreetly located at the site and screened through the construction of a gated fence/screen enclosure.
- All internal walls of this enclosure are to have a smooth service and the enclosure is to coved flood/wall intersection.

- The floor is to be graded toward the centre of the enclosure to prevent the escape of waste.
- A tap is to be located in a close proximity to the waste storage area.

**(54) Installation of Underground Petroleum Storage System**

The Applicant shall not commission a new storage system unless properly designed, installed, equipped and tested in accordance with Part 2 of the Underground Petroleum Storage Systems (UPSS) Regulation 2014. The new storage system must:

- (a) be designed and installed by a duly qualified person in accordance with the EPA guidelines;
- (b) be equipped with the mandatory pollution protection equipment and a secondary leak detection system;
- (c) be tested in accordance with written by a duly qualified person to confirm equipment integrity; and
- (d) be certified by the person by whom the test was carried out by as having satisfied the test.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition prior to the issue of any Occupation Certificate for or in relation to the underground petroleum storage system.

**(55) Emergency Spill Response Management Plan**

Prior to the issue of any Occupation Certificate an Emergency Spill Response Management Plan is to be submitted to and approved by Muswellbrook Shire Council. The plan shall include but no be limited to the following:

- a) List of chemicals and maximum quantities to be stored at the site;
- b) Identification of potentially hazardous situations;
- c) Procedure for incident reporting;
- d) Details of spill stations and signage;
- e) Containment and clean-up facilities and procedures; and
- f) The roles of all staff in the Plan and details of staff training. The plan is to be to the satisfaction of council.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition and the endorsement of the emergency response plan prior to the issue of any Occupation Certificate which relates to the service station.

**(56) Construction of Refuelling Areas**

Prior to the issue of any Occupation Certificate for the Service Station all refuelling areas are to be constructed, bunded and provided with emergency spill kits in accordance with the detailed design plans submitted with any Construction Certificate application.

**(57) Evidence of Mandatory Council Inspections**

Prior to the issue of an Occupation Certificate the person acting with this consent should provide the Principle Certifying Authority with documentary evidence that all mandatory Council inspections required under any Section 68 and 138 Approvals



have been carried out. This evidence should include a satisfactory inspection report is to be obtained from Council confirming that the outcome of the inspection.

Where a mandatory inspection has not been carried out that relates to alterations to Council infrastructure it will be necessary for the person acting with this consent and the Principle Certifying Authority to confirm that Council does not require further details in relation to the construction of the relevant infrastructure or the carrying out of any improvements to the completed works.

**(58) Directional Signage**

Prior to the issue of any Occupation Certificate, vehicle directional signage is to be installed at the premises to manage access to the site and clearly identify all entry and exit points, and to advise that heavy vehicles are not to fuel at the site. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

**(59) Establishment of no stopping areas**

Prior to the issue of any Occupation Certificate, no stopping areas are to be established in the St Heliers and Bridge Street Road Reserves in accordance with no stopping zones endorsed by Council's Local Traffic Committee and related no stopping and signage plans endorsed by Council and the Traffic Committee in accordance with the conditions of this consent.

All required no-stopping signage is to be installed at no cost to Council by the person acting with this consent.

<b>CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES</b>
---

**(60) 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 requirements of any approval under Section 68 of the Local Government Act 1993 and the approved stormwater management plans. This will include management of rubbish and pollutants in accordance with section 25 of Muswellbrook DCP 2009.

**(61) Hours of Operation –**

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

<b>Restaurant:</b>	6:00am – 10:00pm 7 days a week
<b>Service Station</b>	5:00am – 10:00pm 7 days a week

Upon expiry of the permitted hours, all restaurant service (and entertainment) shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

**(62) Fencing**

Unless otherwise approved by Council in writing, the required site fencing is to be maintained at the site and repaired or replaced as required due to damage or age.

**(63) Maximum Number of Patrons**

Unless otherwise approved by Council, no more than sixty (60) customers may attend the restaurant premises at any one time.

**(64) Delivery Hours**

Unless otherwise approved by Council in writing no deliveries, loading, unloading or waste collection is to take place at the site before 7:00am or after 7:00pm on any day.

**(65) Trade Waste**

At all times liquid trade waste from the premises shall be disposed of in accordance with the requirements of the trade waste agreement between the owner of the premises and Muswellbrook Shire Council.

**(66) No Illumination of Fascia Sign**

Unless otherwise approved by Council in writing, the signage installed at the premises, with the exception of the pylon advertisement structure, shall not be illuminated or flood lit.

The pylon advertisement sign may be illuminated as set-out in this development application. However, the illumination of this sign is to cease nightly at the close of business.

**(67) Landscaping**

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan

**(68) Litter Patrols**

The operator of the restaurant shall ensure that regular litter patrols are carried out by staff. A litter patrol procedure is to be established and enacted for the management of litter at the site and in the locality and must include the following minimum litter management requirements:

- a) Litter patrols are to be carried out twice a day (subject to weather).
- b) A litter patrol route is to be prepared and is to include litter patrols and collections in the car park and parts of Flanders Avenue, St Heliers Street and Bridge Street that adjoin the site.

**(69) Collection of Customer Waste**

The person acting with this consent shall ensure that bins are made available for waste collection from vehicles and customers at the service station bowsters, at accessible locations within the car park and within the restaurant and service station premises.

**(70) Lighting**

All external lighting shall comply with the provisions of Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting'.

All lights at the premises (with the exception of security lighting) are to be turned off nightly at the close of business.

**(71) Smoking**

The operator of the development shall ensure that it complies with the relevant requirements of the Smoke Free Environment Legislation.

**(72) Tyre Air Pump Noise Management**

Any tyre air pump installed at the site must not contain an audible alarm of beeping mechanism that creates intrusive noise.

**(73) Noise Management General**

At all times the person acting with this consent must undertake reasonable steps to control and manage any intrusive noise associated with the operation of the premises. This would include the carrying out of the following:

- a) A record of noise complaints received in relation to the operation of the premises is to be kept by the person operating with this consent and is to be made readily available to Council Officers on request.
- b) Within one (1) month of the commencement of the sites operation the person acting with this consent shall take reasonable steps to advise neighbouring property owners of how to make complaints in relation to the operation of the premises.
- c) Where a large number of noise complaints are received due to disturbances outside the core business hours of 8:00am – 6:00pm, the person acting with this consent is to investigate the likely source or sources of any intrusive noise emissions and implement control measures to mitigate the impact of noise emissions on affected residential receivers.

<b>ADDITIONAL CONDITIONS OF CONSENT IMPOSED BY NSW ROADS AND MARITIME SERVICES NOT LISTED ELSEWHERE IN THIS CONSENT</b>
---

**(74) Left only Bridge Street Access**

Vehicle Access using the proposed Bridge Street Driveway is to be left in only.

**(75) Vehicle Entry/Exit**

All vehicles are to enter and exit the site in a forward direction.

**(76) Heavy Vehicle Fuelling**

Heavy vehicle fuelling is not permitted on the site.

**(77)      Delivery Turning Paths**

Turning paths for fuel deliveries are to be suitable for the size of vehicles making deliveries.

<b>ADDITIONAL OPERATIONAL CONDITIONS BY NSW POLICE NOT SPECIFIED ELSEWHERE IN THIS CONSENT</b>
--

**(78)      CCTV Surveillance**

CCTV surveillance is to be installed, operated and maintained at the premises in accordance with the following:

- a) The installation of CCTV equipment should be located to achieve coverage in accordance with the following:
  - Cameras should be installed both in and around the business to maximise surveillance opportunities.
  - Cameras should monitor the cashier's area, high cost merchandise areas with poor natural surveillance and entry/exit doors.
  - TV monitors should enable staff to monitor activities on the camera.
  - Recording equipment should be installed away from the counter area to avoid tampering.
  - Store windows are not obstructed with merchandise that may hinder surveillance into or out of the building.
  - Cameras should be located at the site in a manner to avoid inadvertent surveillance of neighbouring residential properties and infringe on the privacy of any residents of those properties (Additional Council CCTV Requirement).
- b) CCTV recording equipment video tapes, discs and or hand held recordings shall be retained for a minimum of 21 days and provided Council, Police Officers or Special Inspectors on request.

**(79)      Lighting**

Lighting installed at the development should comply with the following:

- d) Light installations should be high quality, vandal resistant lamps which are less likely to require replacement or maintenance.
- e) Security/sensor lighting should be installed for areas not in use after dark which can detect movement and highlight unwanted activities. Any such sensor lighting should not be installed at the site at locations that are likely to cause light pollution to neighbouring residential properties and have an inadvertent adverse impact on the enjoyment of this land.
- f) All lighting is to be maintained in accordance with a maintenance plan.

**(80)      Access Control**

The main entry points of the development should be fitted with single cylinder locksets (Australian and New Zealand Standards – Locksets), which comply with the Building Code of Australia.

The windows should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development.

**(81) Service Station Access Control**

- a) Counters should be designed to reduce the opportunity for assault of staff and unauthorised access to behind counter areas by having the 'Sales Service Area' as its own secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counter. Consider the width, height and location of the counter.
- b) Installation of an access door from sales service area to food prep area to allow staff to move to a safe area in the event of a robbery or aggressive person.
- c) The access door to the food prep area (as per plans) should be fitted with security access pad or key lock to restrict unauthorised access to the office area.
- d) For business handling cash, a safe designed and installed to the Australian Standards can provide additional security to money and other valuables. As a minimum a drop safe for use should be installed for the service station to ensure a minimal amount of cash is kept in the till.
- e) To enhance security of the business, a monitored intruder alarm system is recommended.
- f) For service station centre staff, incorporating a duress facility into the alarm system to enable staff to activate the system manually in the event of an emergency is recommended.
- g) For the service station staff, they should be able to control the main customer entry/exit point from behind the service station counter so that they can control customer entry within later hours of trading.

**(82) Restaurant Access Control**

- a) The office door should be fitted with security access pad or key lock to restrict unauthorised access to the office area. There will be minimal supervision at the rear entry.
- b) That the rear entry/exit be only for deliveries. This will allow for surveillance of all customers and will reduce the excuse for being in an out of bounds area. Clear signs should be displayed to indicate restricted areas.

**(83) Space/Activity Management**

A site maintenance plan is to be prepared in relation to the operation of the site and should include provisions relating to the following:

- a) The picking up of discarded rubbish from the fast food outlet outside the perimeter of the development, on nearby footpaths and street.
- b) The use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
- c) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a twenty-four to forty-eight hour period.

**(84) Space/Activity Management Crowd Management**

Staff are to be trained and need to monitor groups gathering that may generate unacceptable noise and take appropriate action, especially in the car park to the rear of the development.

**(85) Space/Activity Management Bicycle Rack**

A bicycle rack is to be included at the premises in a well-lit supervised area.

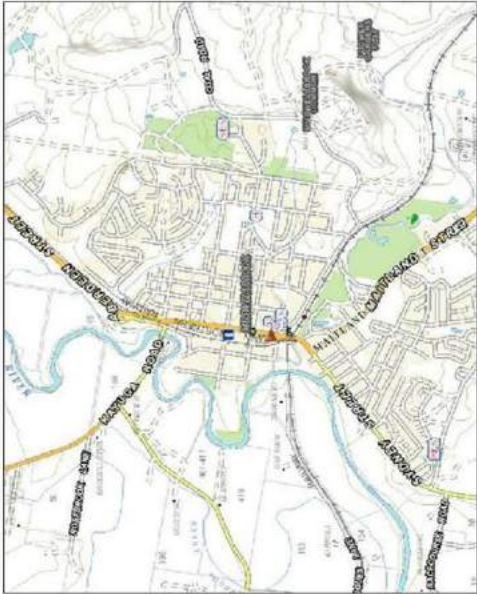


PROPOSED SERVICE STATION AND FOOD OUTLET  
Cnr BRIDGE STREET AND ST HELIERS STREET,  
MUSWELLBROOK



DEVELOPMENT PERSPECTIVE

Refer Site Plan on Sheet A201



LOCALITY PLAN - Muswellbrook  
NOT TO SCALE



LOCATION PLAN - Bridge Street  
NOT TO SCALE



AERIAL PHOTO  
NOT TO SCALE

SHEET LIST	
A101	COVER SHEET
A201	SITE PLAN
A202	BUILDING LAYOUT - OLIVERS
A203	ROOF PLAN - OLIVERS
A204	BUILDING LAYOUT - SERVICE STATION & CANOPY
A205	ROOF PLAN - SERVICE STATION & CANOPY
A206	TRAFFIC PLAN
A207	RETAINING WALLS & LANDSCAPING
A301	ELEVATIONS & SECTION - OLIVERS
A302	ELEVATIONS - SERVICE STATION & CANOPY
A303	SECTION - SERVICE STATION & CANOPY
A304	STREETSCAPE ELEVATIONS

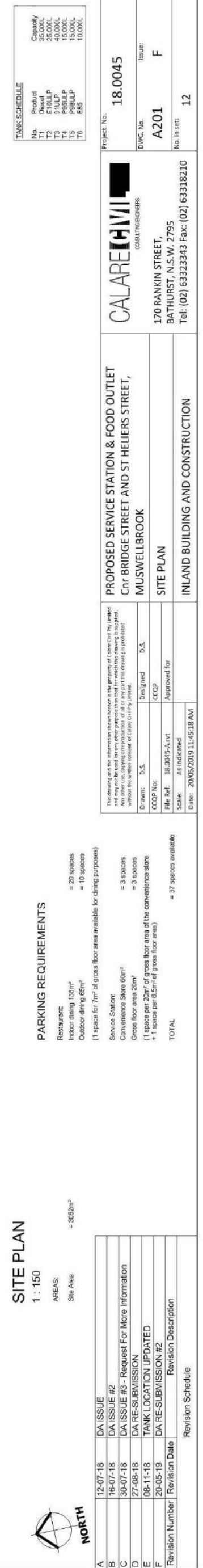
Revision Number	Revision Date	Revision Description	Revision Schedule
A	12-07-18	DA ISSUE	
B	16-07-18	DA ISSUE #2	
C	30-07-18	DA ISSUE #3 - Request For More Information	
D	27-08-18	DA RE-SUBMISSION	
E	20-05-19	DA RE-SUBMISSION #2	

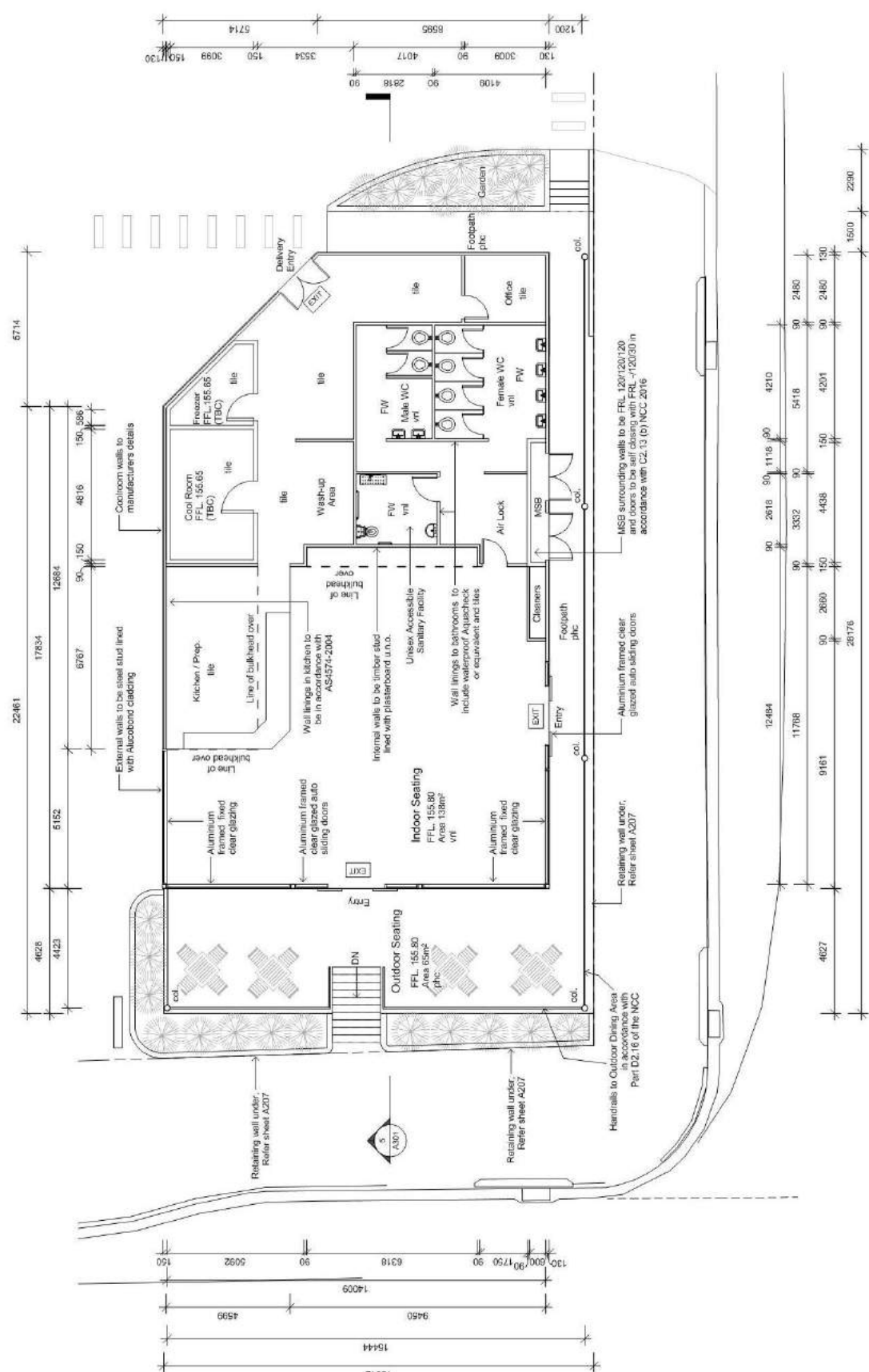
This drawing and the information herein remain the property of Calare Civil Pty Limited. Any other use, copying, reproduction, or distribution in any form without the written consent of Calare Civil Pty Limited is prohibited.			
Drawn:	D.S.	Designed:	D.S.
CCQP No:		CCQP:	
File Ref:	18.0045-A1vt	Approved for:	
Scale:	1 : 1		
Date:	20/05/2019 4:18:27 PM		

CALARE CIVIL CONSULTING ENGINEERS		Project No:	18.0045
170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210		DWG. No:	A101
		Issue:	E
		No. in set:	12

PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK	
COVER SHEET	
INLAND BUILDING AND CONSTRUCTION	







BUILDING LAYOUT - OLIVERS  
1 : 100

AREAS:  
Building Floor Area = 310m<sup>2</sup>  
Covered Outdoor Area = 107m<sup>2</sup>

Legend	
DP	Steel down pipe
SR	Steel rafter
CS	Steel column
BA	Brass
FE	Fire escape access door
FX	Fire extinguisher
WC	Toilet
BS	Basin
FW	Floor waste
RF	Refrigerator
S	Sink
Sh	Shower
bc	Bench
SW	Sliding window
EXIT	Emergency exit lighting
vt	Vinyl floor covering
tl	Tile floor covering
ph	Polished floor concrete


A	12-07-18	DA ISSUE
B	16-07-18	DA ISSUE #2
C	30-07-18	DA ISSUE #3 - Request For More Information
D	27-08-18	DA RE-SUBMISSION
E	20-05-19	DA RE-SUBMISSION #2
Revision Number	Revision Date	Revision Description
Revision Schedule		

<p>The drawing and the information herein become the property of C&amp;D Clark P/Limited          Any other use, copying for any other purpose than that for which this drawing is supplied          Any other use, copying for reproduction of all or any part of this drawing is prohibited          without the written consent of C&amp;D Clark P/Limited.</p>	Drawn:	D.S.	Designed	D.S.
	CCOP No:		CCOP	
File Ref:	18-0045-A.vvt	Approved for		
Scale:	As indicated			
Date:	20/05/2019 6:07:05 AM			

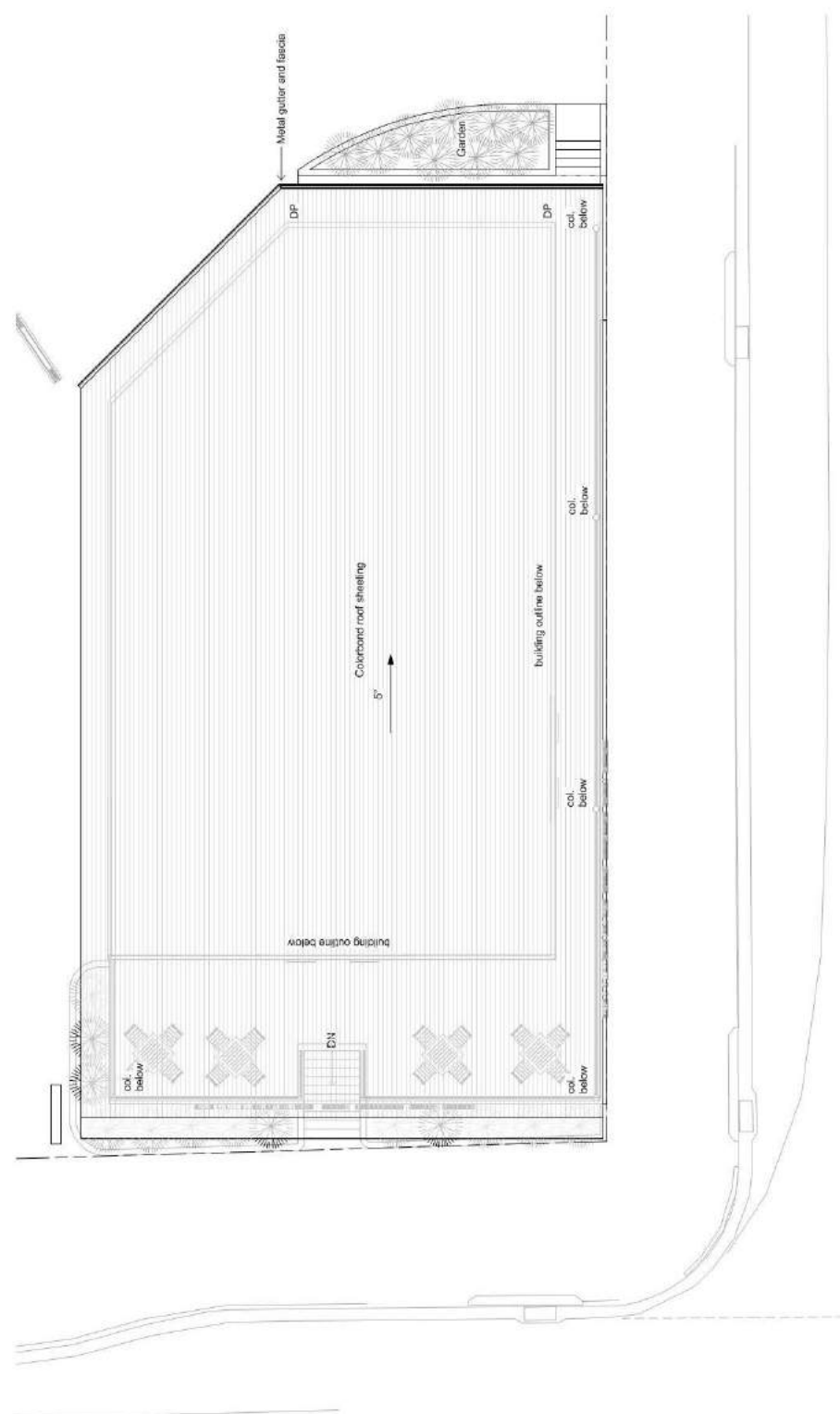
PROPOSED SERVICE STATION & FOOD OUTLET  
Cnr BRIDGE STREET AND ST HELIERS STREET,  
MUSWELLBROOK

BUILDING LAYOUT - OLIVERS

INLAND BUILDING AND CONSTRUCTION

**CALARE**  **CONSULTING ENGINEERS**

170 RANKIN STREET,  
BATHURST, N.S.W. 2795  
Tel: (02) 63323443 Fax: (02) 63318210



ROOF LAYOUT - OLIVERS  
1:100



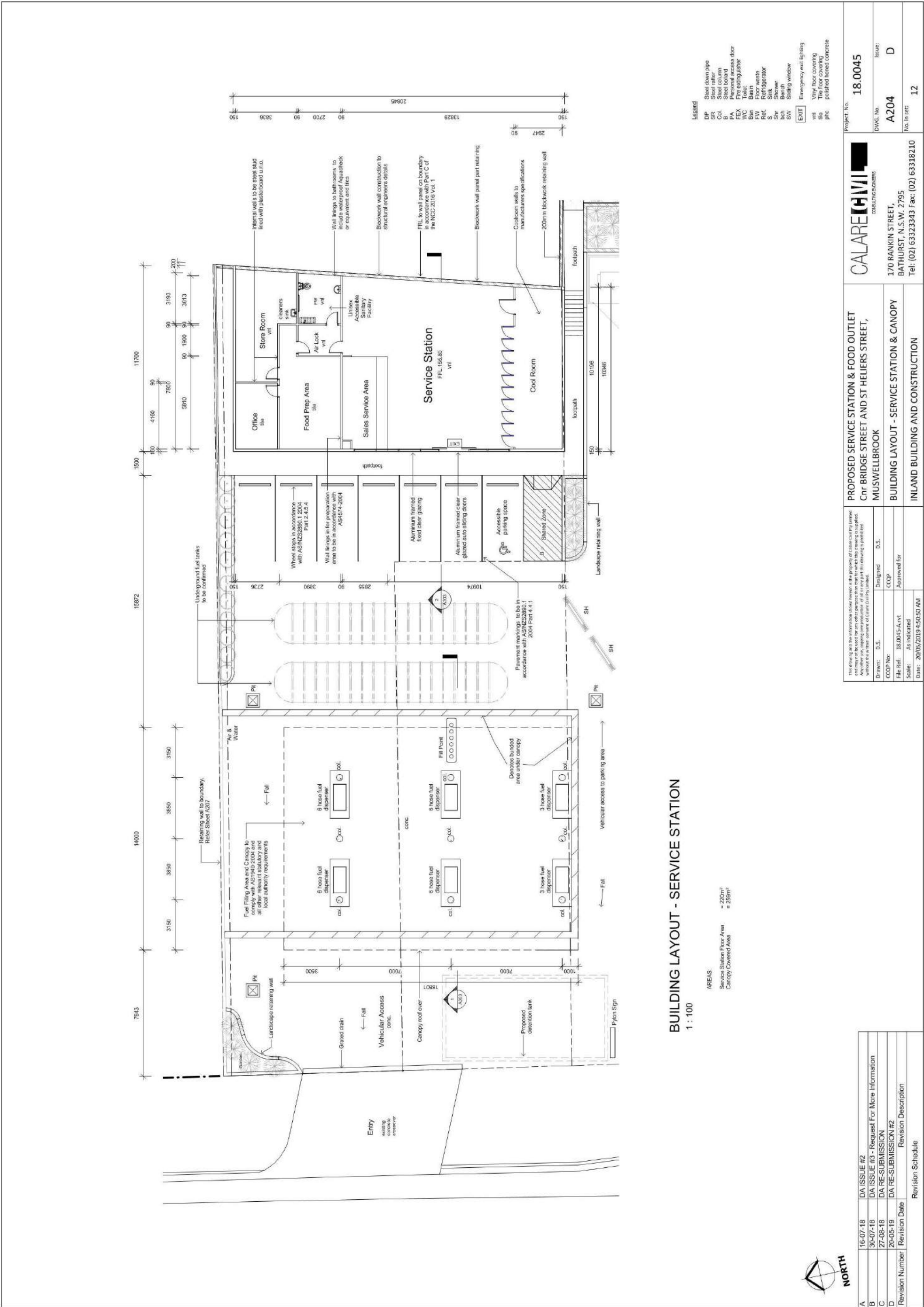
A	12-07-18	DA ISSUE
B	16-07-18	DA ISSUE #2
C	30-07-18	DA ISSUE #3 - Request For More Information
D	27-08-18	DA RE-SUBMISSION
E	20-05-19	DA RE-SUBMISSION #2
	Revision Number	Revision Date
		Revision Description
		Revision Schedule

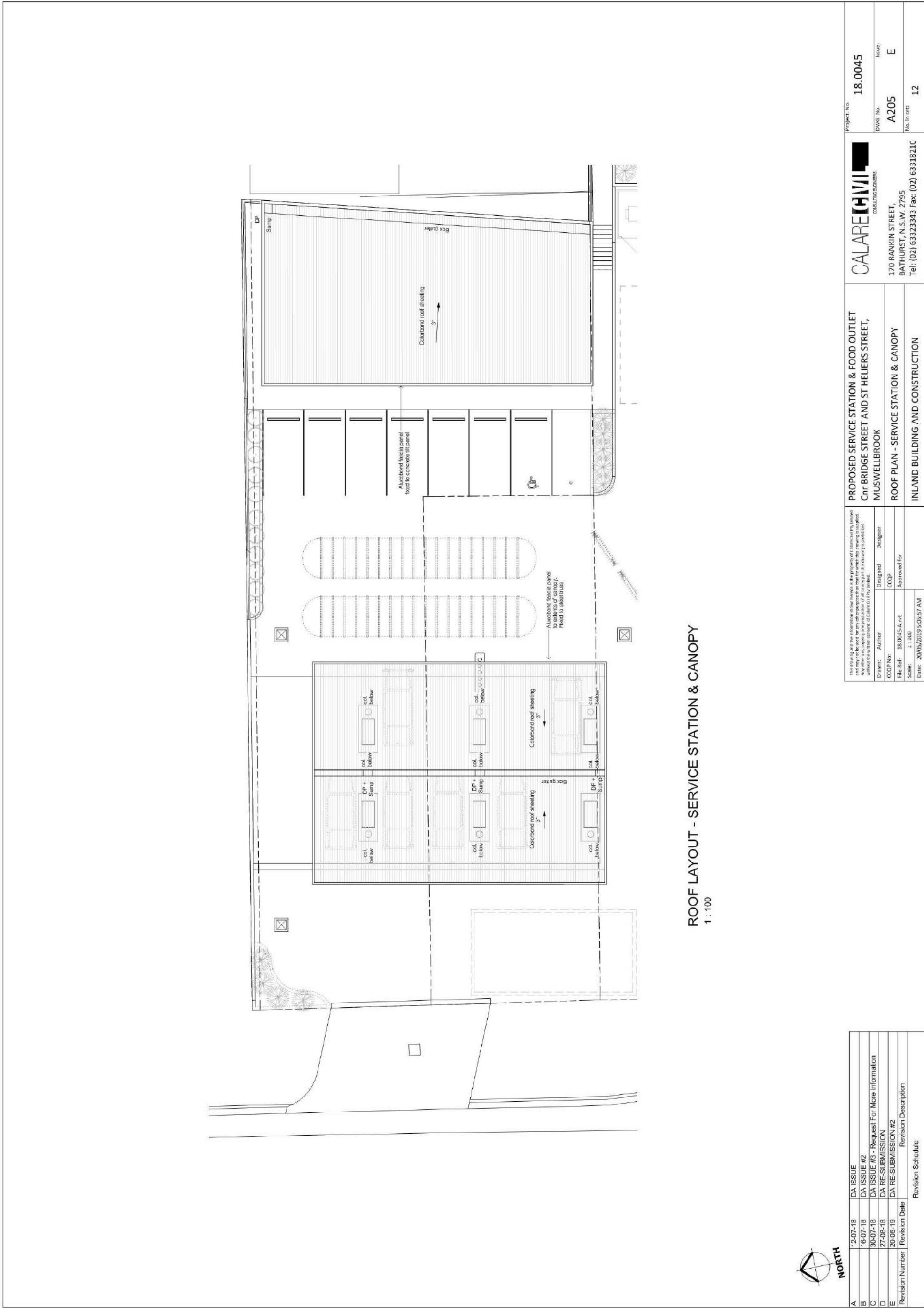
<p>This drawing and the information shown hereon, is the property of Caltan CUII, Pte. Limited and may not be used for any other purpose than that for which this drawing is supplied. Any other use, copying, reproduction, or all or any part of this drawing is prohibited, without the written consent of Caltan CUII, Pte. Limited.</p>			
Drawn:	D.S.	Designed	D.S.
CCQP No:		CCQP	
File Ref:	18.0045-A-v.t	Approved for	
Scale:	1 : 100		

PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK
ROOF PLAN - OLIVERS
INLAND BUILDING AND CONSTRUCTION

Project No.	18.0045
DWG. No.	A203
Issue:	E
No. in set:	12







Revision Number	Revision Date	Revision Description
A	12-07-18	DA ISSUE
B	16-07-18	DA ISSUE #2
C	30-07-18	DA ISSUE #3 - Request For More Information
D	27-08-18	DA RE-SUBMISSION
E	20-05-19	DA RE-SUBMISSION #2
Revision Schedule		

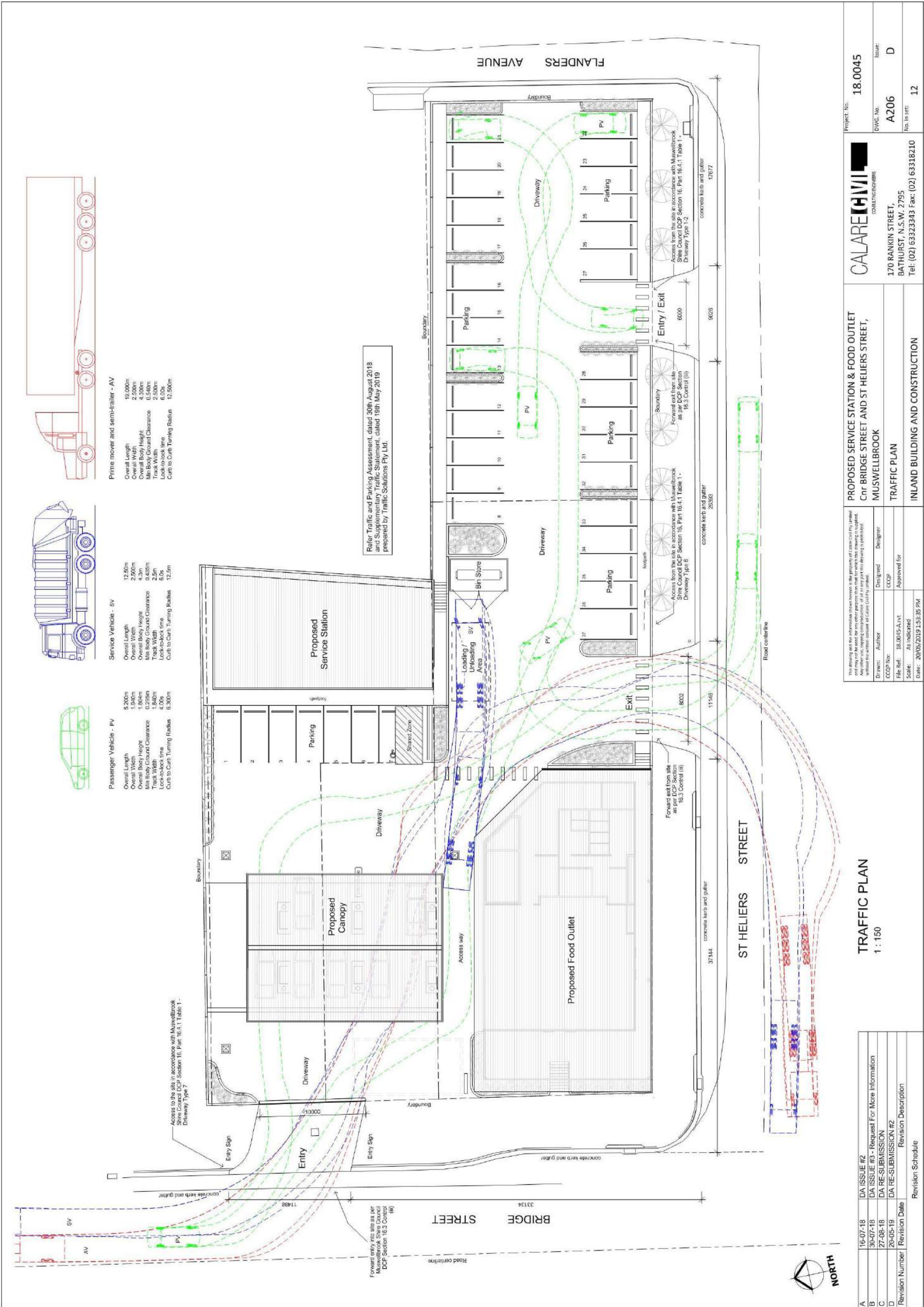
This drawing and the information herein remain the property of Calare Civil Pty Limited. Any other use, copying, reproduction, or use in any part without the written consent of Calare Civil Pty Limited is prohibited.			
Drawn:	Author	Designed:	Designer
CCQP No:	CCQP	CCQP No:	CCQP
File Ref:	18.0045-A.rvt	Approved for:	
Scale:	1 : 100		
Date:	20/05/2019 5:06:57 AM		

PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK	
ROOF PLAN - SERVICE STATION & CANOPY	
INLAND BUILDING AND CONSTRUCTION	

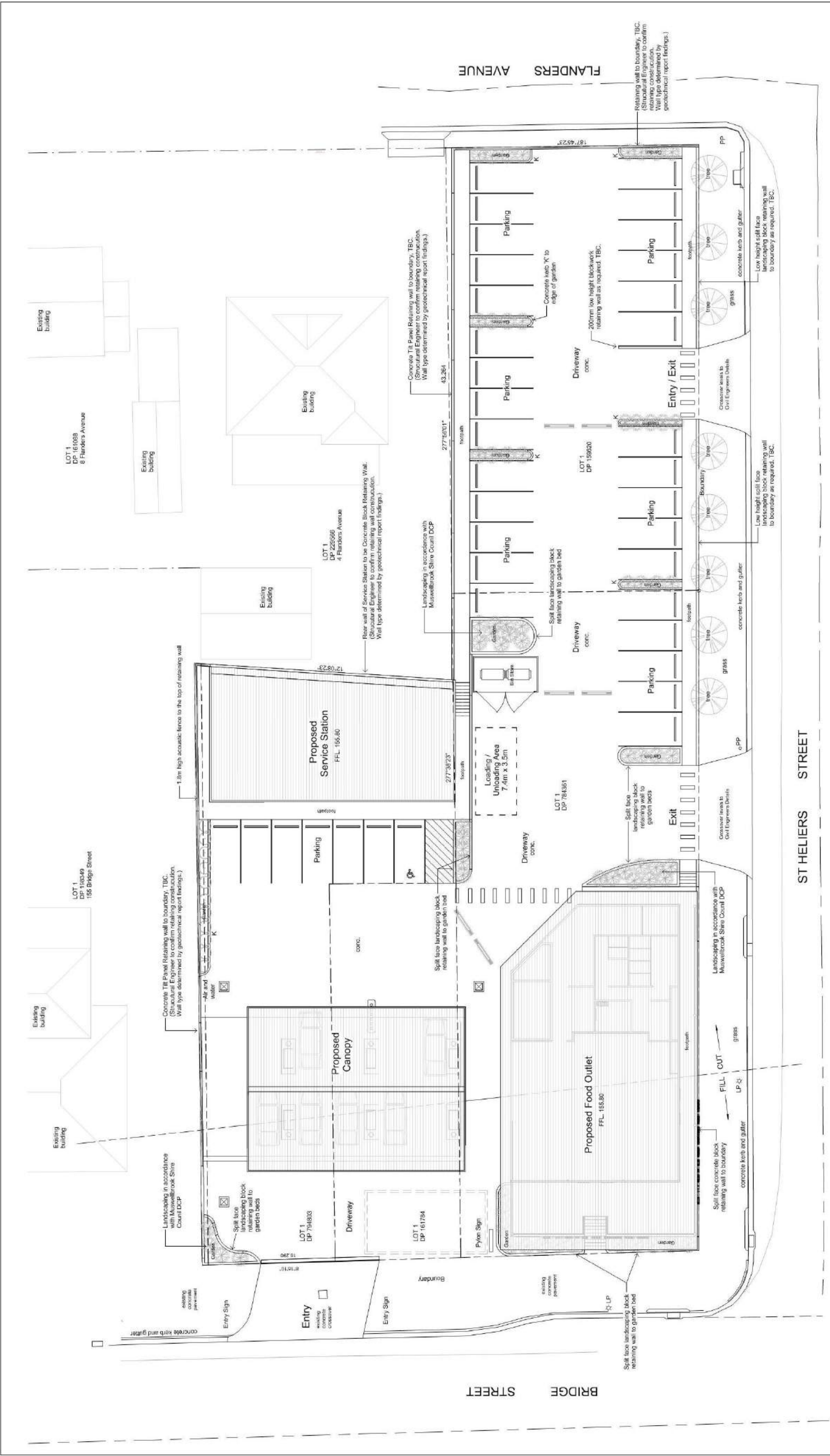
Project No. 18.0045	
DWG. No. A205	Issue: E
No. in set: 12	

**CALARE CIVIL**  
CONSULTING ENGINEERS  
170 RANKIN STREET,  
BATHURST, N.S.W. 2795  
Tel: (02) 63323343 Fax: (02) 63318210



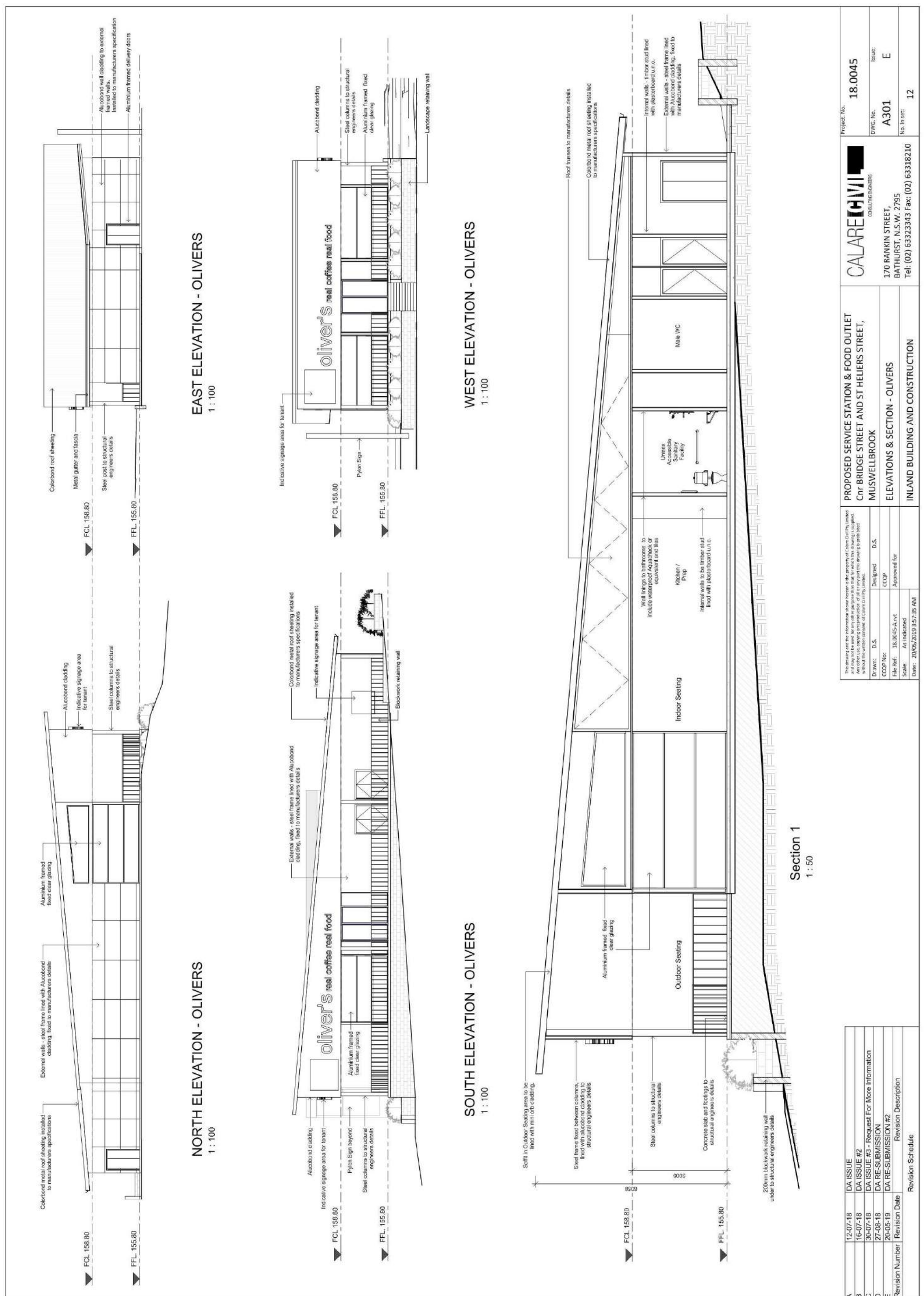




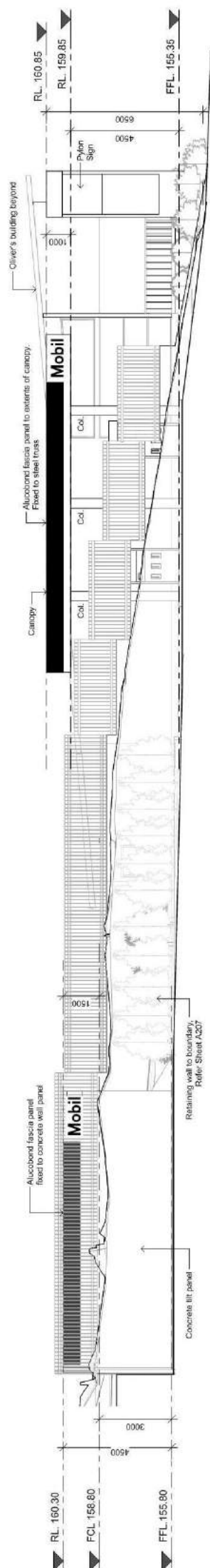


LANDSCAPE AND RETAINING WALL LAYOUTS  
1 : 150

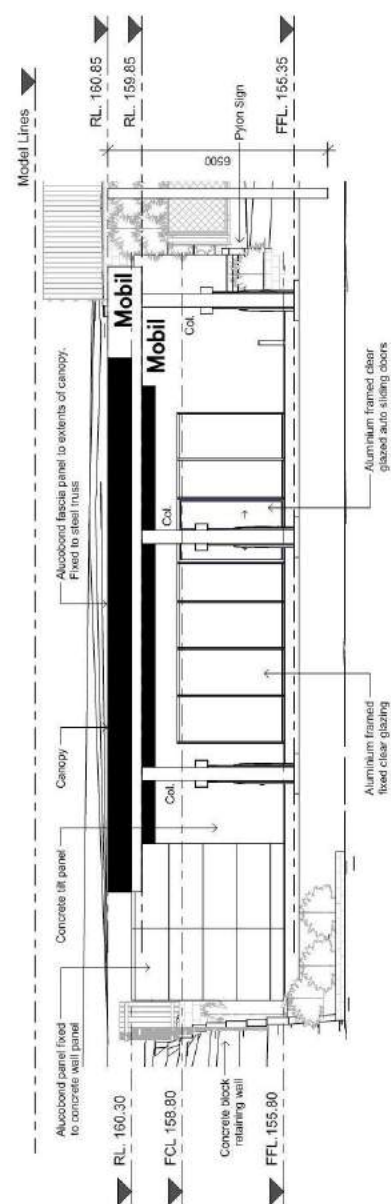
This drawing and the information therein remain the property of Calare Civil Pty Limited and may not be used for any other purpose than that for which this drawing is supplied. No other use, copying, reproduction, or distribution of this drawing is permitted without the written consent of Calare Civil Pty Limited.					PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK		CALARE CIVIL CONSULTING ENGINEERS		Project No. 18.0045		
Drawn:	Author	Designed	CCQP	Designer	RETAINING WALLS & LANDSCAPING						
CCQP No:											
File Ref:	18.0045-A-1vt										
Scale:	1 : 150										
Date:	20/05/2019 1:35:55 PM										
					INLAND BUILDING AND CONSTRUCTION						
					DWG. No. A207		Issue: A		170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210		
					No. in set: 12						



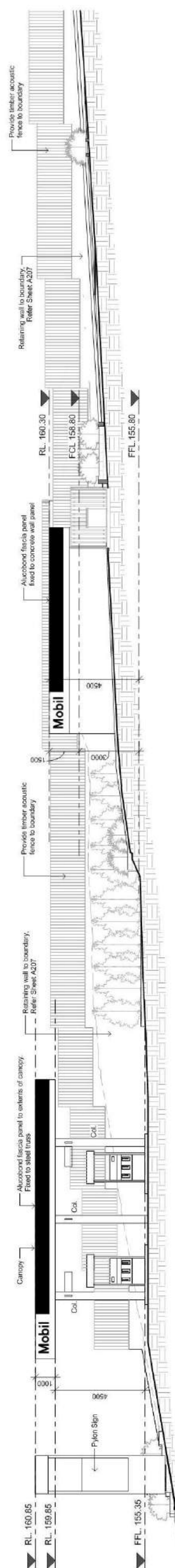




NORTH ELEVATION - SERVICE STATION

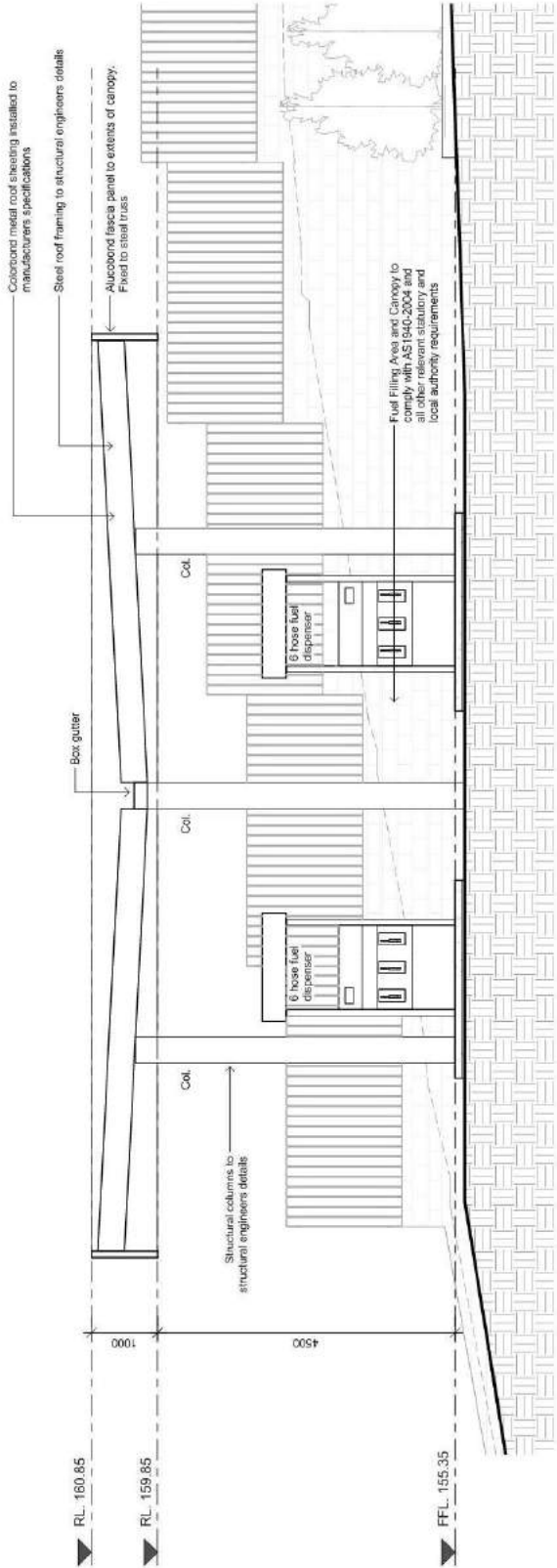


WEST ELEVATION - SERVICE STATION

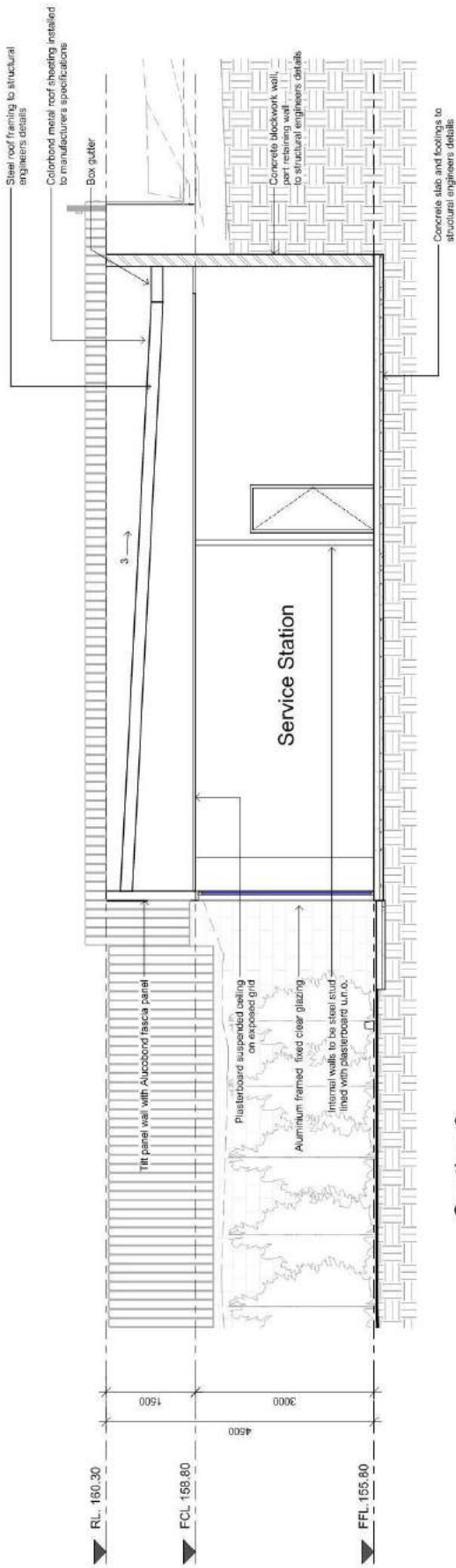


SOUTH ELEVATION - SERVICE STATION

A	12-07-18	DA ISSUE
B	16-07-18	DA ISSUE #2
C	30-07-18	DA ISSUE #3 - Request For More Information
D	27-08-18	DA RE-SUBMISSION
E	20-05-19	DA RE-SUBMISSION #2
	Revision Number	Revision Description
		Revision Schedule



Section 2  
1 : 50




Section 3  
1 : 50

Revision Number	Revision Date	Revision Description
A	12-07-18	DA ISSUE
B	16-07-18	DA ISSUE #2
C	30-07-18	DA ISSUE #3 - Request For More Information
D	27-08-18	DA RE-SUBMISSION
E	20-05-19	DA RE-SUBMISSION #2
Revision Schedule		

This drawing and the information therein remain the property of Calare Civil Pty Limited. Any other use, copying, reproduction, or use in any part without written consent is prohibited.			
Drawn:	D.S.	Designed:	D.S.
CCQP No:	CCQP	Approved for:	
File Ref:	18.0045-A-1vt		
Scale:	1 : 50		
Date:	20/05/2019 10:38:02 AM		

PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK	
SECTION - SERVICE STATION & CANOPY	
INLAND BUILDING AND CONSTRUCTION	



CALARE CIVIL

CONSULTING ENGINEERS

170 RANKIN STREET,  
BATHURST, N.S.W. 2795  
Tel: (02) 63323343 Fax: (02) 63318210

Project No: 18.0045

DWG. No: A303

Issue: E

No. in set: 12





BRIDGE STREET SITE ELEVATION  
1 : 100

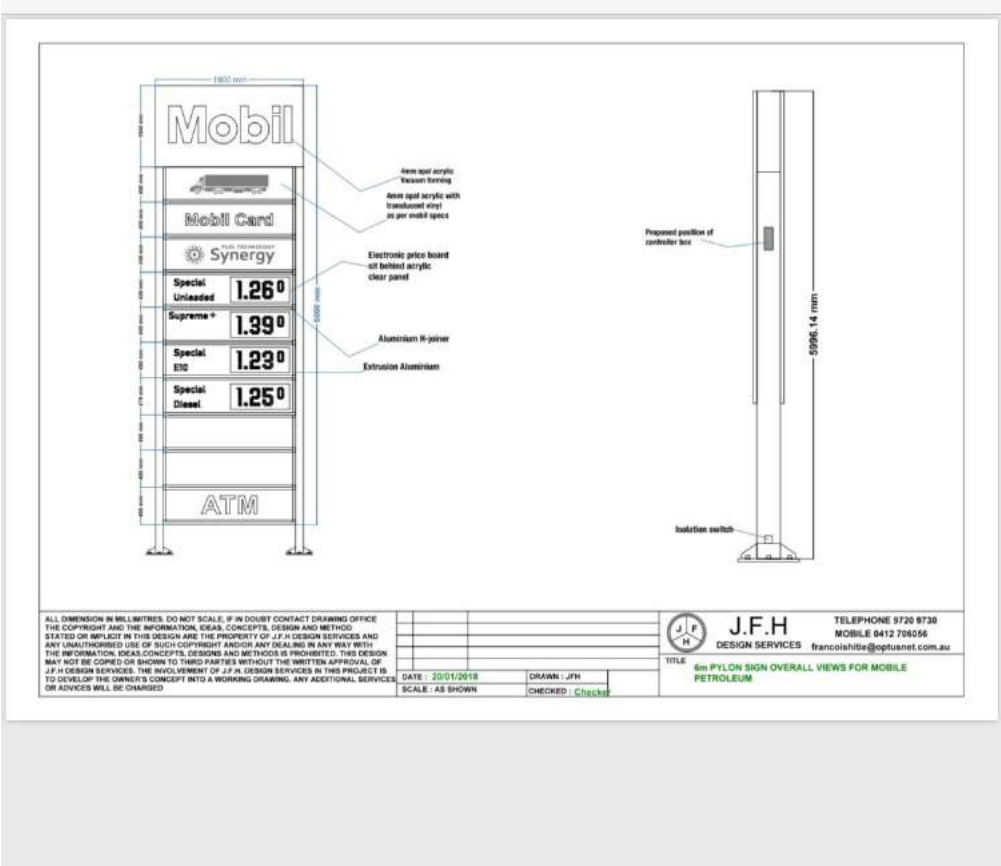
ST HELIERS STREET SITE ELEVATION  
1 : 125

A	30-07-18	DA ISSUE #3 - Request For More Information
B	27-08-18	DA RE-SUBMISSION
C	20-05-19	DA RE-SUBMISSION #2
Revision Number	Revision Date	Revision Description
Revision Schedule		

The drawing and the information herein remain the property of Calare Civil Pty Limited. Any other use, copying, reproduction, or distribution of this drawing is prohibited without the written consent of Calare Civil Pty Limited.			Project No. 18.0045	
PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK			DWG. No. A304	
STREETSCAPE ELEVATIONS			Issue: C	
INLAND BUILDING AND CONSTRUCTION			No. in set: 12	
Calare Civil Pty Limited CONSULTING ENGINEERS			170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210	

**CALARE CIVIL**  
CONSULTING ENGINEERS  
170 RANKIN STREET,  
BATHURST, N.S.W. 2795  
Tel: (02) 63323343 Fax: (02) 63318210







## STATEMENT OF ENVIRONMENTAL EFFECTS

DA 78/2018



**CLIENT:**

**Inland Building and Construction**

**PROPOSAL:**

**Service Station and Restaurant**

**ADDRESS:**

**147-153 Bridge Street, Muswellbrook**

**DATE:**

**7 December 2018**



**DESCRIPTION:** Service Station & Restaurant

**CLIENT:** Inland Building and Construction

**Anthony Daintith Town Planning Pty Ltd**  
**ABN 46 121 454 153**  
**ACN 121 454 153**

Contact: 145 Keppel Street, Bathurst  
 293 Dalton Street, Orange  
 M: PO Box 1975, Orange NSW 2800  
 T: 02 63624523  
 E: [anthony@adtp.com.au](mailto:anthony@adtp.com.au)

#### QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	17/10/2018	Draft	AD
2.0	8/11/2018	Draft	AD
3.0	7/12/2018	Approved	AD

Copyright © Anthony Daintith Town Planning, 2018

A handwritten signature in black ink, appearing to read "AD", is written over a horizontal line.

This document has been authorised by

Anthony Daintith (Principal)  
 Date: 7 December 2018



#### DISCLAIMER

This report has been prepared based on the information supplied by the client and investigation undertaken by Anthony Daintith Town Planning's professional judgement only and whilst every effort has been taken to provide accurate advice, Council and any other regulatory authorities may not concur with the recommendations expressed within this report. This document and the information are solely for the use of the authorised recipient and this document may not be used, copied or reproduced in whole or part for any purpose other than that for which it was supplied by Anthony Daintith Town Planning. Anthony Daintith Town Planning makes no representation, undertakes no duty and accepts no responsibility to any third party who may use or rely upon this document or the information.

#### CONFIDENTIALITY AGREEMENT

All information, concepts, ideas, strategies, commercial data and all other information whatsoever contained within this document as well as any and all ideas and concepts described during the presentation are provided in a commercial in confidence basis and remain the intellectual property and Copyright of Anthony Daintith Town Planning.

**Proposal: Service Station and Restaurant**  
**147-153 Bridge Street, Muswellbrook**

Page 2 of 48  
 V3.0





## CONTENTS

<b>CONTENTS .....</b>	<b>3</b>
<b>1. BACKGROUND .....</b>	<b>5</b>
1.1 INTRODUCTION .....	5
1.2 APPLICANT AND OWNER .....	5
<b>2. SUBJECT LAND .....</b>	<b>6</b>
2.1 LOCATION AND TITLE .....	6
2.2 GENERAL SITE DESCRIPTION .....	8
2.3 ADJOINING DEVELOPMENT .....	11
<b>3. PROPOSAL .....</b>	<b>12</b>
<b>4. TOWN PLANNING ASSESSMENT .....</b>	<b>14</b>
THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT .....	15
Muswellbrook Local Environmental Plan 2009 .....	15
State Environmental Planning Policy 55 – Remediation of Land .....	23
State Environmental Planning Policy No 64—Advertising and Signage .....	26
State Environmental Planning Policy 33 – Hazardous and Offensive Development .....	29
ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT .....	32
ANY DEVELOPMENT CONTROL PLAN .....	32
ANY PLANNING AGREEMENTS .....	34
ANY MATTERS PRESCRIBED BY THE REGULATIONS .....	35
ANY COASTAL ZONE MANAGEMENT PLAN .....	35
THE LIKELY IMPACTS OF THE DEVELOPMENT .....	36
Compliance with Planning Instruments and Controls .....	36
Context and Setting .....	36
Traffic, Parking and Access .....	36
Public Domain .....	37
Utilities & Services .....	37
Heritage .....	38
Flora and Fauna .....	38
Energy .....	38
Amenity .....	38
Noise, Odour and Dust .....	39
Natural Hazards .....	39
Potential Contamination .....	39
Water Management .....	40
Local Character .....	40
Safety, Security & Crime Prevention .....	40
Social & Economic Impacts .....	44
Waste Management .....	45
Construction .....	45
Cumulative Impacts .....	45
SUITABILITY OF THE SITE FOR THE DEVELOPMENT .....	46
ANY SUBMISSIONS .....	46
THE PUBLIC INTEREST .....	47
<b>5. CONCLUSION .....</b>	<b>48</b>



FIGURE 1: LOCALITY MAP .....	6
FIGURE 2: AERIAL PHOTOS .....	7
FIGURE 3: PROPOSED SITE PLAN .....	12
FIGURE 4: LEP ZONING MAP .....	15
FIGURE 5: LEP HEIGHT OF BUILDINGS MAP .....	18
FIGURE 6: LEP FLOOR SPACE RATIO MAP .....	19
FIGURE 7: LEP HERITAGE MAP .....	21
FIGURE 8: TANK LOCATION .....	32
PHOTO 1: FRONT OF THE LAND LOOKING NORTH EAST .....	9
PHOTO 2: REAR OF THE LAND LOOKING WEST TOWARDS BRIDGE STREET .....	9
PHOTO 3: SUBJECT LAD LOOKING NORTH FROM ST HELIERS STREET .....	10
PHOTO 4: ST HELIERS STREET FRONTAGE .....	10
TABLE 1: LAND TITLE DESCRIPTION .....	6



## 1. BACKGROUND

### 1.1 Introduction

Inland Building and Construction has engaged Anthony Daintith Town Planning to prepare a Statement of Environmental Effects (SOEE), to support a development application (DA 78/2018) to Muswellbrook Shire Council, for a service station and restaurant development located at 147-153 Bridge Street, Muswellbrook.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Completed DA form;
- Statement of Environmental Effects;
- Traffic Report; and
- Site & Development Plans.

### 1.2 Applicant and Owner

The applicant is Inland Building and Construction.

The owner of the subject land is Canyon Pty Ltd. The owner has provided their owners consent to the lodgement of the development application.





## 2. SUBJECT LAND

### 2.1 Location and Title

The subject land is identified as 147-153 Bridge Street, Muswellbrook. The area of the subject land is 3106m<sup>2</sup>. Refer to **Figures 1-2**, which depict the site within the locality.

The land title description is as per **Table 1** below.

**Table 1: Land Title Description**

Lot	DP
1	794803
1	161784
1	784361
1	159620

**Figure 1: Locality Map**



Figure 2: Aerial Photos



Proposal: Service Station and Restaurant  
147-153 Bridge Street, Muswellbrook

Page 7 of 48  
V3.0





## 2.2 General Site Description

### Topography

Slopes from the east (Flinders Avenue) down to the west (Bridge Street by about 8 metres).

### Vegetation

The site has been cleared of vegetation.

### Waterways

There are no water courses traversing the site.

### Buildings

Vacant land.

**Photos 1-4** provide a visual representation of the site.



Photo 1: Front of the land looking north east



Photo 2: Rear of the land looking west towards Bridge Street



Proposal: Service Station and Restaurant  
147-153 Bridge Street, Muswellbrook

Page 9 of 48  
V3.0





Photo 3: Subject land looking north from St Heliers Street



Photo 4: St Heliers Street frontage







## 2.3 Adjoining Development

There is a mixture of commercial and residential land uses in the locality of the subject land.

North – commercial (including restaurant)

West – commercial

East – residential

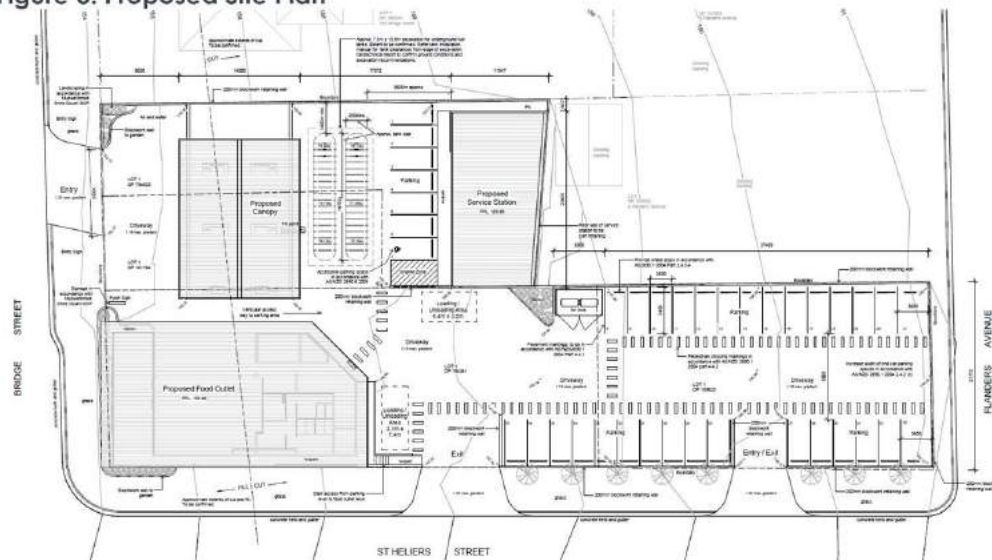
South – commercial (including Hungry Jacks restaurant)

### 3. PROPOSAL

The proposed development involves the following components:

- Service Station
- Restaurant (60 seats)

**Figure 3: Proposed Site Plan**



The proposed development involves a new service station with a convenience store (207m<sup>2</sup> total area with 80m<sup>2</sup> of customer area), and a separate restaurant (with seating area indoors and outdoors).

Access to the site is proposed via a 10m wide entry driveway off Bridge Street and separate entry and exit driveways to St Heliers Street (Entry 9m wide at boundary widening to 13.4m at kerb. Exit is 6m wide widening to 10.4 at the kerb).

- Service station building with sales service area, unisex sanitary facility, food preparation area, office and store room.
- Canopy with 6 bowzers.
- Blockwork retaining walls to part of the north, east and south boundaries.
- Food outlet with indoor and outdoor dining areas, male, female and accessible sanitary facilities, service area, kitchen, cool room, freezer, storage areas, and office.
- Parking areas to accommodate both the service station and restaurant (37 car spaces including 1 disabled).
- Access driveways from Bridge Street and St Heliers Street.
- Pylon business identification sign on Bridge Street.
- Landscaping.

**Proposal: Service Station and Restaurant**  
147-153 Bridge Street, Muswellbrook

Page 12 of 48  
V3.0



- Concrete access driveways through the site.
- Concrete refuelling forecourt.

#### Hours of Operation

Restaurant: 6am until 10pm 7 days  
Service Station 24 hours 7 days a week

#### Staff

It is likely that the proposal will have 6 Full time employees and 8-10 casual employees.

#### Proposed Signage



BRIDGE STREET SITE ELEVATION



ST HELIERS STREET SITE ELEVATION

#### Emergency management response procedures

Emergency management response procedures will be developed in accordance with the requirements of Council and the relevant Australian Standard.



## 4. TOWN PLANNING ASSESSMENT

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

### 4.15 Evaluation

(cf previous s 79C)

#### Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.





## The provisions of any environmental planning instrument

### Muswellbrook Local Environmental Plan 2009

#### Zoning

The subject land is zoned B2 Local Centre under the provisions of the LEP.

Figure 4: LEP Zoning Map



#### **Zone B2 Local Centre**

##### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.
- To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.
- To support business development by way of the provisions of parking and other civic facilities.

##### 2 Permitted without consent

Home occupations

##### 3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Environmental

Proposal: Service Station and Restaurant  
147-153 Bridge Street, Muswellbrook

Page 15 of 48  
V3.0





facilities; Environmental protection works; Flood mitigation works; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Hostels; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; **Service stations**; Sewage reticulation systems; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water reticulation systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

#### Comment

It is considered that the proposed development is consistent with the objectives of the B2 Local Centre Zone:

Objective	Comment
<ul style="list-style-type: none"> <li>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> </ul>	Complies – The development will serve both the local population and the travelling public.
<ul style="list-style-type: none"> <li>To encourage employment opportunities in accessible locations.</li> </ul>	Complies – The development will create a number of numbers in both the construction and operational stages. It is anticipated that there will be 6 FTE jobs created (including part time and casual roles).
<ul style="list-style-type: none"> <li>To maximise public transport patronage and encourage walking and cycling.</li> </ul>	Complies – no negative impacts identified.
<ul style="list-style-type: none"> <li>To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.</li> </ul>	Complies – the development will boost the Muswellbrook economy and maintain the status of the CBD.
<ul style="list-style-type: none"> <li>To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.</li> </ul>	Complies – the service station and restaurant will support the Muswellbrook retail area.
<ul style="list-style-type: none"> <li>To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.</li> </ul>	Complies – the design of the proposed buildings on the site is considered sympathetic to the existing streetscape and consistent with other surrounding recent retail developments.
<ul style="list-style-type: none"> <li>To support business development by way of the provisions of parking and other civic facilities.</li> </ul>	No really relevant to this proposal.



The proposed service station and restaurant is permitted with consent in the B2 Local Centre zoning.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note.

Restaurants or cafes are a type of food and drink premises—see the definition of that term in this Dictionary.

#### 4.3 Height of buildings

(1) The objectives of this clause are as follows:

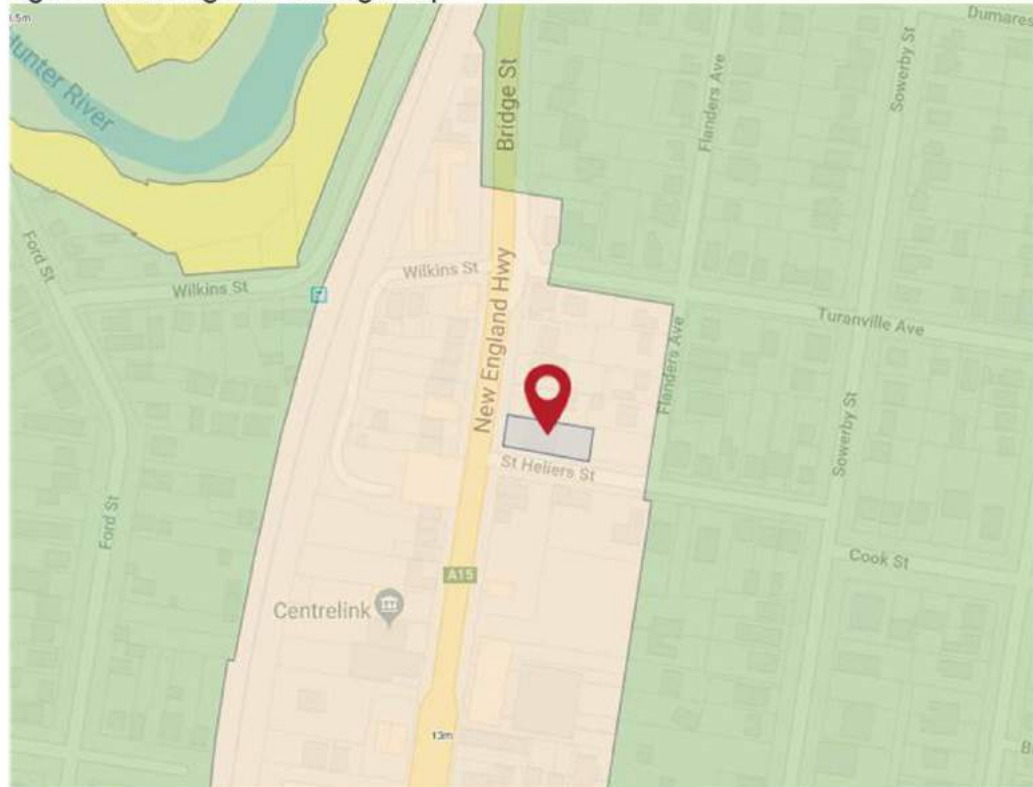
- (a) to limit the height of buildings,
- (b) to promote development that is compatible with the height of surrounding development and conforms to and reflects natural landforms by stepping development on sloping land to follow the natural gradient,
- (c) to promote the retention and, if appropriate, sharing of existing views,
- (d) to maintain solar access to new and existing dwellings and public recreation areas and to promote solar access to new buildings,
- (e) to maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

#### Comments

The LEP permits a height of building up to 13 metres. Each building is less than 13 metres in height. The service station has a height of 4.5m, the canopy 6.6m and the restaurant a height to 5.9m.

Figure 5: LEP Height of Buildings Map



#### 4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Muswellbrook,
- (b) to ensure that proposals for new buildings are assessed with due regard to the context of surrounding development,
- (c) to ensure that the bulk and scale of proposed buildings are compatible with surrounding (or intended future) development,
- (d) to provide sufficient floor space for high quality development for the foreseeable future,
- (e) to regulate density of development and generation of vehicular and pedestrian traffic,
- (f) to ensure the preservation of reasonable amenity on surrounding land.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

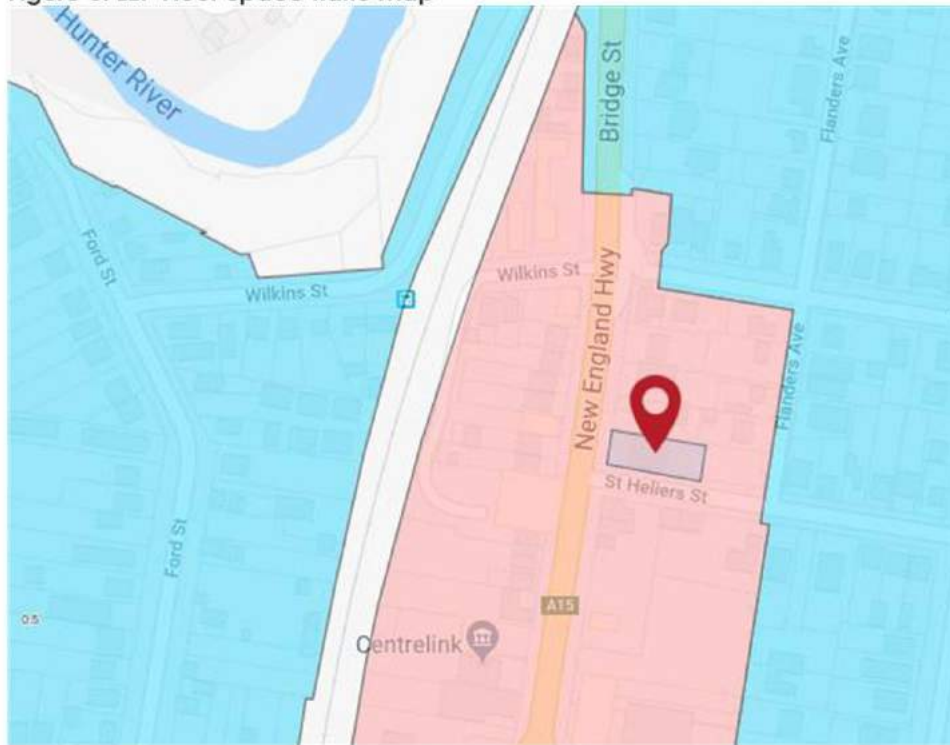
#### Comments

The LEP Floor Space Ratio (FSR) requirement is 2:1. The proposed of the site is 0.25:1 (780m<sup>2</sup>/3106m<sup>2</sup>).





Figure 6: LEP Floor Space Ratio Map



### 5.10 Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Muswellbrook,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:

**Proposal: Service Station and Restaurant**  
147-153 Bridge Street, Muswellbrook

Page 19 of 48  
V3.0



- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) When consent not required However, development consent under this clause is not required if:
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development:
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage assessment The consent authority may, before granting consent to any development:
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and





(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

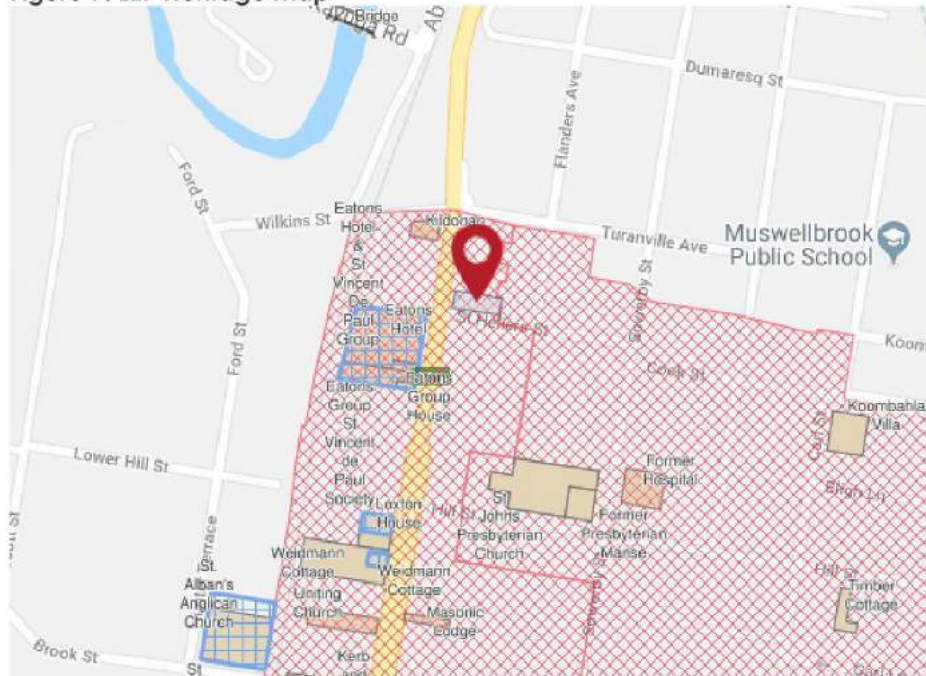
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**Figure 7: LEP Heritage Map**



### Comments

The subject land is located within the Heritage Conservation Area of Muswellbrook. There are no heritage items of the site or immediately adjoining lands.

The proposed development is not inconsistent with the existing development along Bridge Street (including the hotel across Bridge Street).



There is a mix of modern buildings (i.e. Hungry Jacks) and older buildings like Eatons Hotel). There is no clear theme created along Bridge Street that the proposed development would create a negative precedent with.

There are no known aboriginal heritage sites on the subject land or neighbouring lands.

### 6.3 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless:
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

*Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.*

### Comments

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental





functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Detailed plans have been prepared and provided with the development application on how the land will be shaped as part of the development (including the use of retaining walls due to the slope of the site).

### State Environmental Planning Policy 55 – Remediation of Land

#### **7 Contamination and remediation to be considered in determining development application**

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
  - (a) land that is within an investigation area,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and



- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

#### Comment

There has been a number of contamination investigations undertaken over the site.

**"Environmental Site Assessment (ESA) and Geotechnical Investigation for 147-151 Bridge Street, Muswellbrook NSW"** was prepared by "Prensa" dated September 2012.

The ESA and Geotechnical investigation was instigation to satisfy the requirements of SEPP 55 – Remediation of Land. The ESA was instigated to determine whether the land would be suitable for commercial development. The client at the time indicated that the redevelopment of the site would involve mixed use commercial properties. The objective of the ESA was to assess the potential for contamination to exist at the site as a result of current and/or historical activities that could present a potential risk to future users of the site, in light of the proposed mixed use commercial redevelopment.

The report concluded:

Based on the proposed redevelopment of the Site and the findings of this report it is considered that in accordance with the former NSW Department of Urban Affairs and Planning (now NSW Department of Planning and Infrastructure) EPA SEPP 55 Planning Guidelines for Managing Land Contamination, no further investigation or remediation of this site is considered necessary in order to render the soil and groundwater at the site suitable for the stated intended use.

**Soil Validation Assessment of Underground Petroleum Storage System 147-151 Bridge Street, Muswellbrook, NSW"** was prepared by "Prensa" dated September 2012.

The site was historically used as a service station and car yard. Validation of the former underground storage tank (UST) and associated fuel dispensing infrastructure was required to be undertaken in accordance with the remedial action plan (RAP) developed for the site by Prensa (January 2014). This report concluded:

The objectives of the soil validation works were to:

- Assess the soil contamination status within the walls and base of the former UST excavation;
- Assess the soil contamination status immediately underlying the former fuel line extending from the UST to the fuel dispenser;
- Assess the soil contamination status underlying the former fuel dispenser; and
- Assess the soil contamination status of backfill material used in the former UST excavation.





Prensa collected ten (10) validation soil samples (V01 to V10), including eight (8) from the walls and base of the UST excavation pit, one (1) from beneath the former fuel line and one (1) from beneath the former fuel dispenser. The samples reported contaminant concentrations less than adopted ecological and health investigation/screening levels. Therefore, it is considered that the remaining soil within the former UST excavation and beneath the former fuel infrastructure is unlikely to pose a health or ecological risk to future users of the Site, construction workers or nearby receptors based on the proposed future land use of the Site (understood to be mixed commercial).

Approximately 58 m<sup>3</sup> of soil was excavated from the UST pit and stockpiled east and north east of the UST pit. Analysis of four (4) soil samples collected from the stockpile indicated that the soil was classified as General Solid Waste (non-putrescible) for off-site disposal. The results were also compared to the adopted investigation/screening levels (commercial/industrial) as detailed in the National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1) (NEPM 2013). Based on the data the soil was considered acceptable to be reused as backfill in the UST pit.

Therefore the soil was considered acceptable to be reused as backfill in the UST pit.

**“Soil Validation Assessment of Former Oil Storage Area”** was undertaken regarding the level of contamination on the premises near the stockpile area by Presna dated 12 March 2014 ref 51742. The report concluded:

The samples reported soil contaminant concentrations less than adopted health investigation/screening levels. Therefore, it is considered that the remaining soil within the excavation is unlikely to pose a health risk to future users of the Site, construction workers or nearby receptors based on the proposed future commercial land use of the Site.

The soil contaminant concentrations reported for the validation samples were less than the adopted HILs and HSLs and would therefore not preclude the use of the Site as the proposed commercial land use. It is also noted that the soil contaminant concentrations were less than the adopted TRH management limits adopted for the health of construction workers during the proposed redevelopment of the Site.

Therefore, it is considered that the remaining soil within the excavation is unlikely to pose a health risk to future users of the Site, construction workers or nearby receptors based on the proposed future commercial land use. It should be noted that a basement carpark is due to be constructed. Consequently a large excavation is proposed, which will remove the fill and a portion of the underlying natural soil on-site.





## State Environmental Planning Policy No 64—Advertising and Signage

Schedule 1 – Assessment Criteria needs to be considered by Council when assessing an application for advertising signage.

### 1. Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

#### Comment

It is considered that proposed signage will be compatible and comparable to similar buildings in the general locality.

- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

#### Comment

There is no clearly identified theme in this particular area.

### 2. Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

#### Comment

There are no special areas identified in the locality of the subject land.

### 3. Views and vistas

- Does the proposal obscure or compromise important views?

#### Comment

There are no identified views of significant in the surrounding area.

- Does the proposal dominate the skyline and reduce the quality of vistas?



#### Comment

The proposed signage does not dominate the skyline or reduce the quality of any vistas. It is comparable to other signage in the locality. No important vistas have been identified from this site. The signage has been designed to meet Council DCP requirements.

- Does the proposal respect the viewing rights of other advertisers?

#### Comment

There are no other advertisers in the immediate area whose viewing rights will be affected by the proposed signage.

#### **4. Streetscape, setting or landscape**

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

#### Comment

The scale and proportion are considered appropriate in this business use area. The signage will be comparable with the nearby commercial land uses and restaurants.

- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

#### Comment

There are no negative impacts anticipated. The signage is appropriate for the proposed land uses (i.e. service station and restaurant). The design, colour scheme and materials are appropriate.

- Does the proposal reduce clutter by rationalising and simplifying existing advertising?

#### Comment

There is no existing signage.

- Does the proposal screen unsightliness?

#### Comment

No unsightliness has been identified.



- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Comment

The signs will not protrude above the top of the proposed buildings.

- Does the proposal require ongoing vegetation management?

Comment

No.

**5. Site and building**

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Comment

The proposed signage has been designed to be in proportion with the buildings and the surroundings.

**6. Associated devices and logos with advertisements and advertising structures**

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Comment

No.

**7. Illumination**

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?



- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

#### Comment

The pylon sign is proposed to be illuminated with the fuel prices for the service station. There is no curfew proposed due to the proposed 24 hour operation of the service station. The illumination would be consistent with any other service station. As it is located within the business area, there are no other sensitive receivers that should be negatively impacted upon.

### **8. Safety**

- Would the proposal reduce the safety for any public road?

#### Comment

No traffic safety issues have been identified.

- Would the proposal reduce the safety for pedestrians or bicyclists?

#### Comment

No impact expected.

- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

#### Comment

No sight lines have been identified that would be affected.

### **State Environmental Planning Policy 33 – Hazardous and Offensive Development**

Section 13 of SEPP No. 33 requires a Consent Authority to consider any 'preliminary hazard analysis' prepared by the Applicant to assess the potential impacts of any 'potentially offensive industry'. The definition of a 'potentially offensive industry' is defined in SEPP No. 33 as:

**potentially offensive industry** means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the





locality or on the existing or likely future development on other land, and includes an offensive industry and an **offensive storage establishment**.

In this regard the proposed service station that includes installation of two below ground fuel storage tanks could be considered a 'potentially offensive industry' by virtue of consisting of a potentially 'offensive storage establishment'

Accordingly, section 12 of SEPP No. 33 requires preparation of a 'preliminary hazard assessment' in accordance with the *Hazardous Industry Planning Advisory Paper No. 3 (2011)* prepared by the NSW Department of Planning and Environment. A preliminary hazard assessment is included below:

Event	Cause	Possible Result	Prevention / Detection
Tanker Unloading	Over filling tank	Potential fuel spillage causing risk of ignition or harm to the environment.  Lack of ullage space may cause storage tank to rupture due to thermal expansion of hydrocarbon.	Ensure product reconciliation is performed daily. Provide accurately calibrated tank dips or auto tank gauging. Tanker driver to confirm product volumes prior to performing a fuel transfer. Provide overfill protection within the tanks.
Tanker Unloading	Minor fuel spill (up to 20L.)	Vapour from spill could ignite causing injury or damage to property. Hydrocarbons could find their way into storm water system and waterways causing environmental harm.	Provide an emergency spill kit on site that is readily accessible from the dispensers. Provide training on its use to site staff and tanker drivers. Fill points are to be located within a spill safe fill box draining back into the fuel system.
Tanker Unloading	Major fuel spill (over 20L.)	Vapour from spill could ignite causing injury or damage to property. Hydrocarbons could find their way into storm water system causing a potential	Provide an emergency plan and ensure training of workers in its use. Console operator to shut down site and proceed with





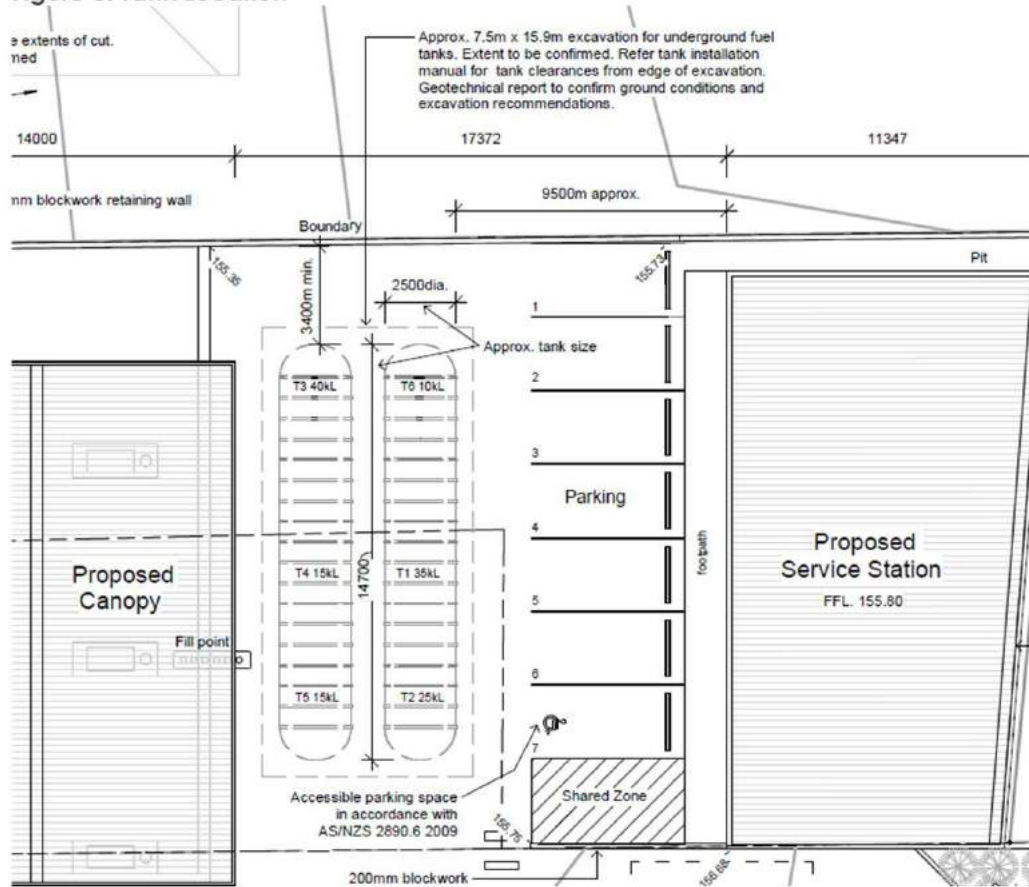
		explosive atmosphere within pipework. Hydrocarbons could find their way into waterways causing environmental harm.	emergency plan, evacuate if necessary. Ensure all fill points are installed within the catchment area that drains to a treatment system. Spillage is contained and dealt with in line with specifically formulated emergency procedures.
--	--	--	--

The location of the 6 tanks are shown on the figure below. There will be a total capacity of 140kL. The tanks will be located no closer than 3.4m from the boundary of the site and will be sited between the canopy and the service station.

Approximately 7.5m x 15.9 m excavation for the underground storage tanks will be required (extent to the confirmed). Refer to the tank installation manual for tank clearances from the edge of the excavation. Geotechnical report to confirm ground conditions and excavation recommendations.



Figure 8: Tank Location



### Any draft environmental planning instrument

There is no known draft state or local planning instruments applicable to this proposal.

### Any development control plan

#### MUSWELLBROOK SHIRE COUNCIL DCP

#### Section 9 – Local Centre Development

##### 9.1 Built Form

##### Building Design

There is no clearly defined existing character along Bridge Street. There is a combination of quite modern buildings with a mix of sporadic heritage listed buildings. The buildings proposed on the site relates to its proposed functions.

Proposal: Service Station and Restaurant  
147-153 Bridge Street, Muswellbrook

Page 32 of 48  
V3.0



The restaurant and service station will enhance the streetscape and activate a site that has been vacant for some time in the CBD. There are no blank facades proposed on either of the buildings. The building entrances are well defined and acceptable passive surveillance provided.

#### Building Height

The heights proposed are less than that prescribed by the Local Environmental Plan. There are no overshadowing or privacy impacts identified. The buildings are not inconsistent with the character of the locality.

#### Setbacks

The setbacks proposed are consistent with the Bridge Street commercial area (there is seating proposed within the front setback for the restaurant). The service station is located further back on the site.

#### Accessibility

Access for the disabled is in accordance with AS1428.1-2009.  
Accessible car parking is in accordance with AS/NZS2890.6-2009.

Unisex accessible sanitary facilities are provided in the service station and restaurant.

### **9.2 Urban Landscape**

#### Landscaping

Landscaping is proposed along the St Heliers Street frontage and at the entry off Bridge Street.

#### Car parking

Refer to Section 16 assessment. All vehicles will be able to enter and leave in a forward direction. All parking areas are sealed.

#### Outdoor eating areas

There is an outdoor eating area proposed at the front of the restaurant along Bridge Street.

#### Signage and Advertising

The proposed signage is shown on the elevation plans for the development. There is signage proposed on each building and a separate pylon sign for the



service station on the Bridge Street frontage. The signage has been designed in accordance with DCP and SEPP 64 requirements.

#### **Section 14 – Outdoor Signage**

Refer to the SEPP 64 analysis. The proposed signage (including the pylon sign) has been designed to meet specified requirements.

#### **Section 16 Car Parking and Access**

Council's Development Control Plan (Development Control Plan Section 16 Car Parking and Access) specifies the following car parking requirements applicable to this proposal:

##### **Restaurants:**

- 1 space per 7m<sup>2</sup> GFA available for dining.

##### **Service Stations:**

- 1 space per 20m<sup>2</sup> of GFA convenience store; plus
- 1 space per 6.5m<sup>2</sup> of GFA

Accordingly, the car parking required for this development proposal calculates as:

Restaurant indoor plus outdoor seating area 203m<sup>2</sup>

@ 1 space/7m<sup>2</sup> = 29 spaces.

Service Station Convenience store 60m<sup>2</sup> @ 1 space/20m<sup>2</sup> = 3 spaces.

Remaining service station gross floor area 20m<sup>2</sup>

@ 1 space/6.5m<sup>2</sup> GFA = 3 spaces.

TOTAL = 35 spaces.

Consequently, the proposed development satisfies Council's parking requirements with the provision of **37 off-street parking spaces**.

#### **Any Planning Agreements**

There are no known planning agreements affecting the property.



### Any matters prescribed by the regulations

#### **Government Coastal Policy**

Not applicable to Muswellbrook LGA.

#### **Building Demolition**

Not applicable to this proposal.

#### **Upgrading of Buildings**

Not applicable to this proposal.

#### **Fire Safety**

No upgrading proposed.

#### **Temporary Structures**

Not applicable to this proposal.

#### **Deferred Commencement Consent**

Not applicable to this proposal.

#### **Modification or Surrender of Development Consent or Existing Use**

Not applicable.

#### **Ancillary Development**

Not applicable to this proposal.

#### **BASIX**

Not applicable to this proposal.

### Any coastal zone management plan

Not applicable.





## The likely impacts of the development

### Compliance with Planning Instruments and Controls

Unless stated otherwise, the proposed development either complies with or is consistent with all relevant planning instruments and controls set out in this report, in that:

- A Service Station and Restaurant is permissible within the B2 Local Centre zone under the *Muswellbrook LEP 2009*;
- The proposal is compliant with the relevant sections of the *Muswellbrook DCP 2009*; and
- The proposal is compliant with the specifications set out within this report related to the various relevant Commonwealth and State Legislation applicable to the proposed development.

### Context and Setting

The property is within a mixed use area that contains a range of land uses.

It is considered that the proposal is within the context of the locality and is compatible with the surrounding area and will have acceptable impact in regards to (as justified in this report):

- Adjacent properties;
- Adjoining land uses;
- Overshadowing; and
- Views and vistas.

### Traffic, Parking and Access

Entry to the site is off both Bridge Street and St Heliers Street (exit only onto St Heliers Street). Bridge Street is a 4 lane bitumen sealed road (New England Highway) and St Heliers Street a 2 lane bitumen road.

As per the DCP analysis, there is a requirement to provide 35 car parking spaces required – 37 are proposed to be provided.

All vehicles can enter and leave in a forward direction.

A traffic report has been prepared by Traffic Solutions Pty Ltd and forms part of the development application. The traffic report concludes:



## 5. CONCLUSIONS

The preceding analysis has revealed that:

- The proposed vehicle access driveways are suitably located and will provide good sight distance along New England Highway and St Heliers Road frontages of the site.
- The proposed development satisfies the related geometric design specifications contained in the Australian Standards for off - street parking and vehicular access for cars and trucks.
- The 37 off-street parking spaces provided in the proposed development exceeds Council's development control plan requirements.
- The vehicle access road widths, diesel dispensers and proposed fuel fill point can be access by vehicles up to the 19m articulated vehicles in a forward direction entering and exiting the site.
- The subject proposal is estimated to potentially generate approximately 69 vehicle trips in the evening peak hour.
- The results of the SIDRA analysis reveal that the existing intersection of New England Highway and St Heliers Road and the proposed intersection with the new access driveway will operate at a good Level of Service and minimal delays with the estimated traffic volumes of the proposal.

### Public Domain

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

### Utilities & Services

All reticulated services are available on site for connection in accordance with the requirements of the relevant service provider.



### Heritage

The subject land is located within the Heritage Conservation Area of Muswellbrook. There are no heritage items of the site or immediately adjoining lands.

The proposed development is not inconsistent with the existing development along Bridge Street (including the hotel across Bridge Street).

There is a mix of modern buildings (i.e. Hungry Jacks) and older buildings like Eatons Hotel). There is no clear theme created along Bridge Street that the proposed development would create a negative precedent with.

There are no known aboriginal heritage sites on the subject land or neighbouring lands.

### Flora and Fauna

There is no existing flora and fauna on the site.

There are no threatened species and critical habitats on the site.

### Energy

A Section J Certificate under the NCC will be required as part of the Construction Certificate application.

No overshadowing impacts have been identified.

### Amenity

The service station and restaurant are considered to be compatible with the existing and likely future character and amenity of the B3 Local Centre zoning.

Operationally, the business will generate limited impact as a result of noise. The main noise source will be via traffic movements to and from the site (there is extensive traffic volumes along Bridge Street 24 hours a day with the highway traffic).

There will be no impact from dust generation due to the sealing of the driveway and parking areas. All lighting will be baffled to ensure that there is no light spillage.

There are no issues in relation to privacy and overshadowing as part of the proposal. The site will be lower than neighbouring development due to the reshaping of the site.





The service station building will act as a physical barrier to the refuelling area and the restaurant from the surrounding residential buildings.

### **Noise, Odour and Dust**

#### Noise

Increased noise levels during construction works may result from the use of on-site and off-site mechanical equipment during the course of the works. Use of equipment during construction will be managed in accordance with the relevant NSW Construction Noise Guidelines.

It is not expected there will be significant operational noise emissions from the service station or restaurant developments on the subject land.

#### Odour

The service station has been designed and will be required by legislation to meet odour requirements to ensure that there are no negative impacts on onsite and to neighbouring properties.

#### Dust

During the earthworks, dust will be visually monitored. If excessive dust is being generated, areas of earthworks will be sprayed with water to reduce dust levels. Soil to be stockpiled will be covered or wetted down to minimise dust generation.

During excavation and transport of any soil off-site, truck wheels should be cleaned to prevent potentially contaminated soil from being transported onto local roads.

There will be no operational issues from dust impacts as all areas will be sealed (or landscaped).

### **Natural Hazards**

There are no known flooding, bushfire or land subsidence issues in the general locality of the site.

### **Potential Contamination**

Refer to SEPP 55 comments.



### Water Management

Any soil stockpiled during excavation works will be suitably contained to prevent run-off of any potentially contaminated water or soil to the surrounding environment, including the stormwater system. Control measures to be identified on the erosion and sediment control plan.

Existing onsite stormwater systems will be reinstated / maintained and proposed works will be connected to the existing system.

### Local Character

It is considered that the proposed development is not inconsistent with the local character along Bridge Street. There is a mixture of building and development types along Bridge Street with no clearly identified theme. There has been new development in recent times within the CBD that have brought a new design, colours and materials to the streetscape. This new development has been constructed with consideration of the heritage items that remain within the streetscape.

### Safety, Security & Crime Prevention

#### Crime Prevention Through Environmental Design (CPTED)

CPTED employs four key strategies. These are **surveillance**, **access control**, **territorial re-enforcement** and **space/activity management**.

#### Surveillance

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space. Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations. Formal (or organised) surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

#### Comments

- Entry points have been designed so as to maximise surveillance opportunities to and from these areas from both inside as well as outside.





- Use of Closed Circuit Television (CCTV) will assist in detecting crime and act as a deterrent to would be offenders (in both buildings and the car park).
- Any CCTV be of a standard that prevents lighting, or natural lighting, from interfering with the quality captured on the system.
- The placement and orientation of common entry areas will maximise opportunities for natural supervision by caretakers, tenants and other guardians.
- It is anticipated that the major crime issues affecting this development will involve steal from unattended motor vehicles, stolen motor vehicles, malicious damage (graffiti) and stealing from retail store (Shop lifting). The measures proposed will assist in this regard.
- Height of internal shelving should be considered to allow staff surveillance opportunities of potential shoplifters.
- Over use of promotional material on commercial premises windows should be discouraged. This allows natural surveillance by non patrons being able to see inside the service station and restaurant.
- All car parking directly surrounding the building towards the building should be nose in, increasing external surveillance.

### **Lighting**

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity. Good lighting can assist in increasing the usage of an area. There is no information with the plans, which were reviewed to indicate the lighting proposals for the development.

### Comments

- Lighting should be designed and installed to the Australian and New Zealand Lighting Standards 1158.
- Lighting must be maintained in good working order at all times.
- The exit alcoves are to be lit to minimise concealment opportunities.
- It is recommended to ensure all pedestrian pathways, car parks and other related areas are appropriately lit.

### **Landscaping**

Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can also provide concealment or entrapment areas for people involved in criminal behaviour.



### Comments

- Some predatory offenders seek pockets and enclosures created by vegetation/landscaping. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future.
- A safety convention is to have 3 - 5 metres of cleared space on either side of pathways and bicycle routes. Thereafter, vegetation is stepped back in height to maximise sightlines.
- A safety convention for vegetation is: lower tree limbs should be above average head height (approx. 210cm), and shrubs should not provide easy concealment (approx. 60cm).
- The proposed landscaping should be subject to regular maintenance to ensure that site lines are maintained.
- Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.

### **Territorial Re-enforcement**

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

### Comments

- The boundaries of the development are reasonably well defined and re-enforced by fencing or walls.
- Confusion resulting from vague entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. Entries should be legible and inviting.
- Car park design and definitional legibility can help (or hinder) way finding. Knowing how and where to enter, exit and find assistance can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should reinforce (not be an alternative to) effective design.
- Signage also needs to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.





- Signage needs to be provided within the car park to provide way finding to users of these areas.
- Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.

### **Environmental Maintenance**

All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

#### Comments

- A graffiti management program should be adopted, whereby any graffiti on the building or site is removed immediately.
- As malicious damage (graffiti) is often an offence caused to such developments strong consideration must be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.

### **Space/Activity Management**

Space/Activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

#### Comments

- It is more than likely that pedestrian access to the area would more than likely be low. Nearby residents may walk to the area to purchase products from the fast food/service station outlets, however it is envisaged that the majority of business will come from persons attending the area in or on various types of motor transport.
- The number of entry/exit points to unauthorized areas should be restricted.
- Clear and concise signage designating staff only at entrances to areas not to be accessed by the public. I.e. staff, cash and loading bay areas.
- Shelving should be a maximum 1.5 metres high.



- The shelving should be positioned to allow the store attendants uninterrupted views of the interior of the store.

### Access Control

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Technical/Mechanical access control includes the employment of security hardware and Formal (or Organised) access control includes on-site guardians such as employed security officers.

### Comments

- Traffic and access controls are well addressed in the Statement of Environmental Effects, Traffic Report and development plans in relation to the development.
- Natural ladders are building features, trees or nearby structures that can help a criminal to climb to balconies, rooftops, ledges and windows.
- Reinforced glazing should be considered on the exterior display windows on the fit out along with reinforced glazing on the main entry sliding doors to discourage break ins through these areas.
- Bollards or appropriate planter boxes should be considered in front of the premises entrance to discourage ram raid type offences.
- Reinforced glazing should be considered on the exterior display windows, along with reinforced glazing on the main entry sliding doors to discourage break ins through these areas.
- A monitored intruder alarm system (in accordance with the Australian Standard) should be installed to enhance the physical security of the proposal.
- A floor or wall safe subject to Australian Standards should be considered.
- Consideration should also be given to enhancing the staff access control treatments with electronic access control equipment to enhance physical security.

### Social & Economic Impacts

There will be positive impacts as a result of the investment of funds into the local Muswellbrook economy. There will be job creation in both the construction and operational phases (it is likely that the proposal will have 6 Full time employees and 8-10 casual employees).



### **Waste Management**

Operationally, any waste will be collected either by Council or a waste contractor on a regular basis.

Shielded waste collection areas for each building have been identified and will be kept in a clean and tidy manner.

### **Construction**

Construction work will be undertaken as outlined in the Proposal Section of this report.

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be implemented during construction to minimise any erosion and sedimentation at the site.

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility (any potential contaminated soil would need to be tested and remediated if necessary).

Construction activities would be tailored to minimise the impact on site, with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

### **Cumulative Impacts**

It is considered there will be no identified negative cumulative impacts as a result of the proposed development.





### Suitability of the site for the development

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

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- The development can be connected to the available services;
- There are no issues in relation to air quality and microclimate; and
- There are no identified conflicting land uses or activities.

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

It is considered that the site is conducive to the development based on the following:

- The site is not affected by any known natural hazards;
- There are no implications upon heritage items as a result of this proposal;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no flora and fauna considerations that will have an impact on the proposal.

### Any submissions

Council may notify the proposal to surrounding landowners for comment.



### **The Public Interest**

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts.

It is considered that the proposed development, with appropriate conditions of consent, will not have any negative impacts on the amenity of the general public. The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.



## 5. CONCLUSION

This SOEE has assessed the potential impacts arising from the proposal on surrounding properties including traffic and access, noise, odour, dust, visual amenity, water management and contamination. Where necessary, mitigation measures are proposed to minimise impact and reduce potential risk associated with the development.

Based upon the investigations of the proposal it can be concluded that:

- The proposed development is permissible with the consent of Council;
- There are no natural hazards affecting the land;
- The proposed development will not create adverse impacts upon the environment or surrounding development;
- The amenity of the area will not be adversely affected; and
- The proposal is generally consistent with the objectives and provisions of Councils LEP and DCP.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and potential impacts are expected to be manageable.

**Accordingly it is recommended that the Development Application be approved subject to appropriate standard conditions.**

**Bialowas & Assoc. Pty Ltd Chartered Architects**

## Statement of Heritage Impact

Statement of Heritage Impact for:

Proposed New Service Station & Food Outlet  
147 Bridge Street Muswellbrook NSW

On a vacant corner site within the Bridge Street Conservation Area

August 2018



**Prepared by:**

Bialowas & Assoc. Pty. Ltd.  
Chartered Architects  
967 O'Connell Road  
Oberon NSW 2787

**For:**

Mr. Charles Hilellis  
Level 18, 1 Alfred St  
Sydney NSW 2000

'Kitts Creek' ■ 967 O'Connell Road ■ Oberon ■ NSW ■ 2787 ■ P 02 6336 3192 ■ M 0419 270 208 ■ E bialowas@ix.net.au

ARAIA ARB 5673 ABN 91 003 766 274

[www.bialowas.com.au](http://www.bialowas.com.au)



This Statement of Heritage Impact has been compiled in reference to the Guidelines issued by the State Heritage Department's Heritage Manual, specifically, the Statements of Heritage Impact

The SOHI has also referenced the Muswellbrook Development Control Plan Section 15 Heritage Conservation in Particular the four questions:

- 1 What makes for the Heritage Significance of the place?
- 2 How will the proposed development affect this heritage significance?
- 3 Will there be benefits for the place which outweigh any loss of heritage of heritage significance?
- 4 Might there be alternatives which would have lesser adverse effects on heritage significance?

The Statement of Heritage Impact addresses:

- Why the item is of heritage significance
- What impact the proposed works will have on that significance
- What measure are proposed to mitigate negative impacts
- Why more sympathetic solutions are not viable.

As well as Section 5.10 of Muswellbrook's Conservation Policy

#### 5.10 Heritage conservation

##### (1) Objectives

The objectives of this clause are as follows:

- (a) To conserve the environmental heritage of Muswellbrook,
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) To conserve archaeological sites,
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.

In respect to other parts of Muswellbrook's Conservation Policy, it can be clearly stated that:

1. As the site is a vacant lot, there will be no demolition
2. The site does not involve any heritage item
3. The proposed development would not have any significant adverse effect on the amenity of the surrounding area

### **Description & References**

The subject land, which has been a vacant site for several years, is zoned B2 Local Centre, as part of the current Local Environmental Plan of the Muswellbrook Shire Council.

The land has been amalgamated from several adjoining Lots which had previously been the site of a vehicle workshop and The Sales office of The Cross City Ford Sales Dealership.

The site has therefore been directly and quite recently, associated with the Motor Vehicle industry and the building types that are commonly associated with that industry.

The current proposal is also directly related to the motor vehicle Industry and aims to provide a new service station and a food outlet, which to a large extent is what many motorists and most tourists have come to expect.

### **The Site**

The site on the corner of Bridge and St. Heliers Streets abuts on the northern and east sides, a residential area and is otherwise surrounded by commercial premises. A funeral Director's Premises are directly opposite in St Heliers Street and on the corner next to the Funeral Director is a relatively new Hungry Jack's and car park. Further along Bridge Street is the RSL Club and opposite on Bridge Street is also a historical residential area interspersed with Commerce like Betta Electrical and the Eaton Hotel.



Approaching the site from the North  
A residential area with a wide  
variety of building types set among  
established trees on a rising hillside  
and heavily terraced with masonry  
retaining walls

This site is on the northern edge of the main commercial precinct of what appears to be a growing and thriving community.

The present site, with some 40m frontage to Bridge Street and approximately 94m along St Heliers Street, slopes up from Bridge Street to the east. The site is almost devoid of trees with just one small but established tree on the eastern most edge in Flanders Street.



Bridge Street looking north

In the recent past, the site has contained a variety of utilitarian sheds which were clad with galvanised iron and of partially masonry construction. The front had been modified to a more modern appearance as a showroom for the Ford Dealership. Those buildings no longer exist on the subject land and the site has since been vacant.





Relatively new brick residence  
opposite the site at the top laneway



The vacant site from the Bridge  
Street corner, with remnants of  
retaining walls and conc. paving

The current proposal therefore does not involve any demolition of existing buildings or heritage items.

Similarly, the proposal does not call for a radical change of use. The site is and will remain commercial in keeping with its traditional use as related to the motor vehicle industry. The proposal aims to adopt current best practice in service stations and the attendant foods premises.

The proposed design shows a food outlet of some 310 sq.m on the corner of Bridge Street and St Heliers Street with the proposed service station set well back on the site on the north eastern boundary. The site is to be excavated for easier vehicle access and as a result will be set lower than the adjacent residential buildings. This is in contrast to the usually dominating presence of many service stations.



Views of typical service stations within Muswellbrook





The existing Hungry Jack's Development directly opposite the proposed food outlet

#### **New Development adjacent to a Heritage item**

The proposed design of the service station has minimised its impact on the area by being recessed into the site and set back well off the road.

The food outlet, Oliver's is set closer to the road similar to the Hungry Jack's outlet adjacent. The colour scheme is relatively subdued with soft greys and the dark green. The frontage below the awning is to be largely glazed.

In keeping with the Heritage Council's advice on matters of form and finishes, it is not intended to slavishly copy earlier forms that have existed on the site but to use current technology and design, similar to that of the existing service stations and food premises evident in the Town of Muswellbrook. As such, this will be in keeping with the history of the streetscape for this area.

The former buildings arguably may not have had intrinsic Heritage Significance but simply complied with the pragmatic needs of the town as it grew to provide the services and needs of the community. Nor did they blend in with the surrounding residential character in either form, mass, colour or materials.

To replace those buildings in a similar manner would not in any way destroy or diminish the heritage value of this precinct as it previously existed.

The impact on this site of the proposed development would be one of enhancement or reinforcing of what was existing and what has traditionally been there as part of Muswellbrook's ongoing commercial history. The proposed scheme however, will in our view, considerably improve on the aesthetics of the former premises.

It is understood that the Client has adopted the corporate colour scheme required by the Mobil Company and the need to quickly and safely identify that brand to passing motorists. The site is to be excavated for easier access and will therefore recede and be less impactful on the surrounding residential area.

Oliver's, the proposed food outlet is to be set on the corner and will have green as its dominant corporate colour. We note that the adjacent residence also has a green coloured roof.

Again, it is hard to envisage any adverse impact that such colours or forms may have on this area as there are extant examples of far greater visual impact on nearby commercial premises.



A less than ideal example of trying to adapt or accommodate heritage

We understand that the client has chosen colours and materials for the retaining walls which will be sympathetic to the residential nature of the site and that considerably more planting will be included to soften and to enhance the amenity of the food outlet and the service station.

It is also understood that a suitable landscape plan will be part of the overall submission. It is proposed that trees of a suitable scale and type be planted along the St. Heliers street frontage and that shrubs and smaller plants be used where possible and some suitable greenery to be part of the retaining walls.

7

The proposed development is not adjacent an item of Heritage significance. There is however, a strong group of significant heritage buildings diagonally opposite the site. These will not be adversely affected as the proposal does not impede views towards this group from either the north or south approaches on Bridge Street.



The charming cottages that flank the Eaton's Hotel have a strong visual presence, human scale with varying details and colour schemes.

The most significant item in this group is Eaton's Hotel. This Heritage listed two storey building with a very unusual veranda with its double set of columns dominates.

It has in recent years been transformed at the back, mercifully leaving the façade intact, and much of the front interiors. It was in its day, the premier hotel in the region, boasting a silver service for diners.

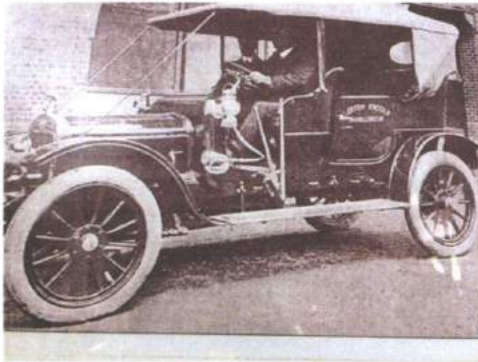
It has been described as the 'oldest and most striking pubs in the Hunter, Eaton's Hotel, is instantly recognisable by its round headed French windows and enormous veranda featuring cast-iron columns and decorative lacework'.

Formally the White Hart Inn, the hotel was built in 1850 and was part of the Cobb and Co. route between Scone and Singleton.

The coach way to the former stables still exists and forms a delightful aperture in the streetscape.



The hotel also had a close association with the motor industry. Mr Flanders one time owner of the hotel owned the first car in Muswellbrook.



The hotel was also a favourite of the motor cycling fraternity. In short, the hotel owes its existence and ongoing survival to the travel industry. The initial Cobb and Co. Coaches that brought visitors were replaced by motorised vehicles of all descriptions. It is therefore not surprising that service stations have become part and parcel of the travel industry that supports such buildings and townships.

## Conclusion

### 1 *What makes for the Heritage Significance of the place?*

The heritage may reside in the adjoining neighbourhood as part of a residential conservation area, with some historical commercial intrusions; in particular, the group of cottages in Bridge Street and the Eaton's Hotel. As such they are not adversely affected by the proposal.

### 2 *How will the proposed development affect this heritage significance?*

As there is no significant change in the use and only improvement on what was previously on the site, we see no adverse effect. Similarly, it does not adversely affect the heritage group of buildings diagonally opposite in Bridge Street.



*3 Will there be benefits for the place which outweigh any loss of heritage of heritage significance?*

In our view there will be no loss of heritage significance; there will however be an improvement in the general aesthetic and amenity the proposal will provide to local residents and visitors alike.

*4 Might there be alternatives which would have lesser adverse effects on heritage significance?*

The proposal has no adverse effect on the heritage of the surrounding area and is an improvement on the recent past of the site itself and the ongoing history of the site.

It is our view that the above matters have been duly considered and that the proposal is consistent with the history of the precinct and sympathetic to its essentially commercial nature. It therefore complies with the Conservation policies of the NSW Heritage Assessment Criteria as well as Muswellbrook Council's Heritage Policies and in our view has no detrimental heritage impact on this site.

Henry Bialowas RAIA  
Chartered Architect  
ARB 5673



**Traffic Solutions Pty Ltd**

**PROPOSED SERVICE STATION AND  
FOOD OUTLET, CORNER OF BRIDGE AND  
ST HELIERS STREETS, MUSWELLBROOK**

---

**TRAFFIC AND PARKING  
ASSESSMENT**

**30 August 2018**

**Ref: 18.19.008**

P.O Box 9161 Bathurst NSW 2795 Phone: (02) 6331 0467 Email: [craig@trafficsolutions.com.au](mailto:craig@trafficsolutions.com.au)

TRAFFIC SOLUTIONS PTY LTD

FINAL

1

**PROPOSED SERVICE STATION AND FOOD OUTLET,  
CORNER OF BRIDGE AND ST HELIERS STREETS,  
MUSWELLBROOK,  
TRAFFIC AND PARKING ASSESSMENT**

**Prepared By:** Craig Hazell  
Director Traffic Solutions P/L  
P.O Box 9161  
Bathurst NSW 2795  
Ph. 02 6331 0467  
M. 0417 262 057



**For:** Mr. Stuart Pennells  
Director  
Inland Building and Construction P/L  
3/229 Howick Street,  
Bathurst NSW 2795  
Mobile. 0423 806 460

**Report No.:** 18.19.008

**Date:** 22 August 2018

**Issue:** FINAL

This Copyright is included for the protection of this document

**COPYRIGHT**

© Traffic Solutions Pty Ltd 2017

All intellectual property and copyright reserved.

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, 1968, no part of this report may be reproduced, transmitted, stored in a retrieval system or adapted in any form or by any means (electronic, mechanical, photocopying, recording or otherwise) without written permission. Enquiries should be addressed to

CNR BRIDGE &amp; ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018

## CONTENTS

<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. PROPOSED DEVELOPMENT</b>	<b>5</b>
• SITE	5
• DEVELOPMENT PROPOSAL	5
<b>3. EXISTING CONDITIONS</b>	<b>6</b>
<b>4. KEY ISSUES</b>	<b>7</b>
• ACCESS AND PARKING	7
• HEAVY VEHICLE ACCESS	9
• TRAFFIC	9
<b>5. CONCLUSIONS</b>	<b>14</b>

<b>APPENDIX A</b>	ARCHITECTURAL SITE PLAN
<b>APPENDIX B</b>	RMS TRAFFIC VOLUME DATA
<b>APPENDIX C</b>	AUTOCAD VEHICLE TRACKING 19M ARTICULATED VEHICLE SWEPT TURNING PATH
<b>APPENDIX D</b>	SIDRA SUMMARY OUTPUT FILES

## FIGURES

<b>1</b>	LOCATION
<b>2</b>	MODELLED POTENTIAL FRIDAY EVENING PEAK HOUR FLOWS



TRAFFIC SOLUTIONS PTY LTD

FINAL

3

## 1. INTRODUCTION

This report has been prepared to accompany a Development Application to Muswellbrook Shire Council for a proposed service station with convenience store and a food outlet. The development is proposed on the north-east corner of Bridge and St Heliers Streets, Muswellbrook. (Figure 1).

This report examines the traffic implications of the proposed development and will assess the:

- Proposed access arrangements.
- Adequacy and suitability of the off-street parking provision.
- Adequacy of the loading areas and fuel tanker filling points.
- Estimated traffic generation of the proposal.
- Impacts of the estimated traffic generation on the existing road network.

---

CNR BRIDGE & ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018

TRAFFIC SOLUTIONS PTY LTD

FINAL

4



## LOCATION

Fig 1

CNR BRIDGE &amp; ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018

## 2. PROPOSED DEVELOPMENT

### SITE

The site is located on the north-eastern corner of Bridge Street (New England Highway) and St Heliers Street and is currently vacant.

### DEVELOPMENT PROPOSAL

The proposed development involves a new service station with a convenience store (207m<sup>2</sup> total area with 80m<sup>2</sup> of customer area), and a separate food outlet (314m<sup>2</sup> total indoors area with and 203m<sup>2</sup> of seating area indoors and outdoors).

The site will include 4 x 6 hose fuel dispensing bowsers and 2 x 3 three hose fuel dispensing bowsers facing Bridge Street. Parking for thirty-seven (37) vehicles including a dedicated disabled car space are proposed over the total site.

Access to the site is proposed via a 10m wide entry driveway off Bridge Street and separate entry and exit driveways to St Heliers Street (Entry 9m wide at boundary widening to 13.4m at kerb. Exit is 6m wide widening to 10.4 at the kerb).

The proposal is fully detailed on plans prepared by Calare Civil accompanying the development application, Project No. 18.0045, issue C, dated 30 July 2018 with the following drawing No's:

A101	COVER SHEET
A201	SITE PLAN
A202	BUILDING LAYOUT - OLIVERS
A203	ROOF PLAN - OLIVERS
A204	BUILDING LAYOUT - SERVICE STATION & CANOPY
A205	ROOF PLAN - SERVICE STATION & CANOPY
A206	TRAFFIC PLAN
A301	ELEVATIONS & SECTION - OLIVERS
A302	ELEVATIONS - SERVICE STATION & CANOPY
A303	SECTION - SERVICE STATION & CANOPY
A304	STREETSCAPE ELEVATIONS

A reduced copy of the site plan is attached as Appendix A.

### 3. EXISTING CONDITIONS

The subject site has frontage to Bridge Street which is a State Road under the care and control of the Roads and Maritimes Services (RMS) and St Heliers Street which is a local road under the control of Muswellbrook Shire Council.

Bridge Street in this location provides two line marked lanes in each direction with parking permitted on the western side only. The principle features of the traffic controls in the vicinity of the site are:

- 50 km/h speed limit.
- A painted median in St Heliers Road at Bridge Street.
- Give Way restriction in St Heliers Road at Bridge Street.

An indication of the existing traffic volumes along Bridge Street (New England Highway) in the vicinity of the subject site are provided on the RMS website which has a permanent counting station (No. 6157) located 60m north of Burton Lane, which is approximately 2.5 km north of St Heliers Street.

This station provides the following Annual Average Daily Traffic (AADT) volumes for this location. The following table indicates the recorded volumes and percentage heavy vehicles along The New England highway since 2015.

Table 3.1 – AADT at Permanent counting station 6157, New England Highway, 60m north of Burton Lane		
Year	AADT	Heavy Vehicle percentage
2015	10161	15.21%
2016	n/a	n/a
2017	10336	18.02%
2018	9947	18.7%

Table 3.1 indicates that the average daily traffic volumes along the New England Highway are remaining stable in recent years.

Further review of the RMS data reveals that during 2017 the peak Average Weekday Total occurs on a Friday. The peak hour traffic volume during 2017 occurred between 3.00pm and 4.00pm on Friday 15<sup>th</sup> December 2017 with 977 vehicles (489 northbound and 488 southbound).

The RMS site indicates that the New England Highway carries a high level of heavy vehicles at 18.7%.

Copy of the data extracted from the RMS website is attached as Appendix B.



#### 4. KEY ISSUES

##### ACCESS AND PARKING

Vehicular entry to the development will be via a 10m wide entry driveway off Bridge Street and separate entry and exit driveways to St Heliers Street (Entry 9m wide at boundary widening to 13.4m at kerb. Exit is 6m wide widening to 10.4 at the kerb).

The driveway locations provide very good sight lines in both directions along the respective street frontage which exceeds the desirable 69m requirement for sight distance in AS/NZS 2890.1 – 2004 'Off Street Carparking' and AS 2890.2:2002 'Off Street Parking for heavy vehicles' and for the posted speed limit of 50 km/h.

The geometric design requirements for car park layouts such as, aisle widths and parking bay dimensions are specified in the 'Australian/New Zealand Standard, Parking Facilities Part 1; Off Street Car Parking (AS/NZS 2890.1) 2004'. The standard classifies this development as a Class 3A off-street car parking facility and the following table provides information on the key requirements of AS/NZS 2890.1 - 2004.

TABLE 4.1 – AUSTRALIAN STANDARD COMPLIANCE			
FEATURE	AS/NZS 2890.1 REQUIREMENT	PROPOSED	CONFORMS TO AS/NZS 2890.1
Parking Space dimensions	5.4m x 2.6m Standard plus an additional 300mm on each side adjacent to a wall.	5.4m x 2.6m Standard no spaces adjacent a wall	YES
	5.4m x 2.4m plus 2.4m shared area for disabled spaces	5.4m x 2.4m plus 5.4m x 2.4m shared area for disabled space	YES
Aisle widths	6.6m	9.9m min	YES
Driveway width	Combined entry/exit driveways width between 6.0m – 9.0m Note: Driveways are normally combined, but if separate, both entry and exit widths should be 3.0m min.	Bridge Street Driveway 10m	YES
		St Heliers St west driveway 9m	YES
		St Heliers St east driveway 6m	YES

Accordingly, this development proposal adheres to the above Australian Standard requirements.

In addition to the standards for off street car parking the Australian Standards, AS 2890.2:2002 provides the design requirements for varying size heavy vehicles. In this regard, the maximum vehicle to be catered for on site is the 19m articulated vehicle. The following table provides a comparison on the key requirements of AS 2890.2 applicable to the proposal.

TABLE 4.2 – AUSTRALIAN STANDARD COMPLIANCE			
FEATURE	AS 2890.2 REQUIREMENT	PROPOSED	CONFORMS TO AS 2890.2
Driveway width	Articulated Vehicle = 10m	Bridge Street truck driveway 10m entry widening to 11.4m at kerb	YES
		Bridge Street truck exit driveway 9m widening to 13m at the kerb	YES
Loading area	Articulated Vehicle 19m x 3.5m	Tanker fill point > 19m x >3.5m	YES
	Small Rigid vehicle (Oliver's) 6.4m x 3.5m	Oliver's 7.4m x >3.5m	YES
Driveway/ramp grades	1 in 6.5 (15.4%) max	Max grade 1 in 16 (6.25%)	YES
Head clearance	4.5m min for articulated vehicles.	4.5m	YES

Accordingly, this development proposal adheres to the above Australian Standard requirements.

Council's Development Control Plan (*Development Control Plan Section 16 Car Parking and Access*) specifies the following car parking requirements applicable to this proposal:

**Restaurants:**

- 1 space per 7m<sup>2</sup> GFA available for dining.

**Service Stations:**

- 1 space per 20m<sup>2</sup> of GFA convenience store; plus
- 1 space per 6.5m<sup>2</sup> of GFA

Accordingly, the car parking required for this development proposal calculates as:

Restaurant indoor plus outdoor seating area 203m <sup>2</sup>		
@ 1 space/7m <sup>2</sup>	=	29 spaces.
Convenience store 60m <sup>2</sup> @ 1 space/20m <sup>2</sup>	=	3 spaces.
Remaining service station gross floor area 20m <sup>2</sup>		
@ 1 space/6.5m <sup>2</sup> GFA	=	3 spaces.
<b>TOTAL</b>	<b>=</b>	<b>35 spaces.</b>

Consequently, the proposed development satisfies Council's parking requirements with the provision of 37 off-street parking spaces.

## HEAVY VEHICLE ACCESS

Bridge Street (New England Highway) is an approved 26m long B-double Route. However, St Heliers Street is not. Therefore, with the proposed entry/exit driveway arrangements, the maximum vehicle that would be permitted on site would be a 19m articulated vehicle.

The Roads and Maritime Services guidelines provide the following additional requirements for the internal roads, driveways and parking area design of a service station:

- Separate driveways are recommended, with width of 12m off a main road.
- Minimum spacing between a pair of driveways - 10 metres.
- There must not be more than two driveways on any one street frontage.
- Petrol pumps must not be closer than 4 metres to the property alignment of any public street.
- Inlets to bulk storage tanks must be situated so that when tankers are discharging fuel, they will stand completely on the site and not obstruct the safe and convenient entry to the site by other vehicles.

The proposal exceeds all the requirements with the exception of the Bridge Street driveway width. However, application of the Australian Standard 19m articulated vehicle swept turning paths reveals that the driveway as proposed is satisfactory.

The proposed fuel fill point is located to the west of the convenience store car parking adjacent the northern boundary. At this location, the roadway is over 7.2m wide which permits a vehicle to access the fuel filling point or pass a tanker unloading fuel to the filling points.

Articulated vehicle access to and egress from the site in a forward direction has been assessed using AutoCAD Vehicle Tracking software using a 19m long vehicle. Attached as appendix C is a swept turning path indicating that a 19m articulated vehicle is able to access the site in a forward direction from Bridge Street, travel to the fuel fill points and egress in a forward direction onto St Heliers Street to return to Bridge Street (New England Highway). This plan indicates that the proposed driveways are adequate to enable this vehicle to enter and leave the service station in a forward direction.

## TRAFFIC

An estimation of the traffic generation of the proposed development can be calculated by reference to the Roads and Traffic Authority's *'Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation'* of October 2002. The guide specifies the following week day peak period traffic generation potential for service stations with convenience stores and restaurants:



TRAFFIC SOLUTIONS PTY LTD

FINAL

10

**Service station with convenience store:**Evening peak hour vehicle trips (pvt) =  $0.04 A(S) + 0.3 A(F)$ 

or.

Evening peak hour vehicle trips =  $0.66 A(F)$ Average vehicle trips (9 pm-12 midnight) =  $0.6 A(F)$ .where  $A(S)$  = area of site ( $m^2$ ) $A(F)$  = GFA of convenience store ( $m^2$ )**Restaurants**Evening peak hour vehicle trips = 5 per 100  $m^2$  gross floor area.

Therefore, the evening peak hour traffic generation for this development is estimated to be:

Service station/convenience store	=	0.66(80 $m^2$ )
	=	52.8 trips
Plus restaurant	=	314 $m^2$ @ 5 per 100 $m^2$
	=	15.7
Total	=	68.5

The proportion of fuel trips to store trips can vary substantially depending upon the location of the service station and the time of day. Convenience stores surveyed in 1990 for the (then) Roads and Traffic Authority, indicated that the average percentage of total trips between 3.00pm and 6.00pm for fuel, was 46% (whether goods were purchased as well or not). Between 9.00 pm and 12.00 am the equivalent figure was 29%.

It should be noted that it is unlikely that the peak use of the service station, restaurants and New England Highway will occur simultaneously. However, for the purposes of this assessment the combined traffic generation of each component of the development this will be modelled during the existing New England Highway evening peak hour, which is a worst case scenario.

The estimated peak traffic generation of each of the uses of the site has been modelled during the Friday afternoon peak of the Highway which occurs between 3.00pm and 4.00pm on Friday 15<sup>th</sup> December 2017 with 977 vehicles (489 northbound and 488 southbound).

The RMS site indicates that the New England Highway carries a high level of heavy vehicles at 18.7%. recorded at station 6157 which has been included in the modelling.

It will also be assumed that the proportion of entering and exiting vehicles will be the same at 50/50.

The estimated additional peak hour approach and departure vehicle trips have been assigned proportionally to the road system on the basis of existing recorded flows along the highway. Figure 3 depicts the modelled Friday afternoon peak hour traffic volumes

CNR BRIDGE &amp; ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018



modelled.

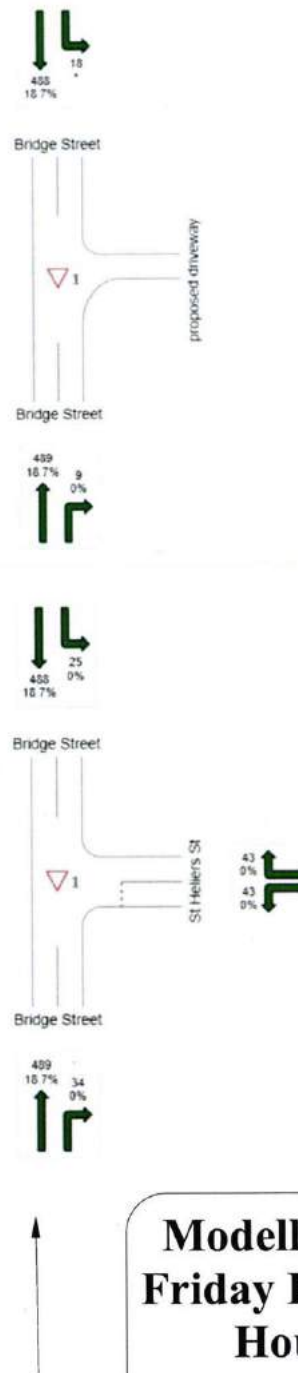
Using SIDRA intersection 6.0 PLUS, a software programme developed for the purpose of analysing signalised, roundabout and sign controlled intersections, the effect of the estimated traffic generation of this development on the intersection of the New England Highway with St Heliers Street and the service station vehicle access road has been modelled to determine their expected operation. The results of that analysis for the post development circumstances are provided in Table 4.4 and 4.5. The criteria for assessing the SIDRA results are provided overleaf and a copy of the summary output files are attached as appendix D.

<b>TABLE 4.4</b> <b>OPERATIONAL PERFORMANCE OF INTERSECTION OF NEW ENGLAND HIGHWAY AND ST HILLERS ROAD. SIGN CONTROL. FRIDAY AFTERNOON PEAK HOUR 3.00PM – 4.00PM. (SEE NOTE)</b>	
Performance Measure	Forecast Potential PM peak PM
Level of Service	A
Degree of Saturation	0.230
Total Average Delay (sec/veh)	2.3s
Total Average delay (sec/veh) for worst movement.	25.1s (LOS B) for right turn from site St Heliers Street

Note: To simulate existing vehicle turning volumes to/from St Heliers Street 25 vehicle per hour have been assumed for each turning movement in the peak hour (considered to be a worst case scenario).

<b>TABLE 4.5</b> <b>OPERATIONAL PERFORMANCE OF INTERSECTION OF NEW ENGLAND HIGHWAY AND THE VEHICLE ACCESS DRIVEWAY TO THE PROPOSAL. SIGN CONTROL. POTENTIAL FRIDAY AFTERNOON PEAK HOUR 3.00PM – 4.00PM.</b>	
Performance Measure	Potential PM Peak
Level of Service	A
Degree of Saturation	0.154
Total Average Delay (sec/veh)	1.0s
Total Average delay (sec/veh) for worst movement.	8.9 (LOS A) for right turn into site driveway

The results of the SIDRA analysis reveal that the existing intersection of New England Highway and St Heliers Road and the proposed intersection with the new access driveway Highway will operate at a good Level of Service and minimal delays with the estimated traffic volumes of the proposal.



**Modelled Potential  
Friday Evening Peak  
Hour Flows**

Fig 2

### EVALUATION OF THE RESULTS OF SIDRA

#### LEVEL OF SERVICE

THE LEVEL OF SERVICE FOR TRAFFIC SIGNALS, ROUNDABOUTS AND SIGN CONTROL INTERSECTIONS IS SHOWN BELOW, THIS IS BASED ON THE AVERAGE DELAY IN SECONDS PER VEHICLE:

AVERAGE DELAY PER VEHICLE	LEVEL OF SERVICE	TRAFFIC SIGNALS & ROUNDABOUTS	SIGN CONTROL
< 14	A	GOOD	GOOD
15 - 28	B	GOOD WITH MINIMAL DELAYS AND SPARE CAPACITY	ACCEPTABLE DELAYS AND SPARE CAPACITY
29 - 42	C	SATISFACTORY WITH SPARE CAPACITY	SATISFACTORY BUT ACCIDENT STUDY REQUIRED
43 - 56	D	SATISFACTORY BUT OPERATING NEAR CAPACITY	NEAR CAPACITY AND ACCIDENT STUDY REQUIRED
57 - 70	E	AT CAPACITY: AT SIGNALS INCIDENTS WILL CAUSE EXCESSIVE DELAYS, ROUNDABOUTS REQUIRE ANOTHER CONTROL MODE	AT CAPACITY AND REQUIRES ANOTHER CONTROL MODE
> 70	F	UNSATISFACTORY	UNSATISFACTORY

#### DEGREE OF SATURATION

THE DEGREE OF SATURATION IS ANOTHER MEASURE OF THE OPERATIONAL PERFORMANCE OF INDIVIDUAL INTERSECTIONS.

FOR TRAFFIC SIGNAL CONTROLLED INTERSECTIONS BOTH QUEUE LENGTH AND DELAY INCREASE RAPIDLY AS THE DEGREE OF SATURATION APPROACHES 1.0, AND IT IS USUALLY ATTEMPTED TO KEEP IT BELOW 0.9.

FOR ROUNDABOUTS OR SIGN CONTROLLED INTERSECTIONS, OVERSATURATION IS INDICATED BY A VALUE IN EXCESS OF 0.8.

#### AVERAGE VEHICLE DELAY

THE AVERAGE VEHICLE DELAY PROVIDES A MEASURE OF THE OPERATIONAL PERFORMANCE OF AN INTERSECTION AS INDICATED IN THE ABOVE TABLE. THE AVERAGE VEHICLE DELAYS IN THE TABLE SHOULD BE USED AS A GUIDE ONLY AS LONGER DELAYS COULD BE TOLERATED IN SOME LOCATIONS.

## 5. CONCLUSIONS

The preceding analysis has revealed that:

- The proposed vehicle access driveways are suitably located and will provide good sight distance along New England Highway and St Heliers Road frontages of the site.
- The proposed development satisfies the related geometric design specifications contained in the Australian Standards for off - street parking and vehicular access for cars and trucks.
- The 37 off-street parking spaces provided in the proposed development exceeds Council's development control plan requirements.
- The vehicle access road widths, diesel dispensers and proposed fuel fill point can be access by vehicles up to the 19m articulated vehicles in a forward direction entering and exiting the site.
- The subject proposal is estimated to potentially generate approximately 69 vehicle trips in the evening peak hour.
- The results of the SIDRA analysis reveal that the existing intersection of New England Highway and St Heliers Road and the proposed intersection with the new access driveway will operate at a good Level of Service and minimal delays with the estimated traffic volumes of the proposal.



TRAFFIC SOLUTIONS PTY LTD

FINAL

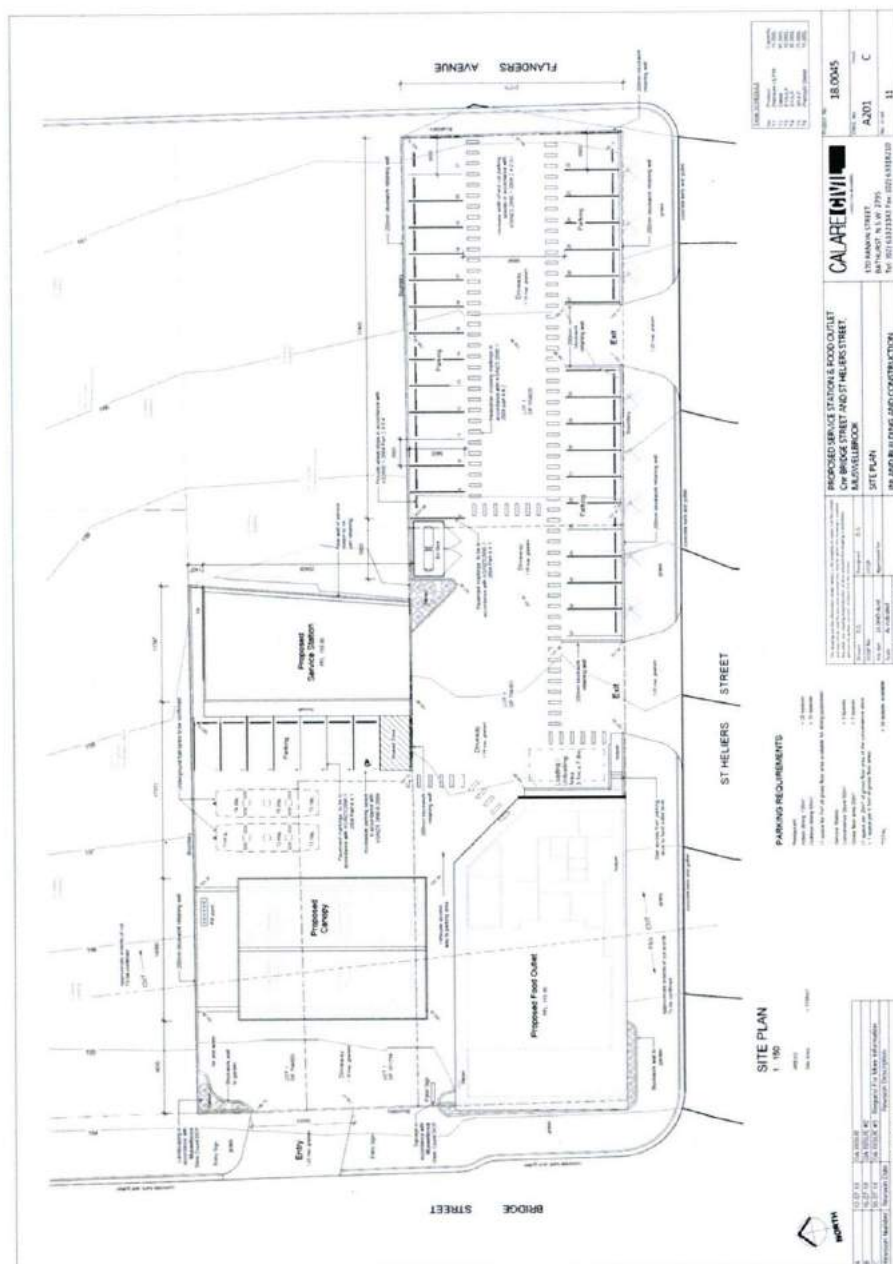
15

## **APPENDIX A**     ARCHITECTURAL SITE PLAN

CNR BRIDGE & ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018



CNR BRIDGE & ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018

TRAFFIC SOLUTIONS PTY LTD

FINAL

17

**APPENDIX B     RMS TRAFFIC VOLUME DATA**

---

CNR BRIDGE & ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018

year	date	cardinal_direction_desc	classification_desc	hour_00	hour_01	hour_02	hour_03	hour_04	hour_05	hour_06	hour_07	hour_08	hour_09	hour_10	hour_11	hour_12	hour_13	hour_14	hour_15	hour_16	hour_17	hour_18	hour_19	hour_20	hour_21	hour_22	hour_23
2017	11/12/2017	Northbound	Light Vehicles	23	6	10	15	40	77	145	217	302	230	291	334	302	126	402	410	442	420	325	213	145	128	94	60
2017	11/12/2017	Northbound	Heavy Vehicles	12	10	21	19	31	41	84	83	74	54	63	85	80	72	82	69	66	72	52	54	30	17	30	13
2017	11/12/2017	Southbound	Heavy Vehicles	17	24	16	17	23	52	57	72	88	71	85	66	74	97	77	88	89	60	37	86	13	15	25	14
2017	11/12/2017	Northbound	All Vehicles	35	16	31	34	70	118	229	300	376	284	354	419	382	198	484	499	508	492	377	267	175	139	124	73
2017	11/12/2017	Southbound	All Vehicles	31	31	27	32	64	287	305	382	416	423	430	399	410	424	462	488	426	451	343	233	135	114	116	59
2017	11/12/2017	Southbound	Light Vehicles	14	7	11	15	41	295	248	230	368	352	345	327	348	327	385	400	357	391	306	197	122	119	91	45



Week	Beginning	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekly Total
1	30/03/2015			11231	6516	5570	7160	3616	34093
2	6/04/2015	9826	10340	10179	10587	11837	8371	8337	69477
3	13/04/2015	10047	9552	10416	9902	12353	8992	8867	70129
4	20/04/2015	10329		8566	10121	11688		7915	48619
5	27/04/2015	10215	10141	10599	11182	12030	8081	7936	70184
6	4/05/2015	10277	9916	10270	11136	12292	9337	9075	72303
7	11/05/2015	10187	10282	10270	11296	12957	9206	8691	72889
8	18/05/2015	11062	10130	10077	10931				42200
9	25/05/2015	9942	9960	10156	10673	11300	8761	7797	68589
10	1/06/2015	9837	9707	10087	10957	13420	8532	7089	69629
11	8/06/2015	5735	10799	8895	10804	11345	7785	7853	63216
12	15/06/2015	10259	10200	10017	10640	11993	8213	7987	69309
13	22/06/2015	10311	10193	10241	10919	12603	9802	8793	72862
14	29/06/2015	10252	10059	10019	10771	11689	9795	8918	71503
15	6/07/2015	10052	9657	10164	10471	11325	8816	9415	69900
16	13/07/2015	10468	10212	9974	10917	10410	8842	8470	69293
17	20/07/2015	10249	9873	10121	10536	11221	7929	8000	67929
18	27/07/2015	9790	10115	10136	10694	12057	8068	8135	68995
19	3/08/2015	9840	9651	10192	10517	11675	8707	8757	69339
20	10/08/2015	10107	9754	10086	10619	11966	8531	9054	70117
21	17/08/2015	11109	11019	11167	12157	12431	9029	8221	75133
22	24/08/2015	9899	9769	10456	10456	11936	8626	8245	69387
23	31/08/2015	10027	9910	10239	10594	11644	8472	9066	69952
24	7/09/2015	10312	9948	10142	10982	11937	8262	8713	70296
25	14/09/2015	10663	10378	10421	11278	12553	8712	9100	73105
26	21/09/2015	10380	10149	10294	11218	12298	8371	9004	71714
27	28/09/2015	10436	10091	10512	11363	13561	9720	7660	73343
28	5/10/2015	10856	10924	10699	11002	12069	8083	8159	71792
29	12/10/2015	10430	10310	10379	11119	11948	7879	8291	70356
30	19/10/2015	10261	10137	10092	10700	12444	8820	8807	71261
31	26/10/2015	10024	10528	10507	10899	11875	7638	8307	69778
32	2/11/2015	10170	9195	10265	10645	11883	7951	8673	68782
33	9/11/2015	10915	10456	10522	11113	12370	8502	8539	72417
34	16/11/2015	10941	10074	10465	11028	12150	8434	8625	71717
35	23/11/2015	10478	10361	10600	10759	12247	8323	8818	71586
36	30/11/2015	10568	10263	10756	11525	12501	8808	8422	72843
37	7/12/2015	10650	10558	10767	11200	12267	8628	8426	72496
38	14/12/2015	10792	10947	10897	11466	12192	9123	8669	74086
39	21/12/2015	11161	11165	12575	12084		8053	9508	64546
40	28/12/2015	9106	9493	10088	9167		4384	4110	46348
41	4/01/2016	4514	4469	4455	4843	5262	3877	3891	31311
42	11/01/2016	4575	4687	4926	5171	5274	3957	4305	32895
43	18/01/2016	4943	4960	5106	5533	5711	4463		30716
44	25/01/2016	5822	3805	5330	5354	5800	3747	3676	33534
45	1/02/2016	4742	4951	5215	5376	5936	3842	4055	34117
46	8/02/2016	4720	4983	5141	5377	6110	4043	4236	34610
47	15/02/2016	4765	5024	5130	5703	6355	3932	4333	35242
48	22/02/2016	4995	5168	5249	5879	6427	3955	4216	35889
49	29/02/2016	5001	4894	5130	5356	5958	3988	4616	34943
50	7/03/2016	4951	5153	5261	5560	6309	4438	5141	36813
51	14/03/2016	5317	5064			6057	3843	4609	24890

52	21/03/2016	4841	5443	5485	6589		3586	4620	30564
53	28/03/2016		5639	5321	5424	5894	4643	4366	31287
54	4/04/2016	4887	5121	5378	5468	6244	4623	4781	36502
55	11/04/2016	4942	4973	5195	5545	6160	4323	4779	35917
56	18/04/2016	4938	4989	5288	5670	6206	4228	4159	35478
57	25/04/2016	4268	5423	5436	5750	6406	4442	4135	35860
58	2/05/2016	4949	4945	5106	5670	6136	4637	4737	36180
59	9/05/2016	4980	5056	5182	5626	6207	4765	5098	36914
60	16/05/2016	5001	5062	5220	5654	6101	4374	4354	35766
61	23/05/2016	4786	4970	5296	5512	6096	4298	4438	35396
62	30/05/2016	4954	5066	5258	5405	6155	3640	3301	33779
63	6/06/2016	4760	4947	5152	5419				20278
64	13/06/2016	5882	5457	5106	5627	5924	4268	3739	36003
65	20/06/2016	4644	4954	5053	5330	6084	4439	4159	34663
66	27/06/2016	4823	4943	5297	5515	6073	5278	4353	36282
67	4/07/2016	4810	4992	5137		5901	4486	5026	30352
68	11/07/2016	5331	5178	5181	5491	6071	4546	4669	36467
69	18/07/2016	4978	4908	5041	5435	5717	4354	4060	34493
70	25/07/2016	4820	4988	5236	5572	5899	4197	4203	34915
71	1/08/2016	4905	4973	4945	5354	5969	4130	4166	34442
72	8/08/2016	4759	4856	5046	5533	5890	4321	4477	34882
73	15/08/2016	4900	4883	5503	6309	6812	4381	4914	37702
74	22/08/2016	5167	5084	5230	5838	6152	4664	4378	36513
75	29/08/2016	4880	4964	5133	5418	5852	4109	4000	34356
76	5/09/2016	4838	4993	5103	5628	6182	4074	4599	35417
77	12/09/2016	5072	5237	5341	5582	6091	4151	4169	35643
78	19/09/2016	4964	5086	5295	5665	6299	4340	4512	36161
79	26/09/2016	5093	5301	5559	5877	6377	4246	4290	36743
80	3/10/2016	6132	5623	5355	5519	6175	4390	4635	37829
81	10/10/2016	5143	5215	5356	6021	6483	4130	4212	36560
82	17/10/2016	5062	5270	5272	5725	6507	4132	4576	36544
83	24/10/2016	5031	5169	5386	5924	6035	4004	4428	35977
84	31/10/2016	4866	4758	5028	5696	6169	4191	4894	35602
85	7/11/2016	5283	5155	5231	5492	6028	4270	4486	35945
86	14/11/2016	4936	5105	5336	5760	6318	4487	4580	36522
87	21/11/2016	5215	5379	5435	6043	6648	4159	4371	37250
88	28/11/2016	5108	5226				4396	4244	18974
89	5/12/2016	5160	5233	5384	5938	6305	4226	4282	36528
90	12/12/2016	5099	5016			6199	4442	4376	25132
91	19/12/2016	5454	5528	5618	6210	6317	4760		33887
92	26/12/2016	3938	4989	5100	5221	5535	4013	3248	32044
93	2/01/2017	8591	9721	9540	9970	10567	8074	8074	64537
94	9/01/2017	9944	9861	9817	10275	10769	8069	7817	66552
95	16/01/2017	9841	9878	9842	10737	11756	8485	8682	69221
96	23/01/2017	10564	10600	5910	4573	11498	8827	3896	55868
97	30/01/2017	9584	10432	10587	10920	12285	7738	7956	69502
98	6/02/2017	10753	10363	10307	11046	11613	7641	7738	69461
99	13/02/2017	10706	10722	10843	10801	11873	8248	8288	71481
100	20/02/2017	10432	10267	10383	11332	12231	8080	8341	71066
101	27/02/2017	10205	10010	10178	10811	12105	8072	9460	70841
102	6/03/2017	10324	10147	10162	10943	12342	8390	8991	71299
103	13/03/2017	9992	10062	10238	11097	11734	7947	8741	69811
104	20/03/2017	10215	10404	10149	11207	12115	8029	9031	71150



105	27/03/2017	10640	10432	10083	11084	12432	10364	9018	74053
106	3/04/2017	10993	10727	11197	11786	13116	9763	9113	76695
107	10/04/2017	10601	10481	11309	6279	6235	7602	7773	60280
108	17/04/2017	4511	11138	10832	10825	12141	8906	8614	66967
109	24/04/2017	10352		10626	11044	11697	8592	9136	61447
110	1/05/2017	10569	10055	10140	11203	12418	9443	8885	72713
111	8/05/2017	10420	10366	10428	11579	12880	9757	9691	75121
112	15/05/2017	10466	10455	10556	10946	11785	8129	8467	70804
113	22/05/2017	10103	10113	9004	10916	11684	8825	8691	69336
114	29/05/2017	9924	9671	9879	10561	11425	8589	7986	68035
115	5/06/2017	9909	10088	9927	10937	5443	8812	7348	62464
116	12/06/2017	10515	11065	10582	11105	11619	8323	8500	71709
117	19/06/2017	10400	10487	10531	11224	12035	9337	8778	72792
118	26/06/2017	10600	10078	10352	11032	12102	5382	8922	68468
119	3/07/2017	10707	10468	10247	11054	12404	8650	9637	73167
120	10/07/2017	10745	10395	10509	11105	12198	8804	9012	72768
121	17/07/2017	10509	10229	10325	11044	11956	9304	8380	71747
122	24/07/2017	10433	10178	10271	11064	11961	8244	8259	70410
123	31/07/2017	9869	10164	10185	10469	11608	8654	8553	69502
124	7/08/2017	10150	10274	10318	10814	12285	8246	8844	70931
125	14/08/2017	10714	10663		11350	12660	9095	9458	63940
126	21/08/2017	11202	11221	11704	12135	12977	9285	9092	77616
127	28/08/2017	10389	10309	10203	10827	11947	9001	8423	71099
128	4/09/2017	10251	10288	10336	11511	12266	8346	9017	72015
129	11/09/2017	10474	10384	10520	11146	12278	8097	8753	71652
130	18/09/2017	10874	10609	10648	11485	12744	9266	8876	74502
131	25/09/2017	10651	10410	10912	11650	13493	9710	8071	74897
132	2/10/2017	10548	11165	10774	11254	11738	8643	8565	72687
133	9/10/2017	10864	10650	10476	11509	12394	8478	8643	73014
134	16/10/2017	10556	10610	10418	11388	11978	8636	8915	72501
135	23/10/2017	10687	10518	10498	11289	12605	8508	9301	73406
136	30/10/2017	10596	10632	10549	11237	12295	7997	8454	71760
137	6/11/2017	10397	9718	10475	11046	12317	8607	9492	72052
138	13/11/2017	10742	10434	10876	11677	12698	8898	9214	74539
139	20/11/2017	11062		10993	11800	12869	8557	8824	64105
140	27/11/2017	11082	10594	10599	11456	12248	8635	8876	73490
141	4/12/2017	11118	11195	10987	11533	12454	9161	8722	75170
142	11/12/2017	11007	11096	11603	11718	12629	8918	8750	75721
143	18/12/2017	11147	11489	11283	11980	12961	5487	8699	73046
144	25/12/2017		9231	11284	10153	10295	8778	3594	53335
145	1/01/2018		9926	9536	9847	10447	7954	3837	51547
146	8/01/2018	9646	9445	9650	10041	10728	7465	3922	60897
147	15/01/2018	9853	9821	10175	10896	12069	8370	8623	69807
148	22/01/2018	10537	10651	11433	6342	4731	7970	3996	55660
149	29/01/2018	5357	10132	10064	10487	11246	8003	8186	63475
150	5/02/2018	10274	10075	10371	10881	11658			53259
151	12/02/2018	9994	10572	10550	11013	11836	8085	8401	70451
152	19/02/2018	10559	10283	10749	11212	12585	7926	8330	71644
153	26/02/2018	10233	10064	10341	10806		7912	8313	57669
154	5/03/2018	10344	10162	10274	11160		8034	8777	58751
155	12/03/2018	10599	10314	10721	11355		8707	9102	60798
156	19/03/2018	10661	10578	10349	11182		8274	10718	61762
157	26/03/2018	10627	11025	11387	6519			7709	47267

158	2/04/2018	11071	11358	10863	10021	10502	7551	9078	70444
159	9/04/2018	11109	10792	10436	11532		9566	9018	62453
160	16/04/2018	10605	10020	10154	10992				41771
161	23/04/2018								
162	30/04/2018		10368		10851	12290	8589	9310	51408
163	7/05/2018	10802	10427		11655	12609	9525	9288	64306
164	14/05/2018	10855	10470		10975	11974	8754	9289	62317
165	21/05/2018	10460			10667	11652	9020	8855	50654
166	28/05/2018	10217	10251		10864	11547	8387	7675	58941
167	4/06/2018	10254	10006	10349	11267	13642	8960	7368	71846



TRAFFIC SOLUTIONS PTY LTD

FINAL

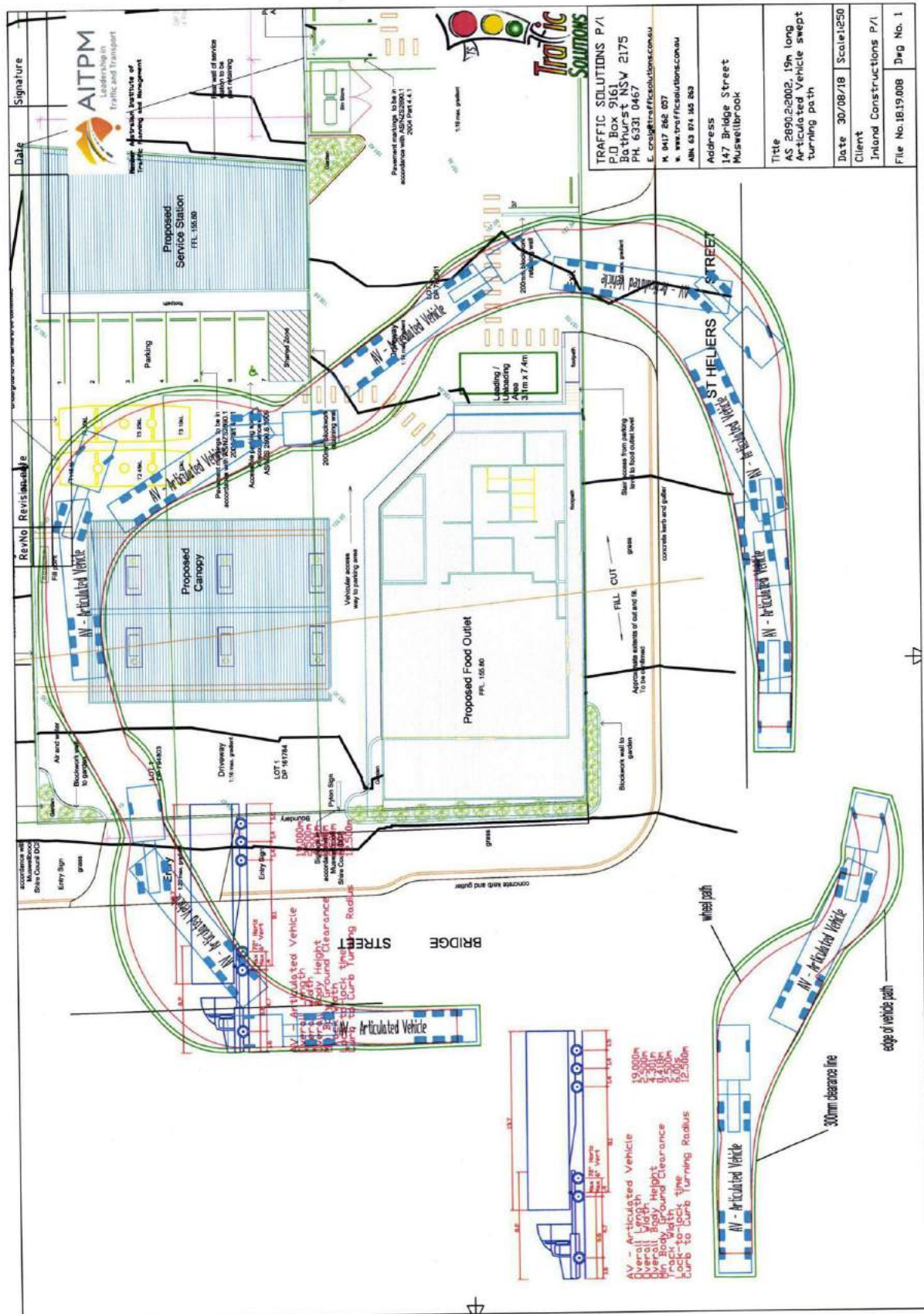
18

**APPENDIX C**     AUTOCAD VEHICLE TRACKING 19M ARTICULATED  
                               SWEEP TURNING PATH

CNR BRIDGE & ST HELIERS STREETS, MUSWELLBROOK

18.19.008

30 AUGUST 2018



TRAFFIC SOLUTIONS PTY LTD

FINAL

19

## APPENDIX D      SIDRA SUMMARY OUTPUT FILES

CNR BRIDGE & ST HELIERS STREETS, MUSWELLBROOK

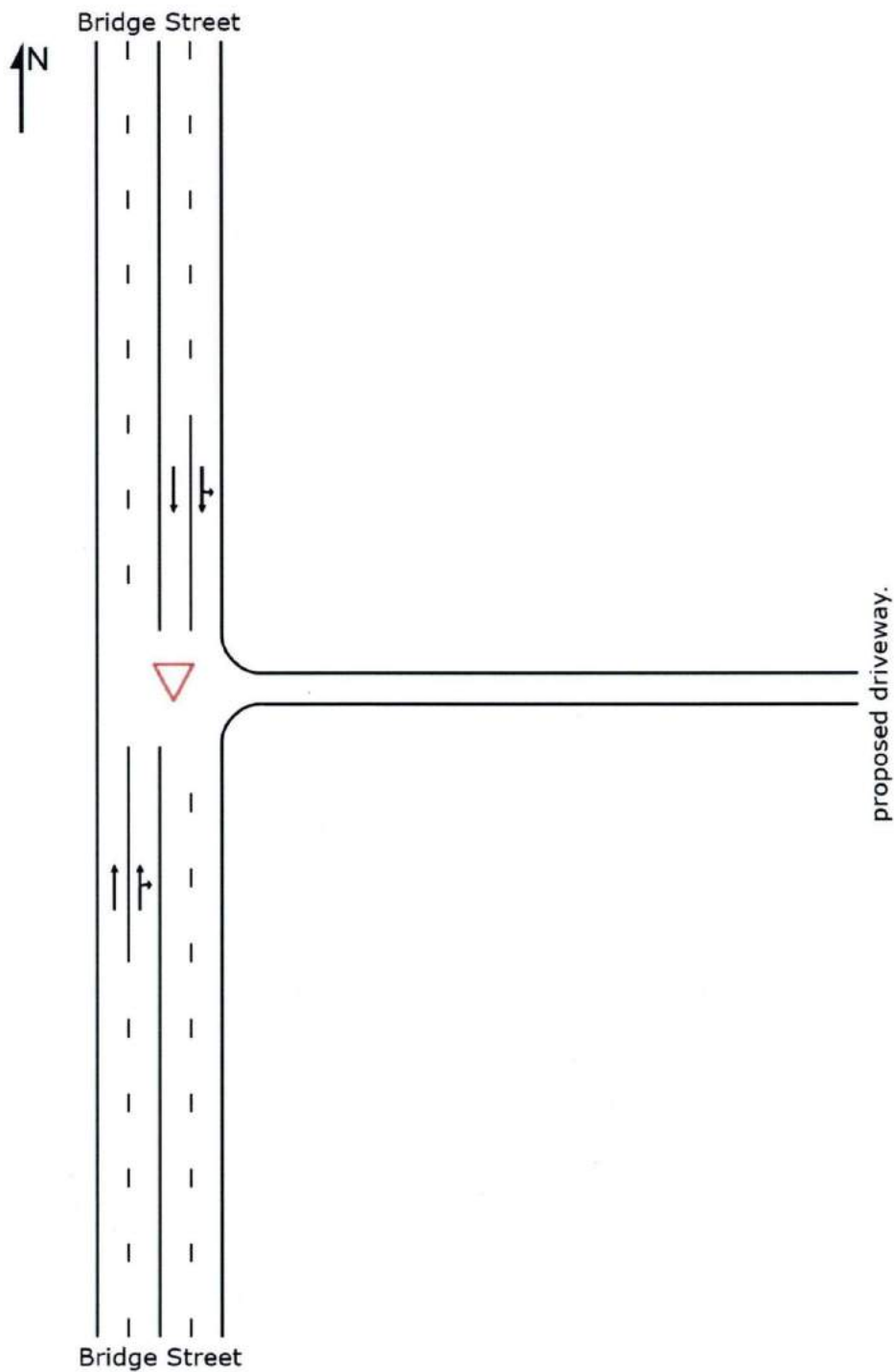
18.19.008

30 AUGUST 2018

**SITE LAYOUT**

▽ Site: Proposed Friday PM peak dw

Bridge St and proposed driveway  
Giveway / Yield (Two-Way)



Created: Thursday, 30 August 2018 6:27:07 PM  
SIDRA INTERSECTION 6.0.24.4877

Project: T:\20182019\008\sidra\muswellbrook.sip6  
8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
[www.sidrasolutions.com](http://www.sidrasolutions.com)

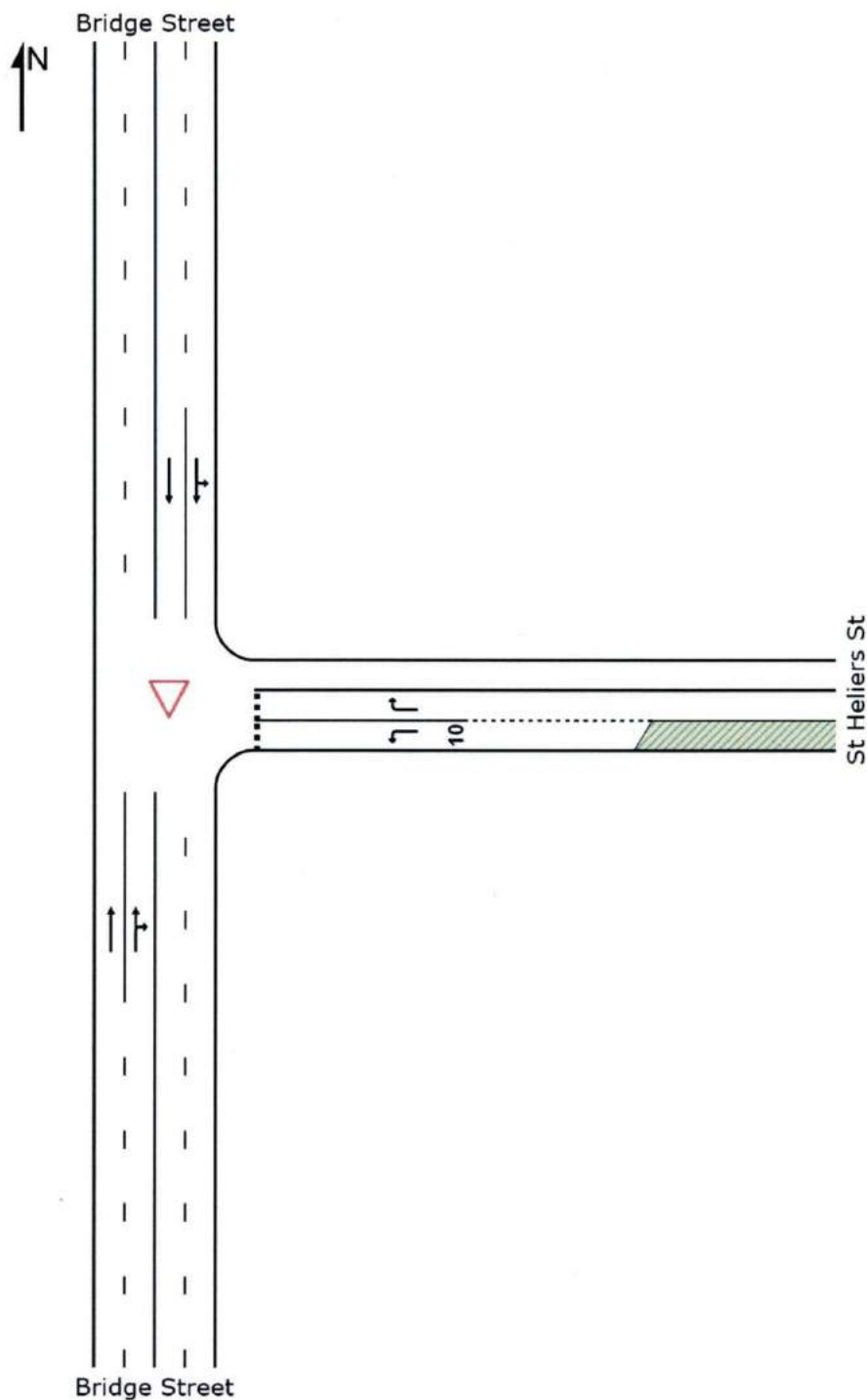
**SIDRA  
INTERSECTION 6**



**SITE LAYOUT**

▽ Site: Proposed Friday PM peak

Bridge and St Heliers Streets  
 Giveway / Yield (Two-Way)



Created: Thursday, 30 August 2018 6:08:01 PM  
 SIDRA INTERSECTION 6.0.24.4877  
 Project: T:\20182019\008\sidra\muswellbrook.sip6  
 8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
 www.sidrasolutions.com

**SIDRA  
 INTERSECTION 6**

## MOVEMENT SUMMARY

▽ Site: Proposed Friday PM peak dw

Bridge St and proposed driveway  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue	Distance	Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %	v/c	sec		veh	m		per veh	km/h
South: Bridge Street											
2	T1	515	18.7	0.154	1.7	LOS A	1.4	11.2	0.28	0.02	58.3
3	R2	9	0.0	0.154	8.9	LOS A	1.4	11.2	0.58	0.03	54.7
Approach		524	18.4	0.154	1.8	NA	1.4	11.2	0.29	0.02	58.2
North: Bridge Street											
7	L2	19	0.0	0.153	5.6	LOS A	0.0	0.0	0.00	0.04	57.9
8	T1	514	18.7	0.153	0.0	LOS A	0.0	0.0	0.00	0.02	59.7
Approach		533	18.0	0.153	0.2	NA	0.0	0.0	0.00	0.02	59.7
All Vehicles		1057	18.2	0.154	1.0	NA	1.4	11.2	0.14	0.02	58.9

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Processed: Thursday, 30 August 2018 6:27:14 PM

SIDRA INTERSECTION 6.0.24.4877

Project: T:\20182019\008\sidra\muswellbrook.sip6

8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd

www.sidrasolutions.com

**SIDRA**  
**INTERSECTION 6**

## MOVEMENT SUMMARY

### ▽ Site: Proposed Friday PM peak

Bridge and St Heliers Streets  
Giveaway / Yield (Two-Way)

#### Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Bridge Street											
2	T1	515	18.7	0.170	1.5	LOS A	1.4	11.2	0.25	0.05	58.1
3	R2	36	0.0	0.170	9.1	LOS A	1.4	11.2	0.60	0.13	54.4
Approach		551	17.5	0.170	2.0	NA	1.4	11.2	0.28	0.06	57.9
East: St Heliers St											
4	L2	45	0.0	0.044	6.6	LOS A	0.2	1.1	0.34	0.60	52.6
6	R2	45	0.0	0.230	25.1	LOS B	0.8	5.5	0.85	0.96	41.5
Approach		91	0.0	0.230	15.9	LOS B	0.8	5.5	0.60	0.78	46.4
North: Bridge Street											
7	L2	26	0.0	0.155	5.6	LOS A	0.0	0.0	0.00	0.06	57.7
8	T1	514	18.7	0.155	0.0	LOS A	0.0	0.0	0.00	0.03	59.7
Approach		540	17.8	0.155	0.3	NA	0.0	0.0	0.00	0.03	59.6
All Vehicles		1181	16.3	0.230	2.3	NA	1.4	11.2	0.17	0.10	57.5

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Processed: Thursday, 30 August 2018 6:18:21 PM  
SIDRA INTERSECTION 6.0.24.4877  
Project: T:\20182019\008\sidra\muswellbrook.sip6  
8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
www.sidrasolutions.com

**SIDRA**  
**INTERSECTION 6**



## TRAFFIC SOLUTIONS PTY LTD

Reference No: 18.19.008  
15 February 2019

The General Manager  
Muswellbrook Shire Council  
P.O Box 122  
Muswellbrook NSW 2333

Attention: Mr Hamish McTaggart

Dear Hamish,

**Supplementary Traffic Statement - proposed service station, convenience store and food outlet, corner of Bridge and St Heliers Streets, Muswellbrook.. DA 78/2018**

This statement is to address the traffic related issues raised by the Roads and Maritime Services (RMS) letter of 11<sup>th</sup> January 2019.

RMS concern relates to the traffic volume data used in the Traffic Report submitted with the development application and requested an intersection count be undertaken and remodelling of the intersection of Bridge Street and St Heliers Street.

Accordingly, data on the traffic movements have been collected by surveys undertaken by R.O.A.R. Data Pty Ltd on behalf of this firm from 3.00 pm – 6.00 pm on Friday, 8 February 2019 at the intersection of Bridge and St Heliers Streets, Muswellbrook. Conditions on this day were described as cloudy with no unusual circumstances encountered.

The peak hour at the intersection in evening was found to be between 3.30pm – 4.30pm. Detailed results of the survey are attached.

The estimated traffic generation calculated in the report submitted with the DA was 69 vehicle trips in the evening peak hour. It should be noted that it is unlikely that the peak use of the service station, restaurants and Bridge Street will occur simultaneously. However, for the purposes of this assessment the combined traffic generation of each component of the development will be modelled during the existing Bridge Street evening peak hour, which is a worst case scenario.

To assess the impact of the development on the intersection, the estimated evening peak hour approach and departure vehicle trips have been assigned proportionally to this intersection on the basis of existing flows past the site along Bridge Street. It will also be assumed that the proportion of entering and exiting vehicles will be the same. I.e. 35 entering and 34 exiting.

---

Traffic Solutions Pty Ltd, PO Box 9161, Bathurst NSW 2795  
Ph: 02 6331 0467 • Email: [craig@trafficsolutions.com.au](mailto:craig@trafficsolutions.com.au)  
ABN 63 074 165 263



It is recognised that some of the traffic generated by the development may approach and depart the site via St Heliers Street east, however, by concentrating all of the potential traffic generated by this development to this intersection a higher impact upon this intersection (and therefore a worst case scenario) is modelled.

Using SIDRA intersection 6.0 plus, a software program developed for the purpose of analysing signalised, roundabout and controlled intersections, the effect of the estimated traffic generation of this development on the adjacent road system has been assessed.

A comparison of intersection performance between the existing and projected traffic demands during the evening peak hour upon the intersection has been modelled. Tabled below are the results of the intersection modelling and a copy of the SIDRA modelled volumes and summary output files are attached for Council and the RMS review.

Intersection Operational Indicators	Operational performance of intersection of Bridge Street and St Heliers Street. Sign Control. Friday Afternoon Peak hour 3.30pm – 4.30pm.	
	Existing	Potential
	PM	PM
Level of Service	A	Choose an item.
Degree of Saturation	0.209	0.221
Total Average Delay (sec/veh)	1.6s	2.1s
Total Average delay (sec/veh) for right turn from St Heliers St	24.9s (Los B)	26.9 (Los B)

The results of the SIDRA analysis reveal:

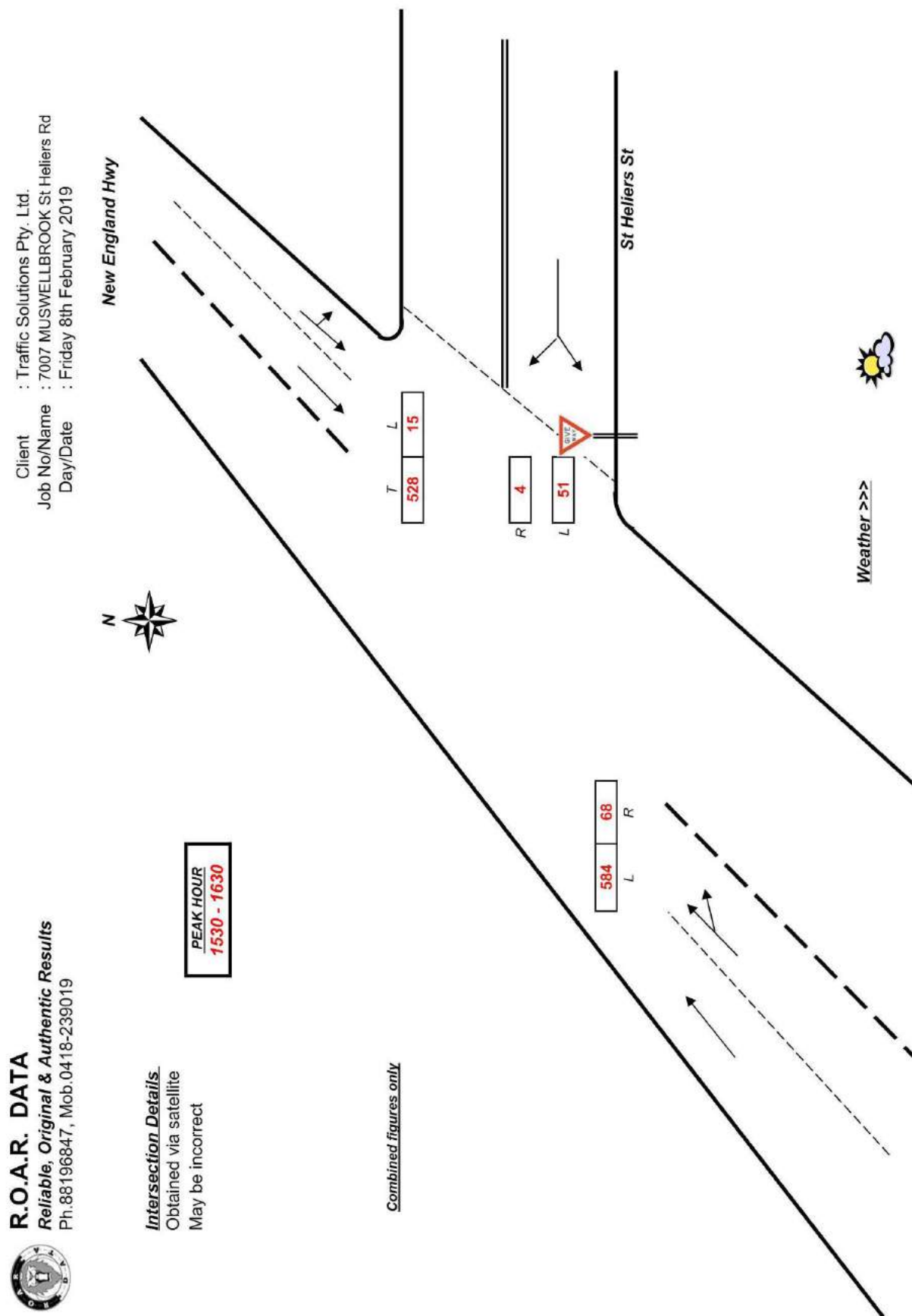
- The Level of Service at the intersection will not change with the estimated additional traffic generation of the proposed development.
- The additional traffic demand on the intersection as a consequence of the proposed development will only alter the Degree of Saturation and Total Average Delays minutely.

I trust this additional information is suitable to continue assessment of the application. Should you require any additional information or clarification of the contents of this letter please contact me on the numbers provided.

Yours sincerely



Craig Hazell  
Director



**R.O.A.R. DATA**

Reliable, Original & Authentic Results  
Ph.88196847, Mob.0418-239019

Client : Traffic Solutions Pty. Ltd.  
Job No/Name : 7007 MUSWELLBROOK St Heliers Rd  
Day/Date : Friday 8th February 2019

PEDS		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1515	1500 - 1600	0	4	0	0	0	0	4	0
1515 - 1530	1515 - 1615	0	2	0	0	0	0	2	0
1530 - 1545	1530 - 1630	0	0	0	0	0	0	0	0
1545 - 1600	1545 - 1645	0	3	0	0	0	0	3	0
1600 - 1615	1600 - 1700	0	1	1	1	2	2	2	2
1615 - 1630	1615 - 1715	0	2	0	0	0	0	2	0
1630 - 1645	1630 - 1730	0	1	0	0	0	0	1	0
1645 - 1700	1645 - 1745	0	0	0	0	0	0	0	0
1700 - 1715	1700 - 1800	0	0	0	0	0	0	0	0
1715 - 1730	1715 - 1800	0	3	1	1	3	3	4	4
1730 - 1745	1730 - 1800	0	0	0	0	0	0	0	0
1745 - 1800	1745 - 1800	0	0	0	0	0	0	0	0
Per End	Per End	0	17	5	5	22	22	22	22

Lights		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1515	1500 - 1600	112	1	13	23	121	271	121	271
1515 - 1530	1515 - 1615	126	4	5	8	16	116	116	275
1530 - 1545	1530 - 1630	133	4	1	21	18	140	140	317
1545 - 1600	1545 - 1645	133	5	1	8	17	137	137	301
1600 - 1615	1600 - 1700	104	3	2	16	17	144	144	286
1615 - 1630	1615 - 1715	123	3	0	6	16	133	133	281
1630 - 1645	1630 - 1730	120	7	1	12	14	131	131	285
1645 - 1700	1645 - 1745	125	6	5	7	14	148	148	305
1700 - 1715	1700 - 1800	118	5	3	6	22	119	273	280
1715 - 1730	1715 - 1800	124	4	2	8	12	130	280	286
1730 - 1745	1730 - 1800	132	4	6	1	12	151	306	316
1745 - 1800	1745 - 1800	122	4	2	4	11	119	262	272
Per End	Per End	1472	50	29	110	192	1589	3442	3614

**Combined**

Heavies		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1515	1500 - 1600	4	0	0	0	0	0	4	0
1515 - 1530	1515 - 1615	6	0	0	0	0	0	6	0
1530 - 1545	1530 - 1630	12	0	0	0	0	0	12	0
1545 - 1600	1545 - 1645	10	0	0	0	0	0	10	0
1600 - 1615	1600 - 1700	6	0	0	0	0	0	6	0
1615 - 1630	1615 - 1715	7	0	0	0	0	0	7	0
1630 - 1645	1630 - 1730	10	0	0	0	0	0	10	0
1645 - 1700	1645 - 1745	7	0	0	0	0	0	7	0
1700 - 1715	1700 - 1800	8	0	0	0	0	0	8	0
1715 - 1730	1715 - 1800	4	0	0	0	0	0	4	0
1730 - 1745	1730 - 1800	5	0	0	0	0	0	5	0
1745 - 1800	1745 - 1800	6	0	0	0	0	0	6	0
Per End	Per End	85	0	0	0	3	1	83	172

**Lights**

Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1515	1500 - 1600	112	1	13	23	121	271	121	271
1515 - 1530	1515 - 1615	126	4	5	8	16	116	116	275
1530 - 1545	1530 - 1630	133	4	1	21	18	140	140	317
1545 - 1600	1545 - 1645	133	5	1	8	17	137	137	301
1600 - 1615	1600 - 1700	104	3	2	16	17	144	144	286
1615 - 1630	1615 - 1715	123	3	0	6	16	133	133	281
1630 - 1645	1630 - 1730	120	7	1	12	14	131	131	285
1645 - 1700	1645 - 1745	125	6	5	7	14	148	148	305
1700 - 1715	1700 - 1800	118	5	3	6	22	119	273	280
1715 - 1730	1715 - 1800	124	4	2	8	12	130	280	286
1730 - 1745	1730 - 1800	132	4	6	1	12	151	306	316
1745 - 1800	1745 - 1800	122	4	2	4	11	119	262	272
Per End	Per End	1472	50	29	110	192	1589	3442	3614

Lights		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1600	1500 - 1600	504	14	8	50	74	514	1164	1179
1515 - 1615	1515 - 1615	496	16	9	53	68	537	1179	1185
1530 - 1630	1530 - 1630	493	15	4	51	68	554	1185	1153
1545 - 1645	1545 - 1645	480	18	4	42	64	545	1157	1144
1600 - 1700	1600 - 1700	472	19	8	41	61	556	1157	1144
1615 - 1715	1615 - 1715	486	21	9	31	66	531	1144	1144
1630 - 1730	1630 - 1730	487	22	11	33	62	528	1143	1143
1645 - 1745	1645 - 1745	499	19	16	22	60	548	1164	1164
1700 - 1800	1700 - 1800	496	17	13	19	57	519	1121	1121
Per End	Per End	493	15	4	51	68	554	1185	1185

**Combined**

Heavies		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1600	1500 - 1600	32	0	0	0	1	35	71	64
1515 - 1615	1515 - 1615	34	0	0	0	1	29	64	65
1530 - 1630	1530 - 1630	35	0	0	0	0	30	65	67
1545 - 1645	1545 - 1645	33	0	0	0	0	34	67	60
1600 - 1700	1600 - 1700	30	0	0	0	0	30	60	63
1615 - 1715	1615 - 1715	32	0	0	0	0	31	63	54
1630 - 1730	1630 - 1730	29	0	0	0	0	25	54	44
1645 - 1745	1645 - 1745	24	0	0	0	0	20	44	41
1700 - 1800	1700 - 1800	23	0	0	0	0	18	41	65
Per End	Per End	35	0	0	0	0	30	65	65

**Lights**

Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1600	1500 - 1600	504	14	8	50	74	514	1164	1179
1515 - 1615	1515 - 1615	496	16	9	53	68	537	1179	1185
1530 - 1630	1530 - 1630	493	15	4	51	68	554	1185	1153
1545 - 1645	1545 - 1645	480	18	4	42	64	545	1157	1144
1600 - 1700	1600 - 1700	472	19	8	41	61	556	1157	1144
1615 - 1715	1615 - 1715	486	21	9	31	66	531	1144	1144
1630 - 1730	1630 - 1730	487	22	11	33	62	528	1143	1143
1645 - 1745	1645 - 1745	499	19	16	22	60	548	1164	1164
1700 - 1800	1700 - 1800	496	17	13	19	57	519	1121	1121
Per End	Per End	493	15	4	51	68	554	1185	1185

PEDS		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1600	1500 - 1600	536	14	8	53	75	549	1235	1235
1515 - 1615	1515 - 1615	528	16	9	53	69	566	1243	1250
1530 - 1630	1530 - 1630	528	15	4	51	68	584	1250	1220
1545 - 1645	1545 - 1645	513	18	4	42	64	579	1220	1217
1600 - 1700	1600 - 1700	502	19	8	41	61	586	1217	1207
1615 - 1715	1615 - 1715	518	21	9	31	66	562	1207	1197
1630 - 1730	1630 - 1730	516	22	11	33	62	553	1197	1208
1645 - 1745	1645 - 1745	523	19	16	22	60	568	1208	1162
1700 - 1800	1700 - 1800	519	17	13	19	57	537	1162	1250
Per End	Per End	1557	50	29	113	193	1672	3614	3614

**Combined**

Heavies		NORTH		EAST		SOUTH		TOT	
Time Per	Peak Per	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St	New England	St Heliers St
1500 - 1600	1500 - 1600	32	0	0	0	1	35	71	64
1515 - 1615	1515 - 1615	34	0	0	0	1	29	64	65
1530 - 1630	1530 - 1630	35	0	0	0	0	30	65	67
1545 - 1645	1545 - 1645	33	0	0	0	0	34	67	60
1600 - 1700	1600 - 1700	30	0	0	0	0	30	60	63
1615 - 1715	1615 - 1715	32	0	0	0	0	31	63	54
1630 - 1730	1630 - 1730	29	0	0	0	0	25	54	44
1645 - 1745	1645 - 1745	24	0	0	0	0	20	44	41
1700 - 1800	1700 - 1800	23	0	0	0	0	18	41	65
Per End	Per End	35	0	0	0	0	30	65	65

**Lights**

	1	1	1	1	1	1	1	1	1	F
--	---	---	---	---	---	---	---	---	---	---

Client : Traffic Solutions Pty. Ltd.  
 Job No/Name : 7007 MUSWELLBROOK St Heliers Rd  
 Day/Date : Friday 8th February 2019

**TOTAL VOLUMES  
FOR COUNT  
PERIOD**

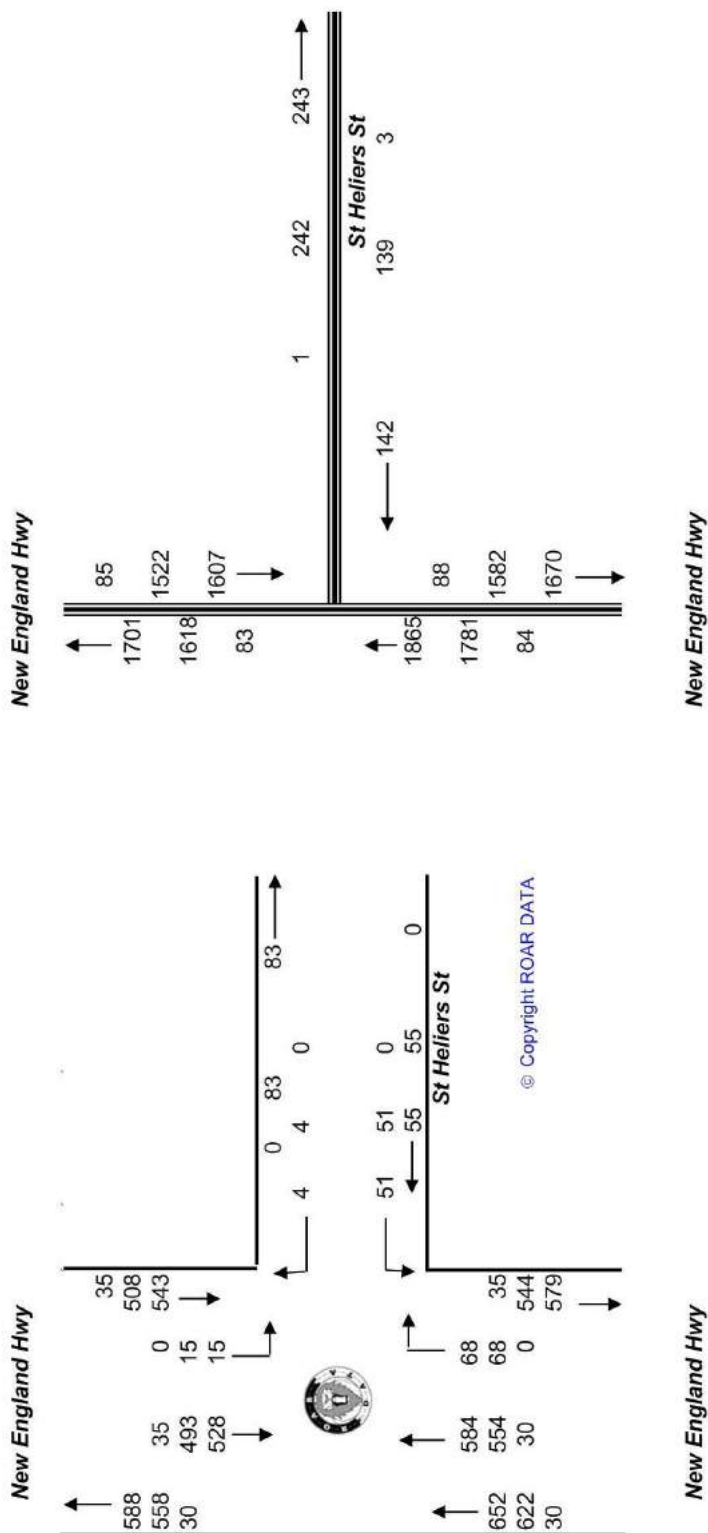


**R.O.A.R. DATA**

Reliable, Original & Authentic Results  
 Ph.88196847, Mob.0418-239019



**PM PEAK  
1530 - 1630**

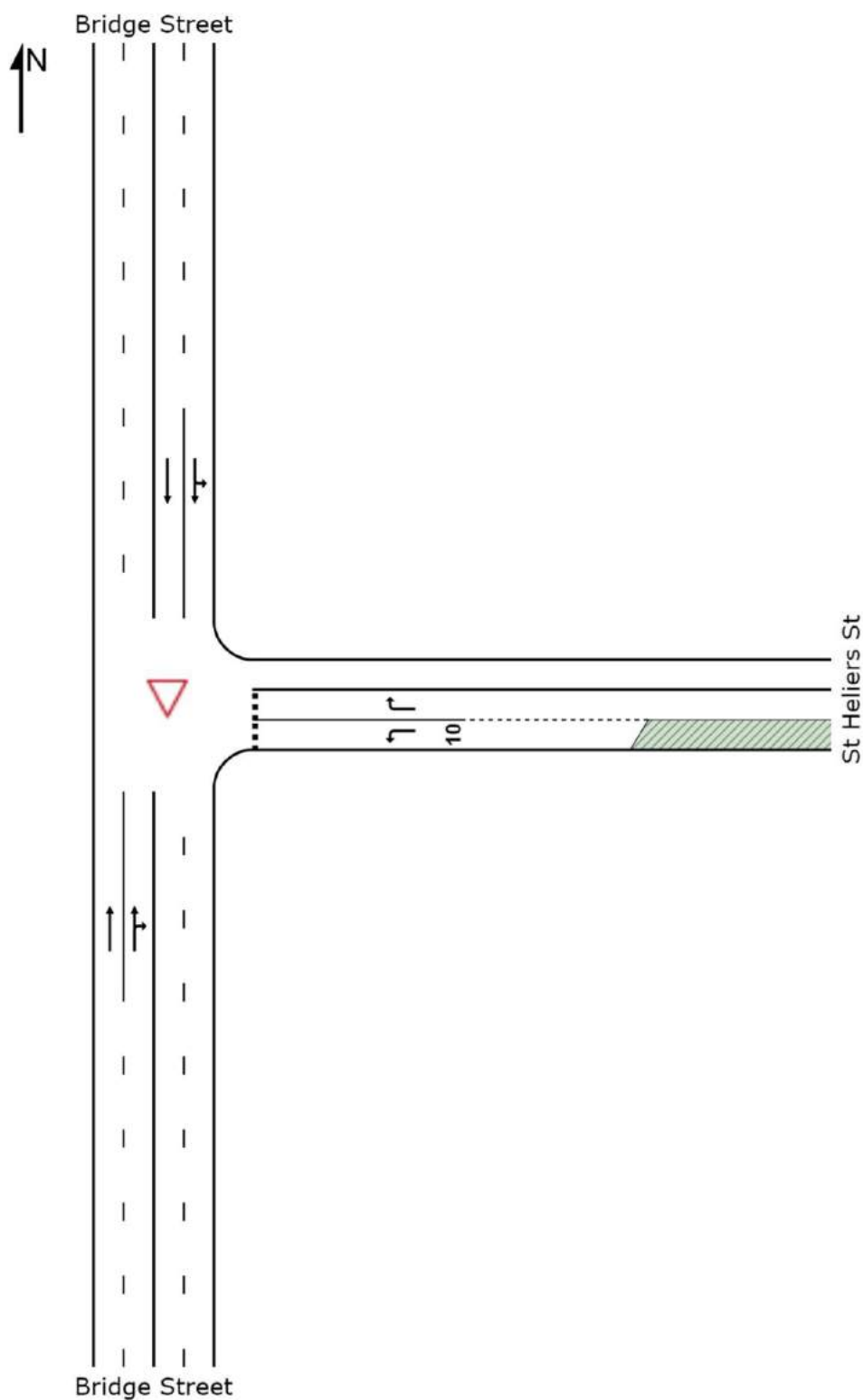




## SITE LAYOUT

▽ Site: Proposed Friday PM peak

Bridge and St Heliers Streets  
Giveaway / Yield (Two-Way)



Created: Thursday, 30 August 2018 6:08:01 PM  
SIDRA INTERSECTION 6.0.24.4877

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
www.sidrasolutions.com

Project: T:\20182019\008\sidra\muswellbrook.sip6  
8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

**SIDRA**  
**INTERSECTION 6**

## INPUT VOLUMES

Vehicles and pedestrians per 60 minutes

▽ Site: Existing Friday PM peak

Bridge and St Heliers Streets  
Giveaway / Yield (Two-Way)

Volume Display Method: Total and Veh

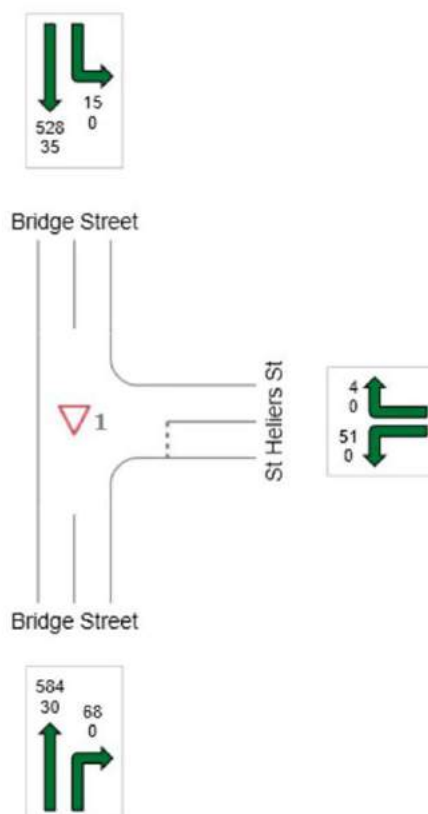
Volumes are shown for Movement Class(es): All Classes and Heavy Vehicles

Total Intersection Volumes (veh)

All Movement Classes: 1250

Light Vehicles (LV): 1185

Heavy Vehicles (HV): 65



Created: Friday, 15 February 2019 10:12:30 AM

SIDRA INTERSECTION 6.0.24.4877

Project: T:\20182019\008\sidra\muswellbrook.sip6

8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd

www.sidrasolutions.com

**SIDRA  
INTERSECTION 6**

## INPUT VOLUMES

Vehicles and pedestrians per 60 minutes

▽ Site: Potential Friday PM peak

Bridge and St Heliers Streets  
Giveaway / Yield (Two-Way)

Volume Display Method: Total and Veh

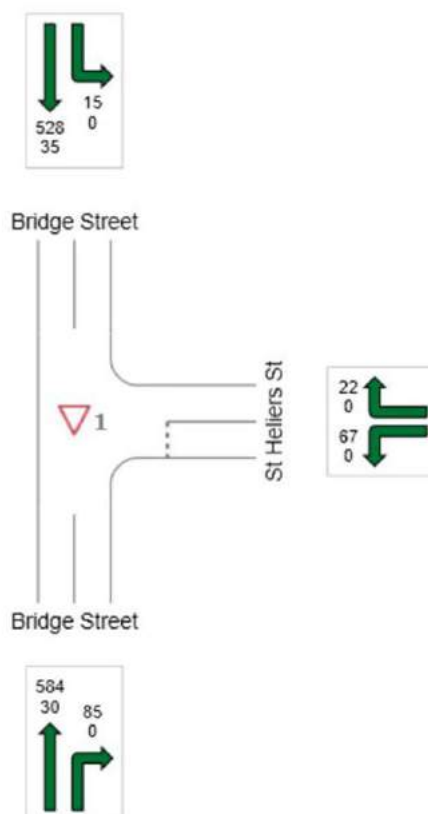
Volumes are shown for Movement Class(es): All Classes and Heavy Vehicles

Total Intersection Volumes (veh)

All Movement Classes: 1301

Light Vehicles (LV): 1236

Heavy Vehicles (HV): 65



Created: Friday, 15 February 2019 10:14:03 AM

SIDRA INTERSECTION 6.0.24.4877

Project: T:\20182019\008\sidra\muswellbrook.sip6

8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
www.sidrasolutions.com

**SIDRA  
INTERSECTION 6**

## MOVEMENT SUMMARY

▽ Site: Existing Friday PM peak

Bridge and St Heliers Streets  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Bridge Street											
2	T1	615	5.1	0.209	1.4	LOS A	1.5	11.2	0.21	0.07	58.1
3	R2	72	0.0	0.209	9.4	LOS A	1.5	11.2	0.58	0.20	53.5
Approach		686	4.6	0.209	2.2	NA	1.5	11.2	0.25	0.09	57.6
East: St Heliers St											
4	L2	54	0.0	0.053	6.7	LOS A	0.2	1.3	0.35	0.60	52.1
6	R2	4	0.0	0.024	24.9	LOS B	0.1	0.5	0.84	0.94	41.6
Approach		58	0.0	0.053	8.0	LOS A	0.2	1.3	0.38	0.63	51.1
North: Bridge Street											
7	L2	16	0.0	0.153	5.6	LOS A	0.0	0.0	0.00	0.03	58.0
8	T1	556	6.6	0.153	0.0	LOS A	0.0	0.0	0.00	0.02	59.8
Approach		572	6.4	0.153	0.2	NA	0.0	0.0	0.00	0.02	59.8
All Vehicles		1316	5.2	0.209	1.6	NA	1.5	11.2	0.15	0.08	58.2

Level of Service (LOS) Method: Delay (RTAN SW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Processed: Friday, 15 February 2019 10:07:25 AM  
SIDRA INTERSECTION 6.0.24.4877

Project: T:\20182019\008\sidra\muswellbrook.sip6

8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
www.sidrasolutions.com

**SIDRA  
INTERSECTION 6**



## MOVEMENT SUMMARY

▽ Site: Potential Friday PM peak

Bridge and St Heliers Streets  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Bridge Street											
2	T1	615	5.1	0.221	1.3	LOS A	1.5	11.1	0.19	0.08	58.1
3	R2	89	0.0	0.221	9.4	LOS A	1.5	11.1	0.59	0.26	53.2
Approach		704	4.5	0.221	2.3	NA	1.5	11.1	0.24	0.11	57.5
East: St Heliers St											
4	L2	71	0.0	0.069	6.7	LOS A	0.2	1.7	0.35	0.61	52.1
6	R2	23	0.0	0.138	26.9	LOS B	0.4	3.1	0.87	0.94	40.7
Approach		94	0.0	0.138	11.7	LOS A	0.4	3.1	0.48	0.69	48.6
North: Bridge Street											
7	L2	16	0.0	0.153	5.6	LOS A	0.0	0.0	0.00	0.03	58.0
8	T1	556	6.6	0.153	0.0	LOS A	0.0	0.0	0.00	0.02	59.8
Approach		572	6.4	0.153	0.2	NA	0.0	0.0	0.00	0.02	59.8
All Vehicles		1369	5.0	0.221	2.1	NA	1.5	11.1	0.16	0.11	57.6

Level of Service (LOS) Method: Delay (RTAN SW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akcelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Processed: Friday, 15 February 2019 10:07:27 AM  
SIDRA INTERSECTION 6.0.24.4877

Project: T:\20182019\008\sidra\muswellbrook.sip6

8000870, 6016543, TRAFFIC SOLUTIONS PTY LTD, PLUS / 1PC

Copyright © 2000-2014 Akcelik and Associates Pty Ltd  
www.sidrasolutions.com

**SIDRA**  
**INTERSECTION 6**



**OPERATIONAL NOISE IMPACT ASSESSMENT**

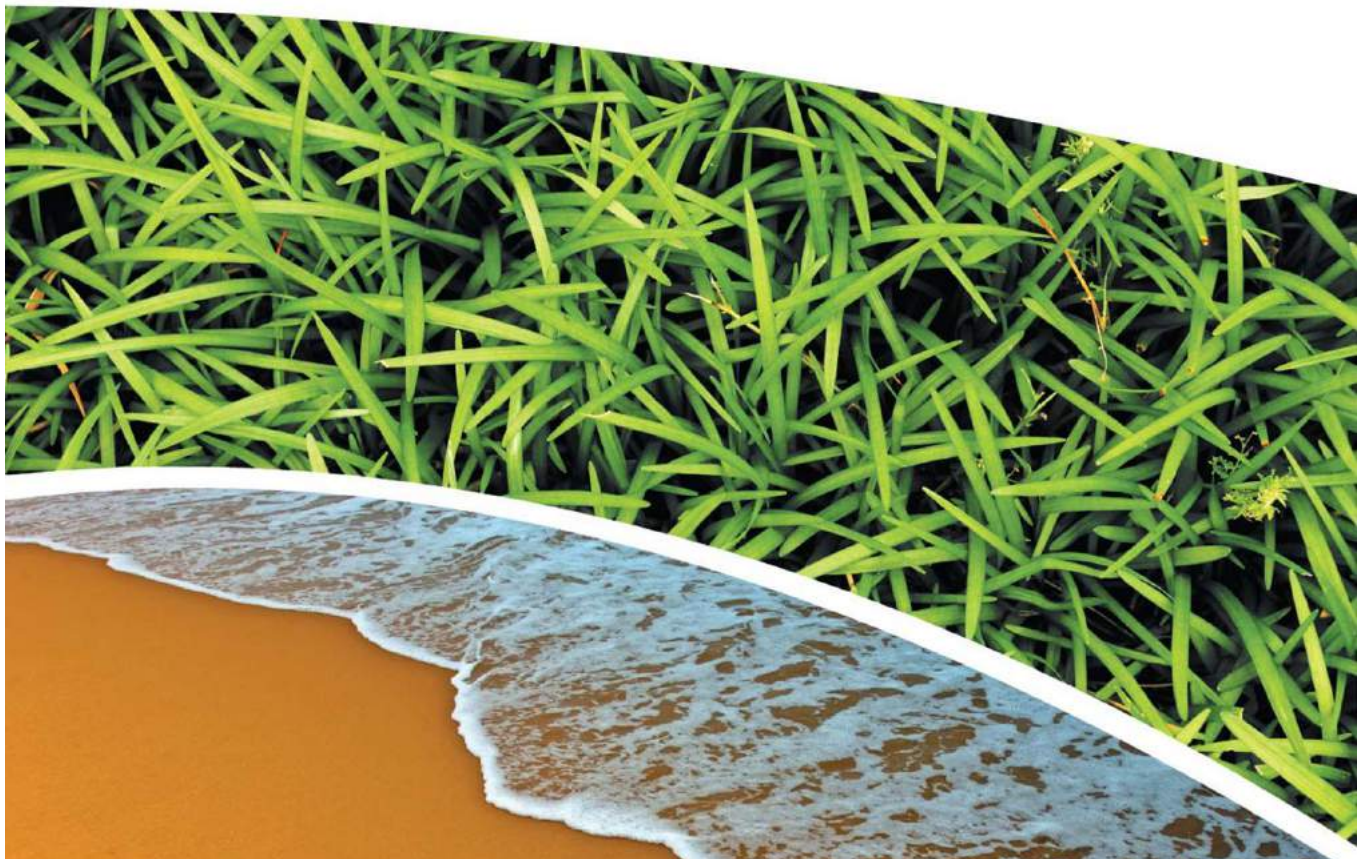
**24-Hr Service Station, Muswellbrook, NSW**

**Prepared for Inland Building and Construction Pty Ltd**

**Prepared by RCA Australia**

**RCA ref 13852-601/1**

**December 2018**



**RCA AUSTRALIA**

ABN 53 063 515 711

92 Hill Street, CARRINGTON NSW 2294

Telephone: +61 2 4902 9200

Facsimile: +61 2 4902 9299

Email: [administrator@rca.com.au](mailto:administrator@rca.com.au)Internet: [www.rca.com.au](http://www.rca.com.au)

This document is and shall remain the property of RCA Australia. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission supplied at the time of proposal. Unauthorised use of this document in any form whatsoever is prohibited.

DOCUMENT STATUS						
Rev No	Comment	Author	Reviewer	Approved for Issue (Project Manager)		
				Name	Signature	Date
/0	Draft	Alex Rees	Natasha Pegler	AR		06.12.18
/1	Final	Alex Rees	Natasha Pegler	AR	<i>A. Rees</i>	10.12.18

DOCUMENT DISTRIBUTION				
Rev No	Copies	Format	Issued to	Date
/0	1	Electronic (email)	Inland Building Construction Pty Ltd	06.12.18
/0	1	Electronic report	RCA – job archive	06.12.18
/1	1	Electronic (email)	Inland Building Construction Pty Ltd	10.12.18
/1	1	Electronic report	RCA – job archive	10.12.18



## Contents

1	INTRODUCTION .....	1
1.1	EXISTING SITE DESCRIPTION .....	1
1.2	PROPOSAL DESCRIPTION .....	1
2	EXISTING ACOUSTIC ENVIRONMENT .....	2
2.1	NOISE MONITORING .....	3
3	ASSESSMENT CRITERIA .....	4
3.1	OPERATIONAL NOISE .....	4
3.2	ROAD NOISE IMPACTS .....	6
4	OPERATIONAL NOISE ASSESSMENT .....	6
4.1	NOISE MODELLING SCENARIOS .....	7
4.2	MODEL RESULTS .....	8
4.3	ROAD NOISE IMPACTS .....	8
4.4	RECOMMENDATIONS .....	9
5	CONCLUSION .....	9

### APPENDIX A

#### TERMS AND DEFINITIONS

### APPENDIX B

#### L<sub>AEQ</sub>, 15 MINUTE NOISE CONTOURS – DAY/EVENING (1.5 M ABOVE GROUND USING ISO9613)

### APPENDIX C

#### L<sub>AEQ</sub>, 15 MINUTE NOISE CONTOURS – NIGHT (1.5 M ABOVE GROUND USING ISO9613)

### APPENDIX D

#### L<sub>AMAX</sub> NOISE CONTOURS (1.5 M ABOVE GROUND USING ISO9613)



RCA ref 13852-601/1



10 December 2018

Inland Building Construction Pty Ltd  
PO Box 1864  
BATHURST NSW 2795

---

**OPERATIONAL NOISE IMPACT ASSESSMENT FOR 24-HR SERVICE STATION  
147 – 151 BRIDGE STREET, MUSWELLBROOK**

---

## **1 INTRODUCTION**

RCA Acoustics (RCA) has been engaged by Inland Building Construction Pty Ltd to prepare an operational noise impact assessment to support a development application to operate a 24-hour Service Station and food outlet (Olivers) at the corner of St Helliers and Bridge Street, Muswellbrook, NSW. The purpose of this report is to assess the potential noise impacts to nearby sensitive receivers from the proposed operations of the site.

### **1.1 EXISTING SITE DESCRIPTION**

The site is located at the corner of St Helliers and Bridge Street, Muswellbrook. The site is bounded by residential receivers to the North and East, St Helliers Street (a local road) on the South and Bridge Street / New England Highway (arterial road) to the West. There are commercial premises directly South and South-West of the proposed site. The proposed site is currently vacant.

### **1.2 PROPOSAL DESCRIPTION**

A Development Application has been lodged with Muswellbrook Shire Council to operate a 24-hour Service Station with an attached food outlet (Olivers).

## 2 EXISTING ACOUSTIC ENVIRONMENT

The following noise sensitive receivers have been identified from aerial imagery.

Receiver ID	Receiver type	Distance and direction from site boundary
R01	Residential	40 m NW
R02	Residential	40 m NE
R03	Residential	32 m NW
R04	Residential	30 m W
R05	Commercial	Adjacent N
R06	Residential	7 m NE
R07	Residential	31 m W
R08-1	Residential	Adjacent E
R08-2	Residential	Adjacent N
R09	Commercial	32 m W
R10	Commercial	31 m W
R11	Residential	9 m E
R12	Residential	31 m WSW
R13	Commercial	20 m S
R14	Commercial	37 m SW
R15	Residential	21 m SE



**Figure 1** Site (□), measurement location (★) and identified noise sensitive receivers (★)

## 2.1 NOISE MONITORING

Noise monitoring was undertaken at the proposed site to quantify the existing ambient acoustic environment. A noise logger was deployed between 19 October – 2 November 2018, and continuously recorded statistical noise data over 15-minute integration periods. The calibration of the noise logger was checked before and after the monitoring period, and was found to be within 0.5 dB tolerance of 94 dB. Additional notes regarding each noise logger are provided in **Table 2-1**.



**Table 2-1** *Equipment details*

Make/Model	Serial Number	Settings
SVAN / 971	55582	'A' weighted 'Fast' time response

The rating background levels (RBLs) were calculated in accordance with the Noise Policy for Industry (NPI) (EPA, 2017). A summary of the day / evening / night RBLs and overall  $L_{Aeq}$ 's are provided in **Table 2-2**.

**Table 2-2** *Unattended noise monitoring summary*

	Day	Evening	Night
RBL	45	42	32
Overall $L_{Aeq}$	55	54	52

Attended noise measurements were conducted at each site to assist in identifying the local noise sources for each area. Additional information is provided in **Table 2-3**.

**Table 2-3** *Attended 15-minute measurements and observations*

Date and time of measurement	$L_{A90, 15 \text{ min}}$	$L_{Aeq, 15 \text{ min}}$	Observations and instantaneous sound pressure levels
2/11/2018 11:56	46	55	Wind speed between 1 – 3 m/s
2/11/2018 12:11	46	54	Road traffic noise from New England Highway was dominant and constant noise source, typically between 43 – 68 dBA Occasional road traffic noise from St Helliers Street 46 – 62 dBA.

### 3 ASSESSMENT CRITERIA

#### 3.1 OPERATIONAL NOISE

In 2017 the EPA released the NPI to supersede the Industrial Noise Policy. Assessment criteria has been determined for this project in accordance with the NPI. The NPI provides guidance on setting noise criteria and includes consideration of two types of criterion: amenity noise criteria and intrusive noise criteria.

The purpose of the amenity noise criteria is to set reasonable cumulative industrial noise levels for an area based on the receiver land use. Table 2.2 of the NPI provides noise amenity criteria. The NPI states that to ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise, where the project amenity level is 5 dB less than the recommended amenity level. Relevant levels for this assessment are reproduced below in **Table 3-1**. The 'Suburban' noise amenity level has been adopted for all residential receivers based on the measured background levels and advice given in the NPI.



**Table 3-1** *Amenity noise levels from the NPI*

Receiver	Noise amenity level	Time of day	Amenity noise level, $L_{Aeq}$ , dB	Project amenity noise level, $L_{Aeq}$ , dB
Residential	Suburban	Day	55	50
		Evening	45	40
		Night	40	35
Commercial premises	All	When in use	65	60

Note 1: The NPI determines the 'day' to be between 7 am and 6 pm, the 'evening' to be between 6 pm and 10 pm' and the 'night' to be between 10 pm and 7 am.

The NPI also provides advice on adjusting the project amenity level in areas of high traffic noise. While traffic noise was found to be a dominant noise source for both areas, the traffic noise was not high enough to warrant adjusting the amenity noise level. No adjustment to the project amenity levels have been made on that basis.

The purpose of the intrusiveness criteria is to limit the degree of change a new noise source introduces to an existing environment, by limiting the  $L_{Aeq, 15 \text{ min}}$  of the new noise source to 5 dB above the measured rating background level (RBL). The relevant intrusiveness criteria has been determined by adding 5 dB to the RBLs provided in **Table 2-2**, but not allowing the evening criteria to be higher than the day, and not allowing the night criteria to be higher than the evening, as advised by the NPI. The intrusiveness criteria only apply to residential receivers and are provided in **Table 3-2**.

**Table 3-2** *Intrusiveness noise criteria*

Receiver	Intrusiveness criteria, $L_{Aeq, 15 \text{ min}}$ , dB		
	Day	Evening	Night
All identified residential receivers	50	47	37

The project specific criteria at each receiver location then becomes the minimum of the amenity and intrusiveness criteria for day, evening and night periods. Note that the amenity criteria are applied over the full day, evening or night period, while the intrusiveness criteria apply to the worst case 15 minutes of operation. Section 2.2 of the NPI advises increasing the amenity criteria by 3 dB when assessing against  $L_{Aeq, 15 \text{ min}}$  noise, and is included in this assessment.

In addition to the intrusiveness and amenity criteria, the NPI provides guidance on maximum noise levels which may trigger the need for a sleep disturbance assessment. This is the greater of 52 dB or the night time RBL plus 15 dB.

The project specific criteria are presented in **Table 3-3**.

**Table 3-3** *Project specific criteria*

Receiver	Project specific criteria, $L_{Aeq, 15 \text{ minute}}$ dB			Sleep Disturbance, $L_{AMax}$
	Day	Evening	Night	
Residential	50	43	37	52
Commercial premises	60	60	60	N/A

### 3.2 ROAD NOISE IMPACTS

The proposal has the potential to cause road noise impacts due to an increase in vehicles using public roads. The NSW Road Noise Policy (RNP) (DECC, 2011) provides non-mandatory assessment criteria to assist the process of planning approvals and to identify where mitigation measures may be required.

The relevant noise criteria from the RNP has been reproduced below in **Table 3-4**. These criteria apply to residences; the RNP does not specify road noise criteria for commercial premises.

**Table 3-4** *RNP noise criteria for residential land uses*

Road category	Type of project	Assessment criteria, dB	
		Day	Night
Local roads (St Helliers)	Existing residences affected by additional traffic on existing local roads generated by land use developments	$L_{Aeq, (1 \text{ hour})}$ 55 (external)	$L_{Aeq, (1 \text{ hour})}$ 50 (external)
Arterial Roads (Bridge St / New England Highway)	Existing residences affected by additional traffic on existing arterial roads generated by land use developments	$L_{Aeq, (15 \text{ hour})}$ 60 (external)	$L_{Aeq, (9 \text{ hour})}$ 55 (external)

Note: Day is defined as the period between 7 am – 10 pm, and night is defined as the periods between 10 pm – 7 am.

In addition to the criteria stated above, the RNP application notes state that where the existing road noise exceeds, or is within 2 dB of the relevant noise criterion, the total road noise after the development should be limited to an increase of 2 dB. If it can be shown that the total road noise will increase due to the new development by 2 dB or less, it follows that the RNP objectives have been met.

## 4 OPERATIONAL NOISE ASSESSMENT

An operational noise assessment has been conducted by modelling scenarios representing typical operation of the site using computer software CadnaA (version 2017). The ISO 9613-2 algorithm was implemented, which incorporates the equivalent of a 2 m/s source to receiver wind in all directions or a moderate temperature inversion. The result is that the modelled predictions are made under 'noise enhancing' meteorological conditions. This provides some conservatism in the predictions made. The model uses a general ground coefficient of 0.5 to represent the mixture of surfaces, including water and vegetated ground.

#### 4.1 NOISE MODELLING SCENARIOS

The following scenarios were considered for typical operation:

- Day/evening operation, including peak traffic numbers for both service station and restaurant and HVAC plant for both buildings;
- Night operation, including traffic numbers representative of 9 pm – midnight at the service station and HVAC plant for both buildings
- Night sleep disturbance assessment, including HVAC plant for both buildings and maximum noise levels from a single car door slam at the service station.

The number of vehicles used in the scenarios was determined from the traffic & parking assessment (Traffic Solutions, report no. 18.19.008). These numbers, along with other assumptions used in developing the noise model, are laid out in **Table 4-1**.

**Table 4-1** *Model input assumptions*

Peak vehicle numbers, service station	6.6 vehicles/15min
Peak vehicle numbers, restaurant	2 vehicles/15min
Night (9 pm – midnight) vehicle numbers, service station	6 vehicles/15min
SWL of moving vehicle on site	84 dB(A)
Speed of moving vehicle on site	10 km/h
SWL of car door slam	92 dB(A)
No. door slams, peak	17
No. door slams, night	12
SWL of HVAC plant	81 dB(A)
Applied Mitigation – Service Station	2 m barrier around North, East and South sides of HVAC plant
Applied Mitigation – Service Station	2 m barrier around North and East sides of HVAC plant

The positions of noise sources are shown in **Appendix B**, **Appendix C**, and **Appendix D**.



## 4.2 MODEL RESULTS

A summary of the modelling results is presented below in **Table 4-2**. Noise contours for each scenario are presented in **Appendix B**, **Appendix C**, and **Appendix D**.

**Table 4-2** *Model results*

Receiver	Project specific criteria, dB				Day / Evening results	Night results	Night LMax results
	Day	Evening	Night	LMax			
R01	50	40	35	52	36	35	48
R02	50	40	35	52	34	33	46
R03	50	40	35	52	37	36	50
R04	50	40	35	52	38	37	50
R05	60	60	60	N/A	46	45	59
R06	50	40	35	52	35	34	41
R07	50	40	35	52	37	36	51
R08-1	50	40	35	52	39	36	38
R08-2	50	40	35	52	37	36	51
R09	60	60	60	N/A	42	36	38
R10	60	60	60	N/A	36	35	50
R11	50	40	35	52	35	31	38
R12	50	40	35	52	35	35	49
R13	60	60	60	N/A	40	40	43
R14	60	60	60	N/A	35	34	42
R15	50	40	35	52	37	34	46

No receivers are found to exceed the project specific criteria.

## 4.3 ROAD NOISE IMPACTS

Currently, road noise is the dominant noise source for all identified receivers. Residences that may be affected by additional road noise from the traffic generated by the development are:

- R01, R03, R04, R07, R12 along Bridge St
- R15 along St Helliers Rd

Receivers along Bridge St are exposed to the high traffic volumes travelling along the New England Hwy. The number of additional vehicles generated from this assessment is small compared to the existing traffic volumes (less than 10% additional vehicles). The increase in traffic noise along Bridge St will be much less than 2 dB and so complies with the road noise criteria.



Receiver R15 is situated east of all entries/exits to the site and its only exposure to additional traffic noise will be from vehicles travelling east along St Helliars Rd. This will be a small proportion of vehicles accessing the site, as most will arrive and leave via Bridge St. Eastbound traffic on St Helliars Rd will generally be residents accessing the local area, and would be travelling along St Helliars Rd even without the presence of the proposed development. The expected increase to road traffic noise is therefore expected to be less than 2 dB and will comply with the road noise criteria.

#### 4.4 RECOMMENDATIONS

The modelling has shown that HVAC plant located on the roof of the two buildings is likely to be the most significant noise source. Full specifications of the proposed plant and location are not currently known and RCA have endeavoured to model a scenario that is representative of actual site operation.

RCA recommend that a qualified acoustic engineer should be consulted when selecting HVAC plant, positions, and potential enclosures. This will ensure that the noise criteria are met in the final design.

This assessment has not included noise from a tire air pump. While the noise level generated from the pump would be low, tonal beeping noises have the potential to cause annoyance and introduce tonality adjustments under the NPI. The position of the pump should also be approved by a qualified acoustic engineer.

#### 5 CONCLUSION

RCA was engaged by Inland Building Construction to undertake an Operational Noise Impact Assessment to assess the potential noise impacts of a proposed development in Muswellbrook. The proposed development consists of a 24-hr service station and a restaurant.

RCA has modelled operational scenarios representing typical operation during the evening and night periods. The predicted noise levels were found to comply with the project-specific criteria. Full details of some noise sources on the site were not available at the time of assessment and RCA recommend that these plant items should be individually assessed when the final design is ready to ensure they will comply with the criteria.

Yours faithfully,



Natasha Pegler  
Acoustic Consultant

# Appendix A

---

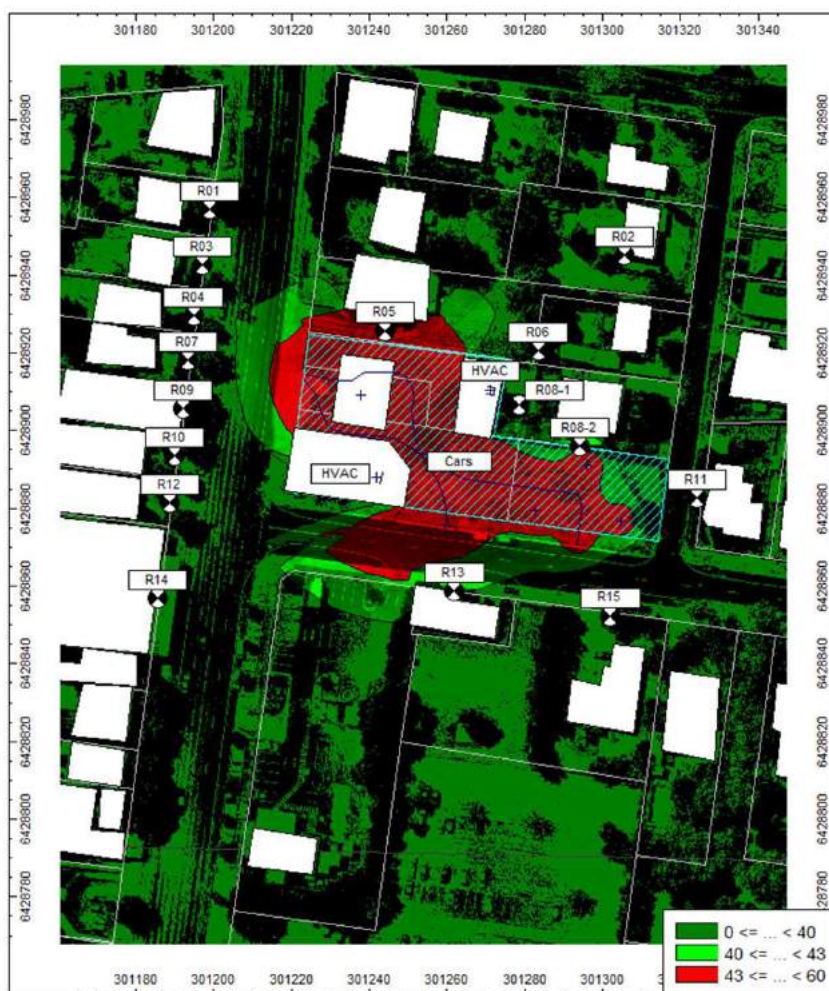
## Terms and Definitions

**TERMS AND DEFINITIONS**

dB(A)	Unit of sound pressure level, modified by the A-weighting network to represent the sensitivity of the human ear.
SPL	The incremental variation of sound pressure from the reference pressure level expressed in decibels.
SWL ( $L_W$ )	Sound Power Level of a noise sources per unit time expressed in decibels from reference level $W_0$ .
$L_x$	Statistical noise descriptor. Where (x) represents the percentage of the time for which the specified noise level is exceeded.
$L_{eq}$	Equivalent continuous noise level averaged over time on an equivalent energy basis.
$L_1$	Average Peak Noise Level in a measurement period.
$L_{10}$	Average Maximum Noise Level in a measurement period.
$L_{90}$	Average Minimum Noise Level in a measurement period.
$L_{max}$	Maximum Noise Level in a measurement period.
Background Noise Level	Noise level determined for planning purposes as the one tenth percentile of the ambient $L_{A90}$ noise levels.
PO	Reference Sound Pressure for the calculation of SPL in decibels.
WO	Reference Sound Power for the calculation of SWL in decibels.

## Appendix B

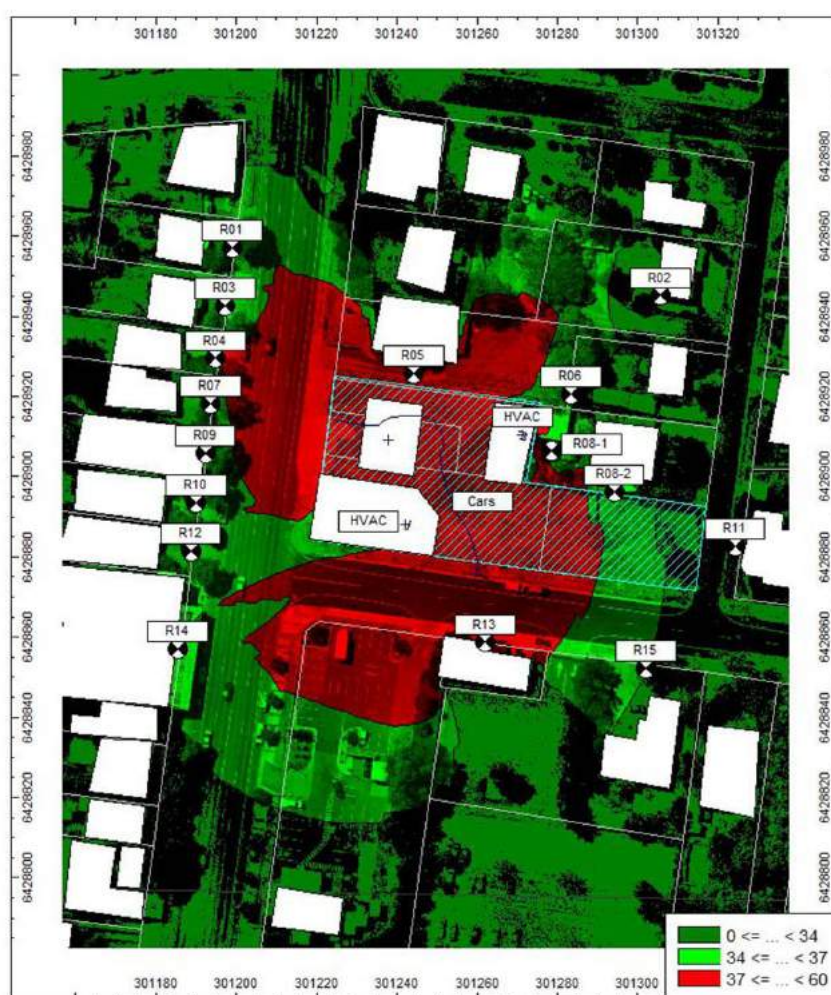
LAeq, 15 minute Noise Contours – Day/Evening  
(1.5 m above ground using ISO9613)





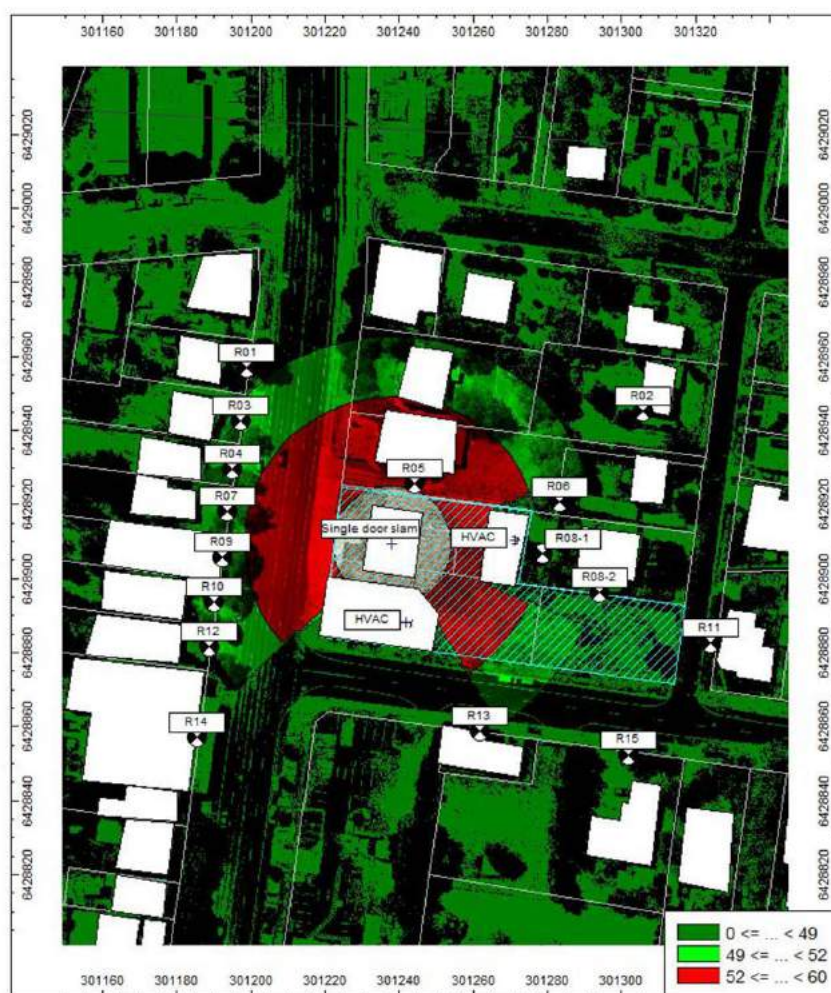
## Appendix C

L<sub>Aeq</sub>, 15 minute Noise Contours – Night (1.5 m above ground using ISO9613)



## Appendix D

### LAmaz Noise Contours (1.5 m above ground using ISO9613)



Data Review of Previous Environmental  
Reports for  
147-153 Bridge Street  
Muswellbrook NSW 2333

---

Inland Building & Construction  
March 2019



Level 1, 71 Longueville Road  
Lane Cove NSW 2066  
T: 02 8968 2500  
E: [admin@prensa.com.au](mailto:admin@prensa.com.au)  
ABN: 12 142 106 581  
Job No: 59930: Client No: I0081





## Statement of Limitations

This document has been prepared in response to specific instructions from Inland Building & Construction to whom the report has been addressed. The work has been undertaken with the usual care and thoroughness of the consulting profession. The work is based on generally accepted standards, practices of the time the work was undertaken. No other warranty, expressed or implied, is made as to the professional advice included in this report.

The report has been prepared for the use by Inland Building & Construction and the use of this report by other parties may lead to misinterpretation of the issues contained in this report. To avoid misuse of this report, Prensa advise that the report should only be relied upon by Inland Building & Construction and those parties expressly referred to in the introduction of the report. The report should not be separated or reproduced in part and Prensa should be retained to assist other professionals who may be affected by the issues addressed in this report to ensure the report is not misused in any way.

Prensa is not a professional quantity surveyor (QS) organisation. Any areas, volumes, tonnages or any other quantities noted in this report are indicative estimates only. The services of a professional QS organisation should be engaged if quantities are to be relied upon.

### Sampling Risks

Prensa acknowledges that any scientifically designed sampling program cannot guarantee all sub-surface contamination will be detected. Sampling programs are designed based on known or suspected site conditions and the extent and nature of the sampling and analytical programs will be designed to achieve a level of confidence in the detection of known or suspected subsurface contamination. The sampling and analytical programs adopted will be those that maximises the probability of identifying contaminants. Inland Building & Construction must therefore accept a level of risk associated with the possible failure to detect certain sub-surface contamination where the sampling and analytical program misses such contamination. Prensa will detail the nature and extent of the sampling and analytical program used in the investigation in the investigation report provided.

Environmental site assessments identify actual subsurface conditions only at those points where samples are taken and when they are taken. Soil contamination can be expected to be non-homogeneous across the stratified soils where present on site, and the concentrations of contaminants may vary significantly within areas where contamination has occurred. In addition, the migration of contaminants through groundwater and soils may follow preferential pathways, such as areas of higher permeability, which may not be intersected by sampling events. Subsurface conditions including contaminant concentrations can also change over time. For this reason, the results should be regarded as representative only.

Inland Building & Construction recognises that sampling of subsurface conditions may result in some cross contamination. All care will be taken and the industry standards used to minimise the risk of such cross contamination occurring, however, Inland Building & Construction recognises this risk and waives any claims against Prensa and agrees to defend, indemnify and hold Prensa harmless from any claims or liability for injury or loss which may arise as a result of alleged cross contamination caused by sampling.

### Reliance on Information Provided by Others

Prensa notes that where information has been provided by other parties in order for the works to be undertaken, Prensa cannot guarantee the accuracy or completeness of this information. Inland Building & Construction therefore waives any claim against the company and agrees to indemnify Prensa for any loss, claim or liability arising from inaccuracies or omissions in information provided to Prensa by third parties. No indications were found during our investigations that information contained in this report, as provided to Prensa, is false.

### Recommendations for Further Study

The industry recognised methods used in undertaking the works may dictate a staged approach to specific investigations. The findings therefore of this report may represent preliminary findings in accordance with these industry recognised methodologies. In accordance with these methodologies, recommendations contained in this report may include a need for further investigation or analytical analysis. The decision to accept these recommendations and incur additional costs in doing so will be at the sole discretion of Inland Building & Construction and Prensa recognises that that Inland Building & Construction will consider their specific needs and the business risks involved. Prensa does not accept any liability for losses incurred as a result of Inland Building & Construction not accepting the recommendations made within this report.





## Table of Contents

1	Introduction .....	1
2	Background .....	1
3	Objectives.....	1
4	Scope of Works .....	2
5	Technical Framework.....	2
6	Methodology.....	2
7	Findings .....	3
7.1	Data Review .....	3
7.1.1	Review of Prensa (2012) ESA Report .....	3
7.1.2	Review of Prensa (2014a) Validation Report .....	4
7.1.3	Review of Prensa (2014b) Oil Storage Validation Report .....	4
7.2	Site Inspection.....	5
7.2.1	Site Features .....	5
7.2.2	Topography .....	6
8	Discussion.....	6
9	Conclusion and Recommendations .....	7
	Appendix A: Previous Reports	
	Appendix B: Field Sheets	
	Appendix C: NATA Laboratory Certificates of Analysis and Chain of Custody	



## 1 Introduction

Prensa Pty Ltd (Prensa) was requested by Inland Building & Construction (IBC) to complete a data review of previous environmental reports prepared by Prensa for the previous owner of the Site (AI Group) in 2012 and 2014 for the property located at 147-153 Bridge St, Muswellbrook NSW ("the Site").

The Site is described as Lot 1 in Deposited Plans (DPs) 784361, 159620, 161784 and 794803.

The total area of the Site is approximately 3,000 m<sup>2</sup>. The Site area and location is shown in **Figure 1** and **Figure 2** in the **Figures** section of this report.

## 2 Background

It is understood that IBC proposes to redevelop the Site for use as a petrol station. The Site historically operated as a commercial car dealership and prior to that, a car service centre (including a service station and mechanics workshop). At the time of this review, the Site was non-operational and comprised vacant land, surrounded by temporary construction fencing. It is understood that previous environmental works, including remediation, validation and waste classification of soils were undertaken at the Site in 2012 and 2014. As part of the development application (DA) IBC requested Prensa to undertake a data review of the previous environmental reports prepared for the Site, as well as to complete an inspection of the Site. The intent of the review and inspection was to compare the current condition of the Site with the previous condition of the Site as outlined in the following previous environmental reports, which were provided by IBC:

- *Environmental Site Assessment and Geotechnical Investigation, 147-151 Bridge Street, Muswellbrook NSW, September 2012*, prepared by Prensa Pty Ltd (Prensa, 2012);
- *Soil Validation Assessment of Underground Petroleum Storage System, 147-151 Bridge Street, Muswellbrook NSW, February 2014*, prepared by Prensa Pty Ltd (Prensa, 2014a); and
- *Soil Validation Assessment of Former Oil Storage Area at 147-151 Bridge Street, Muswellbrook NSW, March 2014*, prepared by Prensa Pty Ltd (Prensa, 2014b).

The review and inspection aimed to assess whether any significant changes were likely to have occurred in relation to the contamination status of the Site since the completion of the previous reports in 2012 and 2014 that may prompt the requirement for additional investigation works to be undertaken as part of the DA process.

## 3 Objectives

The objectives of the data review and site inspection were to provide:

- An indication of contamination status of the Site, based on the information provided within the previously prepared environmental assessment reports, and whether this would potentially impact upon the proposed development of the Site as a service station; and
- Comment on the potential for the contamination status to have changed since the completion of the previous environmental assessment, based on the findings of the site inspection, which may warrant the completion of further site investigations.



## 4 Scope of Works

In order to address the objectives, Prensa undertook the following scope of works:

- Review of the three (3) previous environmental reports prepared in 2012 and 2014 by Prensa [Prensa (2012), Prensa (2014a) and Prensa (2014b)] that were applicable to the Site;
- A site inspection on 7 March 2019, paying particular attention to any potentially contaminating features, i.e. stockpiles, underground storage tanks (USTs) and associated infrastructure and any site features that differed from those described in the previous reports;
- Collection of photographs for comparison to previous Site inspections; and
- Preparation of this report detailing the findings of the data review and inspection.

## 5 Technical Framework

In completing the above tasks, Prensa undertook works in general accordance with the following:

- NSW Work Health and Safety Act 2011;
- NSW Work Health and Safety Regulation 2017;
- Protection of the Environment Operations (POEO) Act 1997 (POEO Act 1997);
- Contaminated Land Management (CLM) Act, 1997 (CLM Act 1997);
- CLM Amendment Act, 2008 (CLM Act 2008);
- National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), NEPM 2013;
- NSW Environment Protection Authority (EPA) State Environmental Planning Policy 55 – Remediation of Land (SEPP55), 1998;
- NSW Environment Protection Authority (EPA) *Waste Classification Guidelines: Part 1 – Classifying Waste*, 2014 (EPA 2014); and
- NSW Office of Environment and Heritage, *Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites*, 2011 (OEH 2011).

## 6 Methodology

A data review was undertaken for the Muswellbrook Environmental Site Assessment (ESA) and Validation reports. In order to summarise the environmental condition of the site and evaluate whether contamination exists the reports were reviewed for the following information:

- Background information relating to who the report was intended, purpose of the investigation, and proposed development of the land;
- Investigation details relating to what investigation was undertaken, scope of works, and what Contaminants of Potential Concern (CoPC) was selected for investigation;
- Field observations during the investigation;
- Relevant adopted site criteria for the investigation of each report;
- Analytical findings of each report; and
- Discussion and conclusions of each report.





## 7 Findings

### 7.1 Data Review

A review of the Prensa (2012) ESA report and the Prensa (2014a) and Prensa (2014b) validation reports was undertaken to fulfil the objectives of this report.

#### 7.1.1 Review of Prensa (2012) ESA Report

Prensa previously undertook an Environmental Site Assessment (ESA) and supervised a Geotechnical Investigation of the Site in behalf of a previous owner of the Site (reference 11468 ESA Muswellbrook, September 2012). The ESA was undertaken to satisfy the NSW State Environment Planning Policy (SEPP) No. 55, *Remediation of Land*, 1998.

The objective of the ESA was *"to assess the potential for contamination to exist at the Site as a result of current and/or historical activities that could represent a potential risk to future users of the Site, in light of the proposed commercial redevelopment."*

As part of the historical documentation review completed for the ESA, aerial photographs and titles for the Site were reviewed. These indicated that the Site historically operated as a service station from 1958 until 2000, in addition to a motor mechanic workshop which was constructed in 1979 and was operational until 2011, where mechanical operations ceased due to the property being damaged by fire. Also as part of the historical documentation review, a dangerous goods search was undertaken for the Site. The dangerous goods search identified that in 1971 Ampol applied for a permit to install three (3) underground storage tanks (USTs). The plans from 1975 indicated that the USTs were located in the south western corner of the Site. The plans also indicated that the three (3) smaller USTs were to be replaced by one (1) larger UST.

The site inspection undertaken during the ESA identified redundant infrastructure from the previous activities at the Site, which included a 21,000 L UST and associated bowser in the south west corner, a triple interceptor trap (TIT) in the wash bay area located central to the southern boundary, an above-ground storage tank (AST) located central to the northern boundary and a bunded oil storage area located at the centre of the Site.

Five (5) gridded and six (6) targeted boreholes were established at the Site, in addition to three (3) groundwater monitoring wells. Four (4) of the targeted boreholes were established surrounding the UST in the south west corner of the Site.

The soil analytical results identified elevated concentrations of Total Recoverable Hydrocarbons (TRH) in the vicinity of the bunded oil storage area located at the centre of the Site. A single TRH (C<sub>6</sub>-C<sub>10</sub>) concentration exceeded the adopted health screen level (HSL) for direct contact, but not for vapour intrusion. The TRH (C<sub>6</sub>-C<sub>10</sub>) exceedance was encountered at a depth of 0.2 metres below ground level (mBGL). It was concluded that *"the elevated TRH (C<sub>6</sub>-C<sub>10</sub>) concentration did not pose a significant health risk to future users of the Site, given that the soil would either be removed off-site during the bulk soil removal and development of the proposed basement/ground floor car park; or if soil was to remain in-situ, a permanent barrier would be installed to prevent direct contact with the impacted soil."*

Laboratory analysis of samples collected in the vicinity of the fuel handling infrastructure did not indicate the presence of significant contamination.

The installation of the groundwater wells identified the presence of groundwater at a depth of approximately 4.5 mBGL. Analytical results for groundwater samples collected from the three (3)





monitoring wells installed on Site displayed detectable concentrations of TRH at monitoring well MW1 (adjacent to the UST) where a hydrocarbon odour was observed during fieldworks. However, the concentration was less than the criteria adopted for the proposed commercial use of the Site.

Based on the findings of the investigation, it was concluded that *"in accordance with the former NSW Department of Urban Affairs and Planning (now NSW Department of Planning and Infrastructure) EPA SEPP 55 Planning Guidelines for Managing Land Contamination, no further investigation or remediation of the Site was considered necessary in order to render the soil and groundwater at the Site suitable for the stated intended use."*

#### 7.1.2 Review of Prensa (2014a) Validation Report

Prensa was engaged in February 2014 to undertake soil validation sampling of the area surrounding the former location of the underground petroleum storage system (UPSS) at the Site as identified in the Muswellbrook ESA (September 2012).

At the time of the February 2014 validation sampling, the UST had already been removed from site. Inspection of the walls and base of the tank pit indicated that soils within the tank pit did not display visual or olfactory evidence of hydrocarbon contamination, with no odours or staining observed. It is understood that the former UST was of steel construction with a capacity of approximately 21,000 L, and was previously used to store unleaded petrol (ULP)

Prensa collected ten (10) validation soil samples (denoted V01 to V10 in the Prensa (2014a) report), including eight (8) from the walls and base of the UST excavation pit, one (1) from beneath the former fuel line and one (1) from beneath the former fuel dispenser. The validation samples reported contaminant concentrations less than adopted ecological and health investigation/screening levels for a commercial land use. Therefore, based on the results of the validation sampling undertaken in February 2014, it is considered that the remaining soil within the former UST excavation and beneath the former fuel infrastructure is unlikely to pose a health or ecological risk to future users of the Site, construction workers or nearby receptors based on the proposed future land use of the Site (at the time of this report it was understood to be mixed commercial).

Approximately 58 m<sup>3</sup> of soil was excavated from the UST pit and stockpiled east and north east of the UST pit. Analysis of four (4) soil samples collected from the stockpile (SP01) indicated that the soil was classified as General Solid Waste (non-putrescible) for off-site disposal. The results were also compared to the adopted investigation/screening levels (commercial/industrial) as detailed in NEPM 2013. Based on the stockpile sampling data the soil was considered acceptable to be reused as backfill in the UST pit, although no detail was provided regarding whether the stockpiled soil was in fact used to backfill the UST pit.

#### 7.1.3 Review of Prensa (2014b) Oil Storage Validation Report

Prensa was engaged in late February 2014 to undertake excavation and validation works associated with the oil storage area, located in the central region of the Site. Approximately 250 m<sup>3</sup> of fill material and natural soil associated with the oil storage area was excavated using a mechanical excavator, then stockpiled immediately north of the excavation prior to off-site disposal. It was noted that at the time of the validation assessment, the former buildings located at the Site were reported to have been demolished.

Prensa collected sixteen (16) gridded validation soil samples from the excavation pit ('VA01' to 'VA16', one (1) sample per five (5) linear metres along the boundary and one (1) sample per twenty-five (25) metres cubed), including:



- Seven (7) from the excavation walls (maximum depth of 0.8 mBGL); and
- Nine (9) from the base of the excavation pit (maximum depth of 2.0 mBGL).

The walls and base of the excavation were observed to comprise natural soil, which consisted of brown, gravelly clay with medium plasticity. No odours or staining were present at the validation sampling locations (VA01 to VA16). This was supported by the low PID readings (ranging from 0.1 to 7.1 parts per million (ppm)) recorded for the soil samples.

The stockpiled soil comprised similar natural soil with brown, gravelly clay observed. Oil staining was observed in sampled material on a number of samples collected from the stockpile.

The results of the validation sampling undertaken at the Site were reviewed in relation to their potential risk to the proposed land use (commercial/industrial use). The results for the soil samples analysed (VA01 to VA16) indicated that the contaminant concentrations were less than NEPM 'D' Health Investigation Levels (HILs) and Health Screening Levels (HSLs) adopted for the proposed commercial use of the Site. The TRH concentrations were also less than the TRH management limits for fine soil based on a commercial/industrial land use.

The soil contaminant concentrations reported for the validation samples were less than the adopted HILs and HSLs and it was concluded that these concentrations *"would therefore not preclude the use of the Site for the proposed commercial land use."*

## 7.2 Site Inspection

The Site was located at 147-151 Bridge Street, Muswellbrook NSW and is approximately 110 km north west of the Newcastle CBD. The Site was surrounded by the following:

- **North:** Residential properties and commercial properties including the previous Phillippe Brasserie (now closed) and Brooks Outdoors, with agricultural land approximately 1 km north of the Site;
- **East:** Flanders Avenue, residential properties, Victoria Park located approximately 650 m east of the Site followed by more residential properties and Weeraman Sporting fields located approximately 1.6 km east of the Site;
- **South:** St Hellers Street, commercial properties which include Hungry Jacks, Muswellbrook RSL Club and Visitors Centre, Comfort Inn, a service station approximately 220 m south of the Site, Muswellbrook Marketplace and Muswellbrook Regional Arts Centre. Muscle Creek, Muswellbrook Golf Course, Muswellbrook Train Station and Fitzgerald Park were observed approximately 900 m south of the Site and Olympic Park was located approximately 1.2 km south east of the Site; and
- **West:** Bridge Street (New England Highway), commercial properties including Betta Electrical and Total Health & Education Centre, residential properties and the Hunter River and Rutherford Park located approximately 500 m west of the Site.

The closest sensitive receptors were identified as the residential properties surrounding the Site and the Hunter River, located approximately 300 m west of the Site.

### 7.2.1 Site Features

At the time of the inspection, the Site comprised vacant land with the Site boundaries clearly identified by temporary construction fencing. The Site comprised sporadic vegetation cover and building rubble and debris including concrete pieces, glass fragments, metal, PVC and terracotta pipework, corrugated roofing sheets, ceramic tile fragments, chicken wire netting, wood sheets and insulated electrical wiring. It was also noted that the western boundary line of the Site comprised hardstand that operated as the driveway entry to the Site from Bridge Street. A suspected TIT was observed to be present at this entry point to the Site.





Additionally, the Site inspection identified fragments of suspected asbestos-containing materials (ACM) which were submitted to the National Association of Testing Authorities (NATA) accredited Prensa Laboratory for bulk sample analysis (BSA) for the confirmation of the presence of asbestos.

#### 7.2.2 Topography

The Site was observed to have a gentle overall slope towards the west and Bridge Street. However, it was also noted that the Site was uneven and hummocky moving from the north boundary to the south boundary. This hummocky topography of depressions and mounds across the Site is considered to have been generated as a result of demolition and excavation works associated with the previously identified, removed and validated UPSS System and Oil Storage System.

### 8 Discussion

The original ESA undertaken in 2012 by Prensa identified potential sources of contamination associated with its historical operation as a service station, mechanics workshop and car dealership, with the main contaminants of concern being hydrocarbons, heavy metals and asbestos.

A review of historical documentation identified the presence of three (3) USTs that were proposed to be replaced by one (1) 21,000 L UST. At the time of the site inspection undertaken during the 2012 ESA, only the 21,000 L UST was identified on Site, in addition to a triple interceptor trap (TIT), an AST and a bunded oil storage area. However, the investigations undertaken, which included both a gridded and targeted soil assessment as well as the installation of three (3) groundwater wells surrounding each of these potential contaminating sources, identified limited contamination present that would preclude the redevelopment of the Site for the intended commercial/industrial use or pose a potential health or environmental risk to workers and the environment during redevelopment works.

Two years following the submission of the Prensa (2012) ESA report, a validation report (Prensa, 2014a) was submitted outlining the results of validation sampling following the excavation and off-site disposal of the disused 21,000 L UST. The Prensa (2014a) report indicated that contaminant concentrations for all validation samples were less than adopted ecological and health investigation/screening levels for a commercial/industrial land use. Therefore, it was considered that the remaining soil within the former UST excavation and beneath the former fuel infrastructure was unlikely to pose a health or ecological risk to future users of the Site, construction workers or nearby receptors based on the proposed future land use of the Site (at the time of the report was understood to be mixed commercial).

Prensa also undertook excavation and validation works associated with the bunded oil storage area in the central portion of the Site (Prensa, 2014b). The results of the validation sampling undertaken at the Site were reviewed in relation to their potential risk to the proposed land use (based on commercial/industrial use). The results of the soil samples analysed (VA01 to VA16) indicated that the contaminant concentrations were less than NEPM 'D' HILs and HSLs adopted for the proposed commercial use of the Site, and were less than the adopted TRH management limits for fine soil based on a commercial/industrial land use.

As the hydrocarbon and heavy metal soil contaminant concentrations from the validation samples of the UST and oil storage area were less than the adopted HILs and HSLs for a commercial land use, it was considered that the soils remaining on Site would not preclude the use of the Site for the proposed service station development to be undertaken by IBC.



It is noted however, that in addition to chemical analysis undertaken as part of the previous ESA and validation works, suspected ACM fragments were identified during these works. As the validation works were focussed on contaminants associated with the UST and oil storage areas (i.e. hydrocarbons and heavy metals), the suspected asbestos contamination on-site was not addressed at the time of the 2014 validation works.

At the time of the Site inspection undertaken by Prensa on 7 March 2019, the Site comprised vacant land with the Site boundaries clearly identified by temporary construction fencing. The construction fencing that ran along the western edge of the Site was noted to be present over the previous hardstand driveway entrance used to enter the Site from Bridge Street. Within this hardstand was a suspected TIT, however it was unclear as to when this TIT was installed and its association with previous operations at the Site. The majority of the Site surface comprised sporadic vegetation cover and building rubble and debris, including concrete pieces, glass fragments, metal, PVC and terracotta pipework, corrugated roofing sheets, ceramic tile fragments, chicken wire netting, wood sheets and insulated electrical wiring. Fragments of suspected ACM were identified on the surface during the inspection, which were submitted to the Prensa NATA accredited Laboratory for bulk sample analysis for asbestos. The results of this analysis identified the presence of chrysotile, amosite and crocidolite asbestos fibres within the ACM fragments collected from the surface soils of the Site (Prensa Ref: 59930-001-001 BSA 11032019, provided in Appendix A).

## 9 Conclusion and Recommendations

Based on the review of the Prensa (2012) ESA, Prensa (2014a) UST Validation and Prensa (2014b) Oil Storage Validation reports produced for the Site, the previous investigations undertaken revealed minimal contamination associated with the historical activities including the motor mechanic workshop, car sales and servicing and a fuel station. Associated infrastructure including the UST and oil storage area, previously located on the Site, was removed and validated in 2014, with the validation samples reporting contaminant concentrations less than the adopted health and ecological investigation and screening levels for the proposed commercial use of the Site (i.e. a service station).

However, fibre-cement fragments suspected to contain asbestos were identified on the surface soils at the Site during the UST and oil storage area validation works. As these previous works were focussed on contaminants arising from these sources (i.e. hydrocarbons and heavy metals), the suspected asbestos contamination on-site was not addressed at the time of 2014 remediation and validation works.

Due to the presence of confirmed ACM fragments identified during the Site inspection completed by Prensa on 8 March 2019, as well as the previously identified fragments of this material referred to in the environmental reports reviewed, it is considered that the Site is potentially impacted by asbestos contamination (particularly on the surface). Therefore, it is recommended that additional assessment be undertaken at the Site to delineate the vertical and lateral extent of asbestos contamination across the Site. This will aid in determining the most practicable approach to managing or remediating the asbestos contamination present on Site. Additionally, the presence of a suspected TIT which is located within the hardstand at the entry to the Site from Bridge Street may require additional assessment to determine its role in previous activities undertaken at the Site and the potential use or requirement for remediation based on proposed future works and use of the Site.

The initial approach to manage the residual contamination should be formalised in a Remediation Action Plan (RAP). The RAP should be prepared prior to redevelopment works commencing on site and be used to induct all personnel participating in soil management activities.

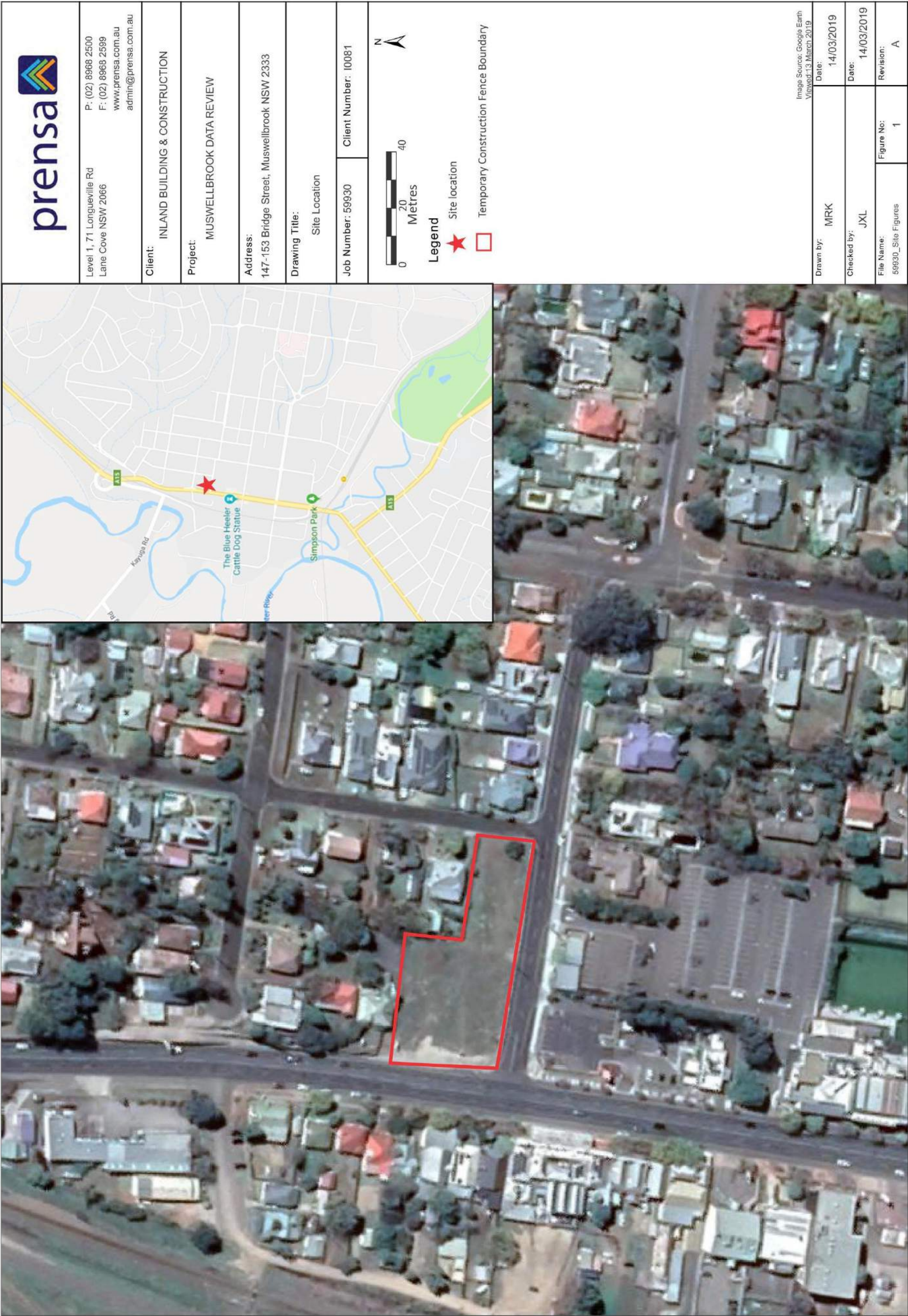




## Figures

---











## Appendix A: NATA Laboratory Certificates of Analysis

---





Suite 102, Level 1, 71 Longueville Road  
Lane Cove NSW 2066  
P: (02) 8968 2500  
F: (02) 8968 2599  
E: admin@prensa.com.au  
ABN: 12 142 106 581  
I0081:MRK  
59930-001-001 BSA.xlsm

11 March 2019

Genevieve Braddon  
Inland Building & Construction  
PO Box 1864  
Bathurst NSW 2792

Dear Genevieve,

**Asbestos Bulk Sample Analysis Report**  
147-151 Bridge Street, Muswellbrook NSW 2333

Please find attached the asbestos bulk sample analysis results of the 1 sample collected by Melanie Kime of Prensa Pty Ltd for 147-151 Bridge Street, Muswellbrook NSW 2333 on 8 March 2019 and received at the Prensa Pty Ltd laboratory (Suite 102, Level 1, 71 Longueville Road, Lane Cove NSW 2066) on 11 March 2019. The sample was analysed on 11 March 2019 and the results are presented on the following page(s).

Prensa qualitatively analyses bulk samples for asbestos using polarising light microscopy and dispersion staining techniques in accordance with Prensa Test Method PRLAB2002 Asbestos Identification, and in accordance with Australian Standard (AS) 4964 – 2004, *Method for the qualitative identification of asbestos in bulk samples*.

If you require further information please contact the Prensa office on (02) 8968 2500.

Regards,

**Jack Wearne**  
Approved Asbestos Fibre Identifier

**Felicity Bouwmeester**  
Prensa Signatory



Accredited for compliance with ISO/IEC 17025 - Testing. Corporate Site Number 21837. This document shall not be reproduced except in full. Sampling is not covered by the scope of the NATA accreditation.

property > environment > safety >

**Asbestos Bulk Sample Analysis Report****147-151 Bridge Street, Muswellbrook NSW 2333**

Sample No	Sample Location / Description / Size	Result
59930 - 001 - 001	Surface soils of vacant site - Debris fragments	<i>Chrysotile (white asbestos) detected</i>
	Grey fibrous cement material	<i>Amosite (brown asbestos) detected</i>
	80 x 40 x 10 mm	<i>Crocidolite (blue asbestos) detected</i>

Only the samples submitted for analysis have been considered in presenting these results.



## Appendix B: Photographs

---



**Photo 1.** Site overview facing east.



**Photo 2.** Overview of western half of Site. Photo identifies hummocky topography that was evident across the Site



**Photo 3.** Old infrastructure associated with previous operations on site. Located along central southern boundary of site, adjacent previous oil-storage area.



**Photo 4.** Positive ACM fibre-cement fragment found in the north-western portion of the Site.





**Photo 5.** Building debris and waste materials



**Photo 6.** Triple Interceptor Trap (TIT) at Site entry when entering from Bridge St.



**Photo 7.** General waste piled in north-eastern corner of Site.



**Photo 8.** Old electrical wiring located along central southern boundary of Site.

# Proposed Mobil Service Station & Food Outlet



Response to CI Referral & Letter

DJP Corp Pty Ltd T/A

**INLAND** **BUILDING &  
CONSTRUCTION**

BUILDERS LIC: R86306

ABN: 29 138 778 033

**COMMERCIAL | INDUSTRIAL**

PO BOX 1864, BATHURST NSW 2795

PH: (02) 6331 3330 MOB: 0418 647 593

[ibc@inlandbuilding.com.au](mailto:ibc@inlandbuilding.com.au)

## CONTENTS

1. ENFORCEMENT OF RMS REQUIREMENTS .....	2
2. TURNING CIRCLE INFORMATION .....	3
3. DEVELOPMENT WITHIN THE BRIDGE STREET ROAD RESERVE .....	4
4. PEDESTRIAN ACCESS & SAFETY .....	5
5. SITE DISTANCES & VEHICLE SAFETY .....	6
6. STORMWATER DESIGN DETAIL .....	7
7. PRELIMINARY HAZARD ANALYSIS .....	8
8. DESIGN, LANDSCAPING & RETAINING WALLS POLICY .....	9
9. NOISE IMPACTS & 24/7 OPERATIONS .....	10
10. WASTE MANAGEMENT .....	11

1



## 1. Enforcement of RMS Requirements

**TRAFFIC SOLUTIONS PTY LTD**Reference No: 18.19.008  
19 May 2019The General Manager  
Muswellbrook Shire Council  
PO Box 122  
Muswellbrook NSW 2333

Attention: Mr Hamish McTaggart

Dear Sir,

**Supplementary Traffic Statement - Proposed Service Station and Restaurant,  
Corner of Bridge and St Heliers Streets, Muswellbrook, DA 78/2018**

Traffic Solutions Pty Ltd has been requested by Inland Building and Construction to provide a response to issues 1 and 5 of Council's letter dated 29<sup>th</sup> April 2019.

**Issue 1 Enforcement of RMS requirements.**

The RMS letter dated 13<sup>th</sup> March 2019 requires that all vehicle access from Bridge Street be left in only. The design of the driveway off Bridge Street is orientated such that right turn is restricted. The applicant raises no object to a condition requiring 'No Right Turn' restrictions/signposting to enforce this requirement similar to the adjacent Hungry Jacks site.

The RMS letter is unclear which heavy vehicles should be prohibited from refuelling on this site. Heavy vehicles are classified as any vehicle over 3 tonnes. This is considered unreasonable and excessive particularly when a 19m long fuel tanker has been shown to be able to enter and exit the site. It is unclear, how a condition or signposting can be imposed that prevents heavy vehicles from accessing the site when a 19 articulated vehicle is required/permitted to access the site to deliver fuels.

The applicant raises no objection to a condition that excludes 25/26m long B-doubles from accessing the site, as this proposal has not been designed for this size vehicle.

**Issue 5 sight distances and vehicle safety.**

I have calculated the sight distance from the proposed exit driveway onto St Heliers Street towards Bridge Street in accordance with the Australian Standards AS/NZS 2890.1:2004 – Off Street Parking. Austroads Part 3 is not considered to be applicable as this document is for Stopping Sight Distances for road intersections, not driveways.

The Australian Standard provides the minimum sight distances to/from an access driveway along a road frontage for varying road speeds. The speed limit along St Heliers Street is 50 km/h, however, a vehicle turning left from Bridge Street would be travelling at less speed which is the only driveway that has a restricted sight line.

---

Traffic Solutions Pty Ltd, PO Box 9161, Bathurst NSW 2795  
Ph: 02 6331 0467 • Email: [craig@trafficsolutions.com.au](mailto:craig@trafficsolutions.com.au)  
ABN 63 074 165 263

The results of this assessment are provided in the following table for 40 and 50 km/h approach speeds and attached is the requested sight distance plan for Council's review.

AS/NZS 2890.1:2004 minimum sight distance requirements for cars (drivers eye height 1.15m)			
Direction of sight distance measurement along a vehicle path	Distance Required for 40 Km/h	Distance Required for 50 Km/h	Distance measured
West towards Bridge Street	35m	45m	51.6m

Accordingly, my calculations reveal that the available sight distance exceeds the stopping distance required by the Australian Standard for the speed limit of 50 km/h.

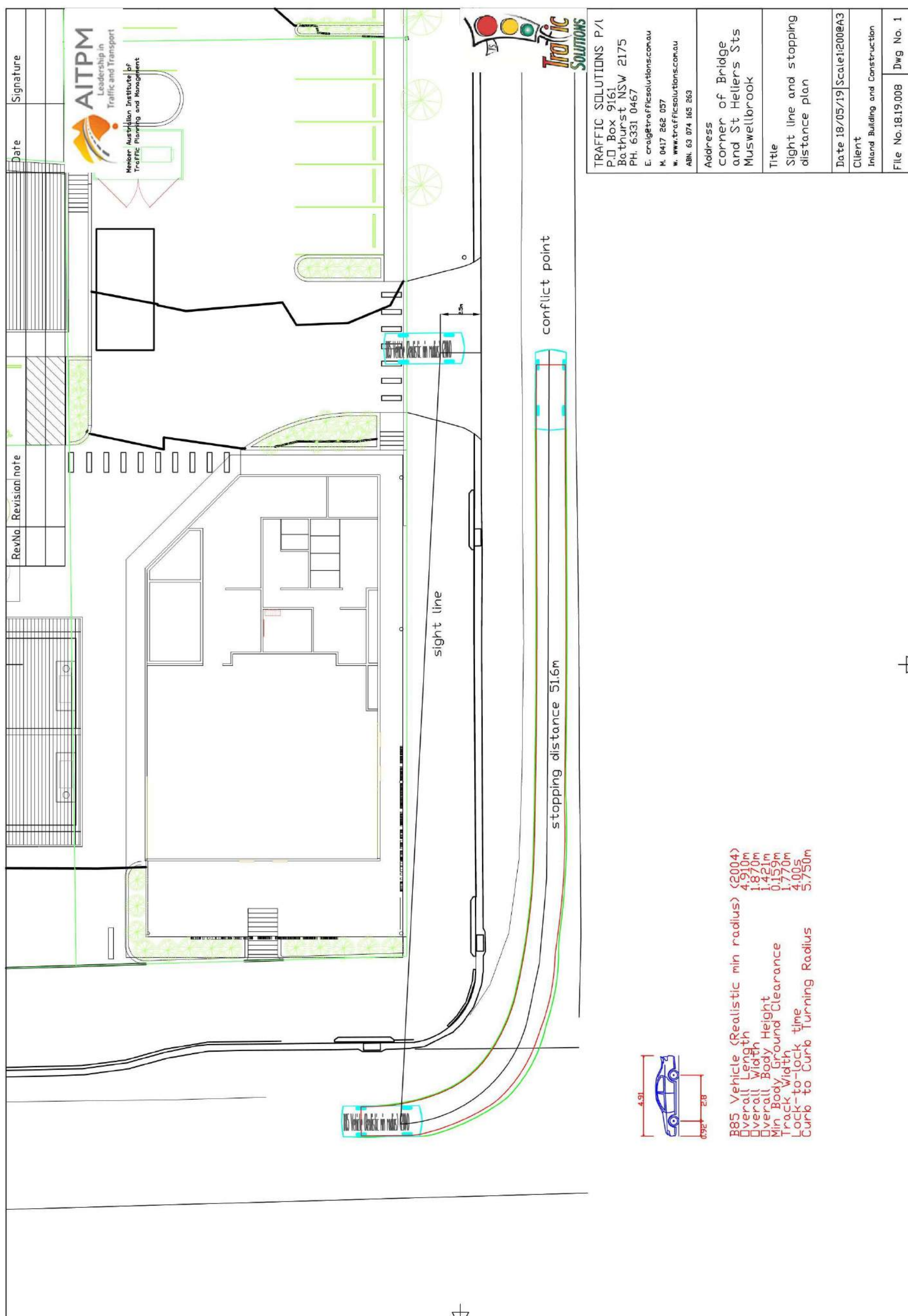
Notwithstanding, that Austroads is not considered appropriate for driveway stopping sight distances, the minimum distance required for 50 km/h is 49m (reaction time of 2 seconds) which is also exceeded to the egress driveway of the proposal.

Should you require any additional information or clarification of the contents of this letter please contact me on the numbers provided.

Yours sincerely



Craig Hazell  
Director







2

## 2. Turning Circle Information

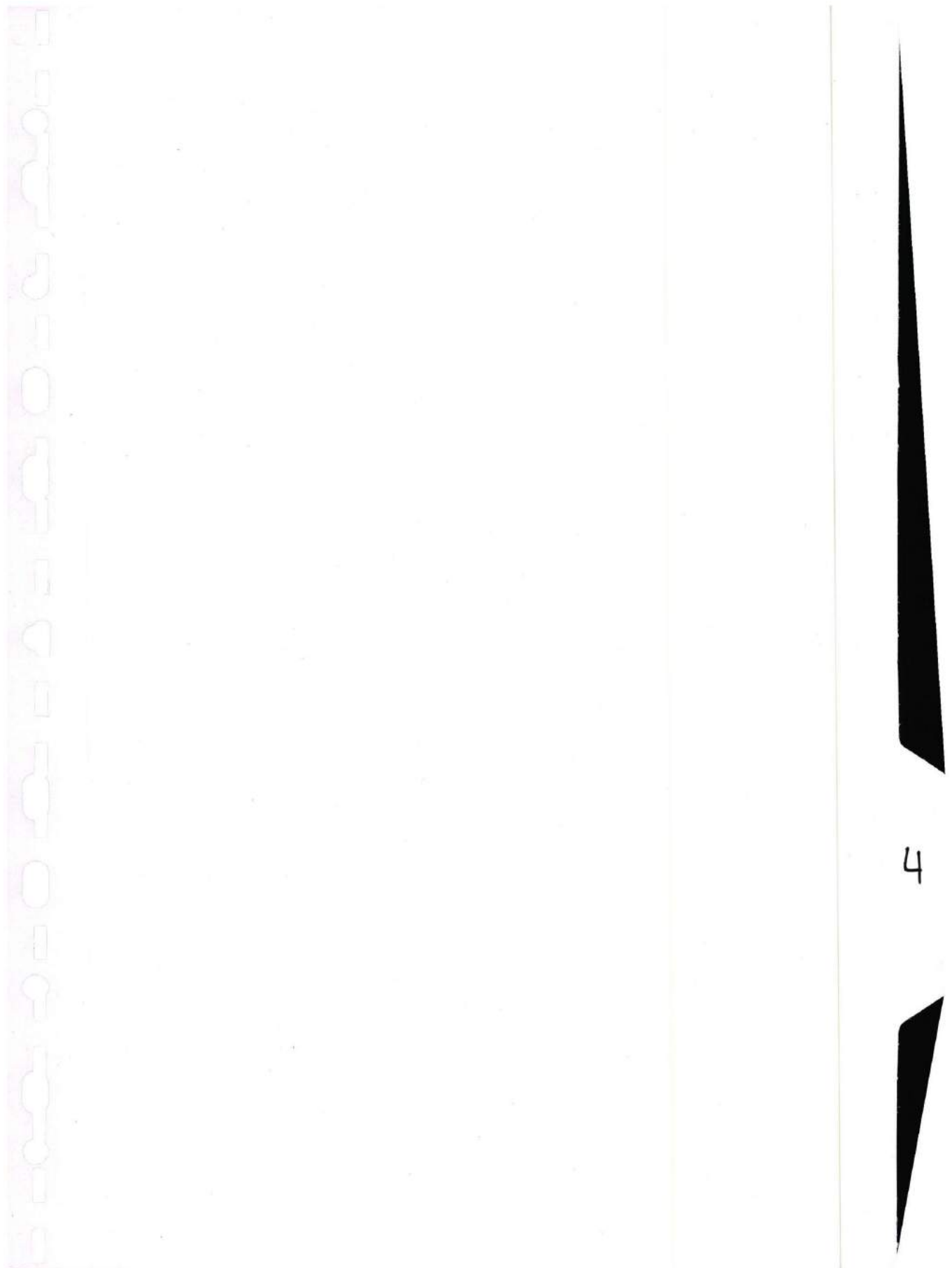
*Please refer to architectural drawings*

3



### 3. Development Within the Bridge Street Road Reserve

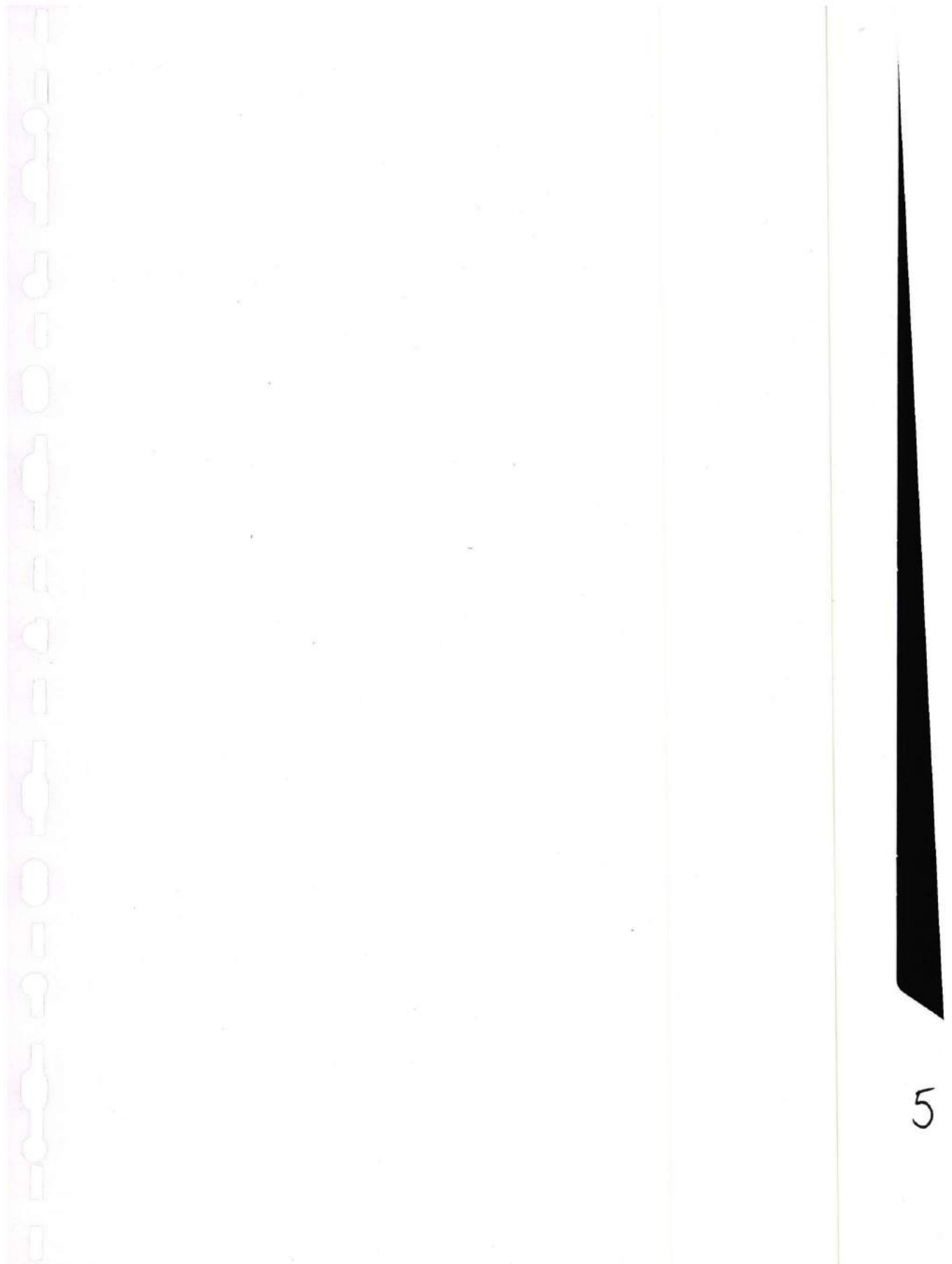
*Please refer to architectural drawings*



4

## 4. Pedestrian Access & Safety

*Please refer to architectural drawings*



5



## 5. Site Distances & Vehicle Safety

**TRAFFIC SOLUTIONS PTY LTD**

Reference No: 18.19.008

19 May 2019

The General Manager  
Muswellbrook Shire Council  
PO Box 122  
Muswellbrook NSW 2333

Attention: Mr Hamish McTaggart

Dear Sir,

**Supplementary Traffic Statement - Proposed Service Station and Restaurant,  
Corner of Bridge and St Heliers Streets, Muswellbrook, DA 78/2018**

Traffic Solutions Pty Ltd has been requested by Inland Building and Construction to provide a response to issues 1 and 5 of Council's letter dated 29<sup>th</sup> April 2019.

**Issue 1 Enforcement of RMS requirements.**

The RMS letter dated 13<sup>th</sup> March 2019 requires that all vehicle access from Bridge Street be left in only. The design of the driveway off Bridge Street is orientated such that right turn is restricted. The applicant raises no object to a condition requiring 'No Right Turn' restrictions/signposting to enforce this requirement similar to the adjacent Hungry Jacks site.

The RMS letter is unclear which heavy vehicles should be prohibited from refuelling on this site. Heavy vehicles are classified as any vehicle over 3 tonnes. This is considered unreasonable and excessive particularly when a 19m long fuel tanker has been shown to be able to enter and exit the site. It is unclear, how a condition or signposting can be imposed that prevents heavy vehicles from accessing the site when a 19 articulated vehicle is required/permitted to access the site to deliver fuels.

The applicant raises no objection to a condition that excludes 25/26m long B-doubles from accessing the site, as this proposal has not been designed for this size vehicle.

**Issue 5 sight distances and vehicle safety.**

I have calculated the sight distance from the proposed exit driveway onto St Heliers Street towards Bridge Street in accordance with the Australian Standards AS/NZS 2890.1:2004 – Off Street Parking. Austroads Part 3 is not considered to be applicable as this document is for Stopping Sight Distances for road intersections, not driveways.

The Australian Standard provides the minimum sight distances to/from an access driveway along a road frontage for varying road speeds. The speed limit along St Heliers Street is 50 km/h, however, a vehicle turning left from Bridge Street would be travelling at less speed which is the only driveway that has a restricted sight line.

---

Traffic Solutions Pty Ltd, PO Box 9161, Bathurst NSW 2795  
Ph: 02 6331 0467 • Email: [craig@trafficsolutions.com.au](mailto:craig@trafficsolutions.com.au)  
ABN 63 074 165 263

The results of this assessment are provided in the following table for 40 and 50 km/h approach speeds and attached is the requested sight distance plan for Council's review.

AS/NZS 2890.1:2004 minimum sight distance requirements for cars (drivers eye height 1.15m)			
Direction of sight distance measurement along a vehicle path	Distance Required for 40 Km/h	Distance Required for 50 Km/h	Distance measured
West towards Bridge Street	35m	45m	51.6m

Accordingly, my calculations reveal that the available sight distance exceeds the stopping distance required by the Australian Standard for the speed limit of 50 km/h.

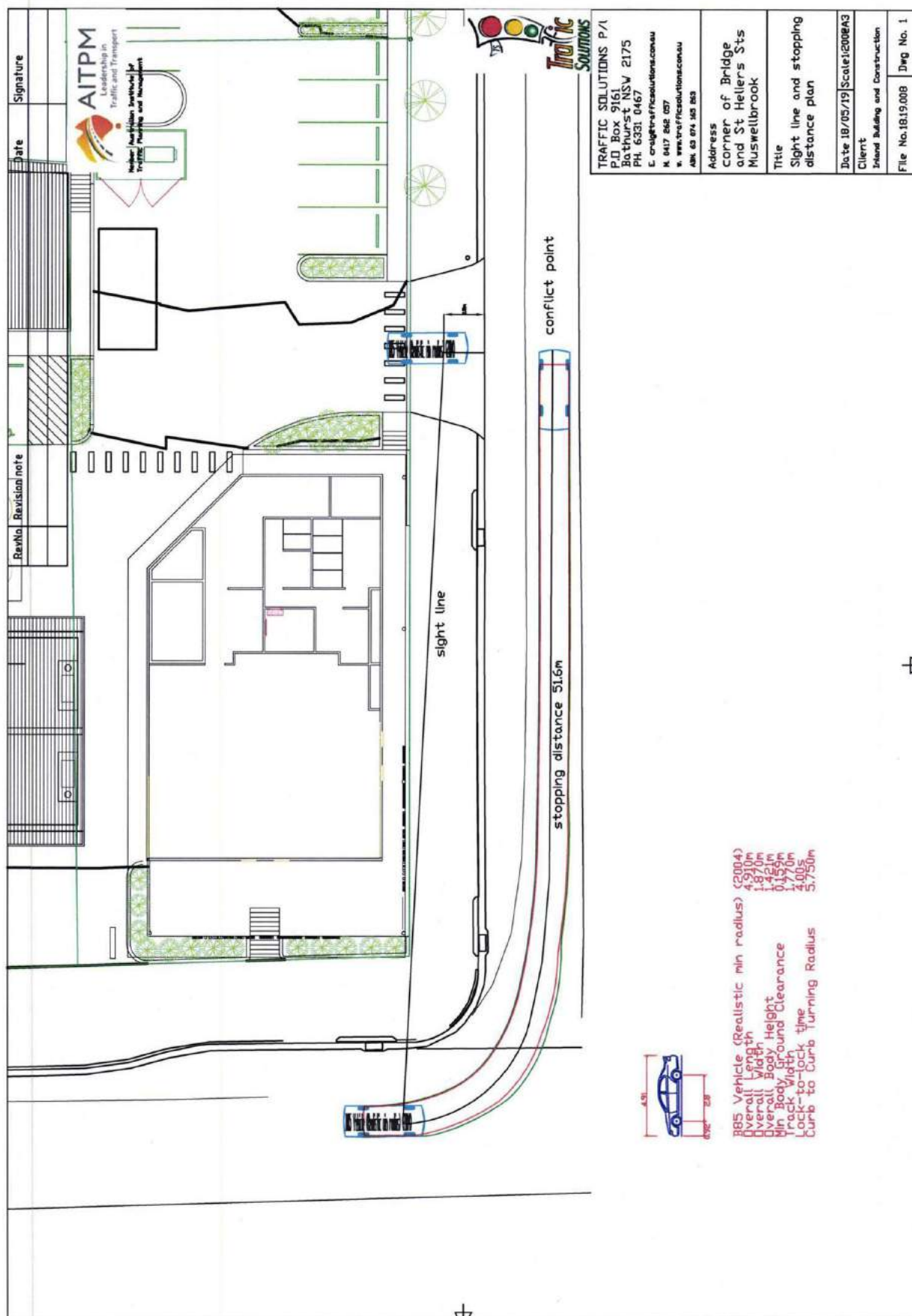
Notwithstanding, that Austroads is not considered appropriate for driveway stopping sight distances, the minimum distance required for 50 km/h is 49m (reaction time of 2 seconds) which is also exceeded to the egress driveway of the proposal.

Should you require any additional information or clarification of the contents of this letter please contact me on the numbers provided.

Yours sincerely



Craig Hazell  
Director





6

## 6. Stormwater Design Detail

---

# **CONCEPTUAL STORMWATER MANAGEMENT PLAN AND PRELIMINARY SITE SERVICING ASSESSMENT**

---

## **Proposed Service Station & Food Outlet**

### **DEVELOPMENT ADDRESS**

**147 & 153 Bridge Street  
Muswellbrook, NSW**

### **LEGAL DESCRIPTION**

**L1 DP784361, L1 DP161784, L1 DP794803, L1 DP159620**

### **FOR**

**Inland Building & Construction**

**ORIGINAL REPORT DATE  
May 2019**

**REVISION - DATE  
P1 – 16/05/19**

**CALARE CIVIL REF:  
2018.0045**

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## Report Details

**Client:** Inland Building & Construction

**Document Name:** CONCEPTUAL STORMWATER MANAGEMENT PLAN

**Site Address:** L1 DP784361, L1 DP161784, L1 DP794803, L1 DP159620  
147 & 153 Bridge Street  
Muswellbrook, NSW

**Job Number:** 2018.0045

**File Name:** 2018-0045-SWMP-P1.docx

**Author:** CALARE CIVIL PTY LTD  
In association with;  
EnCiv – Environmental & Civil Design

## Document Control

Issue	Rev	Author	Approved	Signature	Date	Distributed to:	Qty.
Original	P1	GBL	Garth Dean		16/05/19	Client	1

This document is produced by Calare Civil Pty Ltd for the benefit of, and use by, the client in accordance with the terms of the agreement.

Calare Civil does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by any third party on the content of this document.



Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## CONTENTS

<b>INTRODUCTION .....</b>	<b>4</b>
<b>SITE DESCRIPTION .....</b>	<b>5</b>
TOPOGRAPHY & DRAINAGE .....	5
<b>DATA.....</b>	<b>5</b>
EXISTING STORMWATER INFRASTRUCTURE.....	5
<b>STORMWATER QUANTITY.....</b>	<b>6</b>
EXISTING CONDITIONS.....	6
PROPOSED STORMWATER SYSTEM & MITIGATION MEASURES .....	6
METHODOLOGY .....	6
<b>CONCLUSION.....</b>	<b>8</b>
<b>APPENDIX A</b>	
IFD - MUSWELLBROOK	
<b>APPENDIX B</b>	
<b>APPENDIX C</b>	
EXISTING SITE PLAN	
<b>FIGURES</b>	
EXISTING CATCHMENT PLAN .....	2018.0045-P01
DEVELOPED CATCHMENT PLAN .....	2018.0045-P02
PRELIMINARY DRAINAGE PLAN .....	2018.0045-P03
DETENTION TANK DETAILS .....	2018.0045-P04

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## INTRODUCTION

<b>Developer</b>	Inland Building & Construction
<b>Address</b>	147 & 153 Bridge Street, Muswellbrook, NSW
<b>Local Authority</b>	Muswellbrook Shire Council
<b>Property Description</b>	L1 DP784361, L1 DP161784, L1 DP794803, L1 DP159620
<b>Size of Development</b>	Approx. 0.3052 ha
<b>Type of Development</b>	Proposed Service Station & Food Outlet
<b>Time to Undertake Works</b>	3 - 6 Months
<b>Existing Land Use</b>	Commercial
<b>Adjacent Land Use</b>	Commercial & Residential Dwellings
<b>Engineering Consultant</b>	Calare Civil Pty Ltd
<b>Report Written By</b>	Grant Lyons
<b>Qualifications</b>	Senior Civil Designer
<b>Experience</b>	25+ Years civil engineering experience. Prepared Stormwater Management Plans since 2004.
<b>Report Checked By</b>	Garth Dean
<b>Qualifications</b>	Civil Engineer (BE CPEng.)
<b>Experience</b>	30+ Years Civil Engineering Experience
<b>Purpose of Report</b>	<p>To ascertain the requirements to control stormwater exiting the site and ensure that it has no adverse effect on the downstream receiving waters.</p> <p>This report addresses the issue of: Quantity runoff in accordance with the relevant documents and local / regional authority regulations. To provide a preliminary assessment regarding the viability of the sewer upgrade/duplication in accordance with the Hunter H2O report.</p>

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## SITE DESCRIPTION

### Topography & Drainage

The proposed development is for a commercial development incorporating a Service Station and Retail Food Outlet. It will be contained within the proposed Lots L1 DP784361, L1 DP161784, L1 DP794803, L1 DP159620.

The site is located along the eastern side of the New England Highway, known locally as Bridge Street.

The site falls to the northwest with an average grade of approximately 8.5% with elevations ranging from 154m AHD to 161m AHD.

There is no upstream catchment running through the site as all external runoff is cut off by Flanders Ave and St Heliers St.

Due to the slope of the site and its constant fall it is unlikely that this site in its entirety will become inundated in a flood event.

### Watercourses

There are no defined watercourses from upstream catchments running through the site.

## DATA

### Existing Stormwater Infrastructure

The proposed development is in an established area with existing stormwater infrastructure running along both Bridge Street and St Heliers St.

The legal point of discharge is deemed to be The existing system in Bridge Street as this is conducive to the current and proposed lay of the land.

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## STORMWATER QUANTITY

### Existing Conditions

From a provided survey, the existing catchment of the site to be developed has been assessed giving an area of 0.3052Ha, this being the entire development area.

Of the flows within the site, stormwater currently flows via sheet flow to the kerb & channel in Bridge Street.

To develop this site, an underground drainage system & overland flowpaths will need to be provided along with retardation to manage stormwater and ensure that there is no net worsening on the downstream system.

### Proposed Stormwater System & Mitigation Measures

The following is proposed as a best practice site specific solution.

1. All roof areas are to drain to a proposed drainage system as designed in conjunction with the full civil works design.
2. The ground access and parking areas are to incorporate a drainage system designed in accordance with the relevant standards.
3. The piped drainage system is to discharge to a 10x5x1.2m high detention tank within the site.
4. This will in turn discharge to the existing pit on the corner of Bridge and St Heliers Streets. This pit has been chosen as it is some 2.7m deep, thus giving flexibility to future design.

Refer to the drawings supplied in the **Figures** section of this report for further details.

### Methodology

#### Hydrology

To undertake the hydrologic analysis of the development, the methodologies detailed in AR&R have been used. Flows and levels have been calculated using a rainfall intensity chart developed using the Bureau of Meteorology IFD software (refer **Appendix A**) for the Muswellbrook area.

#### Watercom Drains

A hydrologic assessment of the proposed system has been undertaken using Watercom Drains, producing an IIsax model to ensure that the development does not adversely affect the downstream system by decreasing the time of concentration and increasing the runoff.

The model has been set up with two systems, the first being the pre-developed, unmitigated, site, the second is the developed mitigated site.

This model has used the Central Slopes temporal pattern and the AR&R 2016 rainfall depths based on the co-ordinates of the site and obtained from the BoM.

The developed scenario will require onsite detention to mitigate the increase in flows, it is proposed to use an underground detention tank prior to outlet from the site.



Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

The Watercom Drains model has been calibrated using a rational calculation for the pre-developed site.

A runoff coefficient parameter of 0.45 has been adopted for the predeveloped site as, although recently cleared, it did house structure and buildings for the purposes of a commercial use.

A runoff coefficient parameter of 0.95 for the proposed development has been calculated from the provided design plans.

Both the pre and post development catchments have been subdivided into sub catchments for which each has been modelled.

The site will discharge via a piped system that will be directed to the stormwater detention area prior to discharge.

#### Rational Formula Calculations for Drains Calibration.

C10 Runoff Coefficient Calculations				
$C_{10} = 0.1 + 0.0133 * (I_{10} - 25)$				From Calculation 17 Austroads Guide to Road Design Part 5 pg140)
$C_{10} = 0.9 * f + C_{10} * (1 - f)$				From Calculation 16 Austroads Guide to Road Design Part 5 pg140)
$I_{10}$	34.9	mm/hr		
$C_{10}$	0.23167			
f	0.45	fraction impervious		
$C_{10}$	0.53			

50% AEP					20% AEP				
Assume	C		0.45		Assume	C		0.50	
	I	mm/hr	76.2	5 min		I	mm/hr	103.92	5 min
	A	ha	0.3052			A	ha	0.3052	
=>	Q		0.029	(m3/sec)	=>	Q		0.044	(m3/sec)
10% AEP					5% AEP				
Assume	C		0.53		Assume	C		0.56	
	I	mm/hr	123.6	5 min		I	mm/hr	144	5 min
	A	ha	0.3052			A	ha	0.3052	
=>	Q		0.056	(m3/sec)	=>	Q		0.068	(m3/sec)
2% AEP					1% AEP				
Assume	C		0.61		Assume	C		0.64	
	I	mm/hr	171.6	5 min		I	mm/hr	193.2	5 min
	A	ha	0.3052			A	ha	0.3052	
=>	Q		0.089	(m3/sec)	=>	Q		0.104	(m3/sec)

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Modelling Results.

The table below shows the comparison between the pre and post developed site.  
Development Site

Watercom Drains Results					
Storm Event (AEP)	Pre-Developed Site Flow (m <sup>3</sup> /s)	Post Developed Site (Mitigated) Flow (m <sup>3</sup> /s)	Reduction in Flow due to mitigation (%)	Post Developed Site (Unmitigated) Flow (m <sup>3</sup> /s)	Peak Detention Volume (m <sup>3</sup> )
50%	0.029	0.026	10.34%	0.054	17.9
20%	0.044	0.042	4.55%	0.075	24.9
10%	0.056	0.053	5.36%	0.088	28.6
5%	0.068	0.060	11.76%	0.105	33.1
2%	0.089	0.071	20.22%	0.127	41.4
1%	0.104	0.102	1.92%	0.145	45.3

It can be seen in the results that all of the storm events assessed ensure that the runoff has a no nett worsening effect (no increase in stormwater runoff) due to the proposed development. The results indicate that by including a detention tank in the drainage system, a flow reduction is achieved for all storm events sampled.

For the full calculations please refer to the supplied Watercom Drains model files.

If the Watercom drains file is not included in this package it can be obtained by contacting the author.

### CONCLUSION

- This report has shown that by way of including a 60KL detention tank the proposed developments additional runoff can be satisfactorily mitigated to ensure it will not be increased when compared with the pre-developed site.

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## **APPENDIX A**

### **IFD - Muswellbrook**

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

Copyright Commonwealth of Australia 2016 Bureau of Meteorology (ABN 92 637 533 532)								
IFD Design Rainfall Depth (mm)								
Issued:	15-May-19							
Location Label:								
Requester	Latitude	-32.2591	Longitude	150.89				
Nearest g	Latitude	32.2625 (S	Longitude	150.8875 (E)				
Annual Exceedance Probability (AEP)								
Duration	Duration in min	63.20%	50%	20%	10%	5%	2%	1%
1 min	1	1.64	1.85	2.53	3.01	3.52	4.21	4.78
2 min	2	2.72	3.05	4.16	4.92	5.69	6.69	7.48
3 min	3	3.78	4.25	5.79	6.87	7.95	9.39	10.5
4 min	4	4.76	5.35	7.29	8.67	10.1	11.9	13.4
5 min	5	5.64	6.35	8.66	10.3	12	14.3	16.1
10 min	10	8.97	10.1	13.8	16.6	19.3	23.3	26.4
15 min	15	11.2	12.6	17.3	20.7	24.2	29.2	33.2
20 min	20	12.8	14.5	19.8	23.7	27.7	33.4	37.9
25 min	25	14.1	15.9	21.8	26.1	30.4	36.5	41.5
30 min	30	15.2	17.1	23.4	27.9	32.6	39.1	44.3
45 min	45	17.6	19.7	26.9	32	37.3	44.5	50.3
1 hour	60	19.3	21.7	29.4	34.9	40.5	48.2	54.4
1.5 hour	90	21.9	24.5	33	39.1	45.2	53.6	60.2
2 hour	120	23.9	26.7	35.8	42.3	48.8	57.7	64.8
3 hour	180	27	30.1	40.2	47.3	54.5	64.4	72.2
4.5 hour	270	30.7	34.2	45.4	53.4	61.5	72.6	81.5
6 hour	360	33.7	37.5	49.8	58.6	67.5	79.8	89.7
9 hour	540	38.6	43	57.2	67.4	77.8	92.4	104
12 hour	720	42.6	47.5	63.5	75	86.7	103	117
18 hour	1080	48.8	54.6	73.8	87.6	102	122	138
24 hour	1440	53.6	60.2	82.1	97.9	114	137	156
30 hour	1800	57.4	64.7	89	107	125	150	171
36 hour	2160	60.6	68.5	94.8	114	134	161	183
48 hour	2880	65.6	74.4	104	126	148	178	203
72 hour	4320	72.1	82.3	116	141	167	201	230
96 hour	5760	76.2	87.2	124	150	177	214	244
120 hour	7200	79	90.4	128	155	183	221	252
144 hour	8640	81.2	92.7	130	157	185	224	256
168 hour	10080	82.8	94.3	130	157	185	225	256



Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## **APPENDIX B**

### **Watercom Drains Results**

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Results 50% AEP

DRAINS results prepared from Version 2019.03											
PIT / NODE DETAILS											
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Version 8 Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint				
Detention overflow	153.07		0	0							
Pit1	151.43		0	0	3.07		None				
Ex Pit	150.37		0								
SUB-CATCHMENT DETAILS											
Name	Max Flow Q (cu.m/s)	Paved Max Q (cu.m/s)	Grassed Max Q (cu.m/s)	Paved Tc (min)	Grassed Tc (min)	Supp. Tc (min)	Due to Storm				
Ex Cat	0.029	0.028	0.008	5	5	7	5 50% AEP, 20 min burst, Storm 3				
Dev-Cat-Service	0.054	0.054	0.001	5	5	7	5 50% AEP, 15 min burst, Storm 9				
PIPE DETAILS											
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm						
Pipe2	0.026	2.24	153.07	152.941	50% AEP, 20 min burst, Storm 6						
Pipe1	0.026	2.05	151.429	150.37	50% AEP, 20 min burst, Storm 6						
CHANNEL DETAILS											
Name	Max Q (cu.m/s)	Max V (m/s)			Due to Storm						
OVERFLOW ROUTE DETAILS											
Name	Max Q U/S	Max Q D/S	Safe Q	Max D	Max D/V	Max Width	Max V	Due to Storm			
Weir1											
10% Orifice											
50% Orifice	0.026	0.026						50% AEP, 20 min burst, Storm 6			
DETENTION BASIN DETAILS											
Name	Max WL	Max Vol	Max Q Total	Max Q Low Level	Max Q High Level						
Detention Basin	153.36	17.9	0.026	0	0.026						
Run Log for 20180045 run at 16:11:20 on 16/5/2019											
No water upwelling from any pit. Freeboard was adequate at all pits.											

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Results 20% AEP

DRAINS results prepared from Version 2019.03														
PIT / NODE DETAILS														
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Version 8 Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint							
Detention overflow	153.09		0	0										
Pit1	151.47		0		3.03		None							
Ex Pit	150.39		0											
SUB-CATCHMENT DETAILS														
Name	Max Flow Q (cu.m/s)	Max Q (cu.m/s)	Max Q (cu.m/s)	Paved Tc (min)	Grassed Tc (min)	Supp. Tc (min)	Due to Storm							
Ex Cat	0.044	0.026	0.018	5	5	7	5 20% AEP, 20 min burst, Storm 8							
Dev-Cat-Service	0.075	0.074	0.001	5	5	7	5 20% AEP, 15 min burst, Storm 9							
PIPE DETAILS														
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm									
Pipe 2	0.042	2.42	153.089	152.963	20% AEP, 15 min burst, Storm 7									
Pipe 1	0.042	2.36	151.457	150.389	20% AEP, 15 min burst, Storm 7									
CHANNEL DETAILS														
Name	Max Q (cu.m/s)	Max V (m/s)			Due to Storm									
OVERFLOW ROUTE DETAILS														
Name	Max Q U/S	Max Q D/S	Safe Q	Max D	Max D/V	Max Width	Max V							
Weir1														
10% Orifice	0.011	0.011												
50% Orifice	0.031	0.031												
DETENTION BASIN DETAILS														
Name	Max WL	Max Vol	Max Q Total	Max Q Low Level	Max Q High Level									
Detention Basin	153.5	24.9	0.042	0	0.042									
Run Log for 20180045 run at 16:14:48 on 16/5/2019														
No water upwelling from any pit. Freeboard was adequate at all pits.														

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Results 10% AEP

DRAINS results prepared from Version 2019.03													
PIT / NODE DETAILS													
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint						
Detention overflow	153.1		0	0									
Pit1	151.49		0	0	3.01		None						
Ex Pit	150.4		0										
SUB-CATCHMENT DETAILS													
Name	Max Flow Q (cu.m/s)	Max Paved Max Q (cu.m/s)	Max Grassed Max Q (cu.m/s)	Max Paved Tc (min)	Max Grassed Tc (min)	Supp. Tc (min)	Due to Storm						
Ex Cat	0.056	0.038	0.018	5	5	7	5 10% AEP, 10 min burst, Storm 9						
Dev-Cat-Service	0.088	0.088	0.001	5	5	7	5 10% AEP, 5 min burst, Storm 1						
PIPE DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm								
Pipe2	0.053	2.54	153.101	152.975	10% AEP, 15 min burst, Storm 6								
Pipe1	0.053	2.52	151.477	150.401	10% AEP, 15 min burst, Storm 6								
CHANNEL DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)			Due to Storm								
OVERFLOW ROUTE DETAILS													
Name	Max Q U/S	Max Q D/S	Safe Q	Max D	Max DxV	Max Width	Max V	Due to Storm					
Weir1													
10% Orifice	0.02	0.02											
50% Orifice	0.033	0.033											
DETENTION BASIN DETAILS													
Name	Max WL	Max Vol	Max Q Total	Max Q Low Level	Max Q High Level								
Detention Basin	153.57	28.6	0.053	0	0.053								
Run Log for 20180045 run at 16:19:23 on 16/5/2019													
No water upwelling from any pit. Freeboard was adequate at all pits.													



Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Results 5% AEP

DRAINS results prepared from Version 2019.03													
PIT / NODE DETAILS													
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Version 8 Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint						
Detention overflow	153.11		0	0									
Pit1	151.51		0	0	2.99		None						
Ex Pit	150.41		0										
SUB-CATCHMENT DETAILS													
Name	Max Flow Q (cu.m/s)	Max Q (cu.m/s)	Max Q (cu.m/s)	Paved Tc (min)	Grassed Tc (min)	Supp. Tc (min)	Due to Storm						
Ex Cat	0.068	0.045	0.025	5	5	7	5 5% AEP, 10 min burst, Storm 9						
Dev-Cat-Service	0.105	0.104	0.001	5	5	7	5 5% AEP, 5 min burst, Storm 1						
PIPE DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm								
Pipe 2	0.06	2.62	153.108	152.984	5% AEP, 15 min burst, Storm 6								
Pipe 1	0.06	2.6	151.489	150.409	5% AEP, 15 min burst, Storm 6								
CHANNEL DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)			Due to Storm								
OVERFLOW ROUTE DETAILS													
Name	Max Q U/S	Max Q D/S	Safe Q	Max D	Max D/V	Max Width	Max V						
Weir1													
10% Orifice	0.024	0.024											5% AEP, 15 min burst, Storm 6
50% Orifice	0.036	0.036											5% AEP, 15 min burst, Storm 6
DETENTION BASIN DETAILS													
Name	Max WL	Max Vol	Max Q Total	Max Q Low Level	Max Q High Level								
Detention Basin	153.66	33.1	0.06	0	0.06								
Run Log for 20180045 run at 16:23:47 on 16/5/2019													
No water upwelling from any pit. Freeboard was adequate at all pits.													

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Results 2% AEP

DRAINS results prepared from Version 2019.03													
PIT / NODE DETAILS													
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Version 8 Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint						
Detention overflow	153.12		0	0									
Pit1	151.53		0	0	2.97		None						
Ex Pit	150.42		0										
SUB-CATCHMENT DETAILS													
Name	Max Flow Q (cu.m/s)	Max Q (cu.m/s)	Max Q (cu.m/s)	Paved Tc (min)	Grassed Tc (min)	Supp. Tc (min)	Due to Storm						
Ex Cat	0.089	0.054	0.037	5	5	7	5 2% AEP, 10 min burst, Storm 4						
Dev-Cat-Service	0.127	0.126	0.002	5	5	7	5 2% AEP, 5 min burst, Storm 1						
PIPE DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm								
Pipe 2	0.071	2.75	153.119	152.994	2% AEP, 15 min burst, Storm 5								
Pipe 1	0.071	2.72	151.507	150.42	2% AEP, 15 min burst, Storm 5								
CHANNEL DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)		Due to Storm									
OVERFLOW ROUTE DETAILS													
Name	Max Q U/S	Max Q D/S	Safe Q	Max D	Max D/V	Max Width	Max V	Due to Storm					
Weir1													
10% Orifice	0.031	0.031											2% AEP, 15 min burst, Storm 5
50% Orifice	0.04	0.04											2% AEP, 15 min burst, Storm 5
DETENTION BASIN DETAILS													
Name	Max WL	Max Vol	Max Q Total	Max Q Low Level	Max Q High Level								
Detention Basin	153.83	41.4	0.071	0	0.071								
Run Log for 20180045 run at 16:25:17 on 16/5/2019													
No water upwelling from any pit. Freeboard was adequate at all pits.													

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

### Watercom Drains Results 1% AEP

DRAINS results prepared from Version 2019.03													
PIT / NODE DETAILS													
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Version 8 Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint						
Detention overflow	153.15		0	0									
Pit1	151.6		0	0	2.9		None						
Ex Pit	150.44		0										
SUB-CATCHMENT DETAILS													
Name	Max Flow Q (cu.m/s)	Max Q (cu.m/s)	Max Q (cu.m/s)	Paved Tc (min)	Grassed Tc (min)	Supp. Tc (min)	Due to Storm						
Ex Cat	0.104	0.062	0.045	5	5	7	5 1% AEP, 10 min burst, Storm 4						
Dev-Cat-Service	0.145	0.143	0.002	5	5	7	5 1% AEP, 5 min burst, Storm 1						
PIPE DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm								
Pipe 2	0.104	3.03	153.147	153.022	1% AEP, 15 min burst, Storm 4								
Pipe 1	0.102	3.01	151.547	150.445	1% AEP, 15 min burst, Storm 5								
CHANNEL DETAILS													
Name	Max Q (cu.m/s)	Max V (m/s)		Due to Storm									
OVERFLOW ROUTE DETAILS													
Name	Max Q U/S (cu.m/s)	Max Q D/S (cu.m/s)	Safe Q (cu.m/s)	Max D (m)	Max D/V (m)	Max Width (m)	Max V (m/s)	Due to Storm					
Weir1	0.028	0.028											
10% Orifice	0.034	0.034											
50% Orifice	0.042	0.042											
DETENTION BASIN DETAILS													
Name	Max WL	Max Vol	Max Q Total	Max Q Low Level	Max Q High Level								
Detention Basin	153.91	45.3	0.103	0	0.103								
Run Log for 20180045 run at 16:27:22 on 16/5/2019													
No water upwelling from any pit. Freeboard was adequate at all pits.													

Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

## **APPENDIX C**

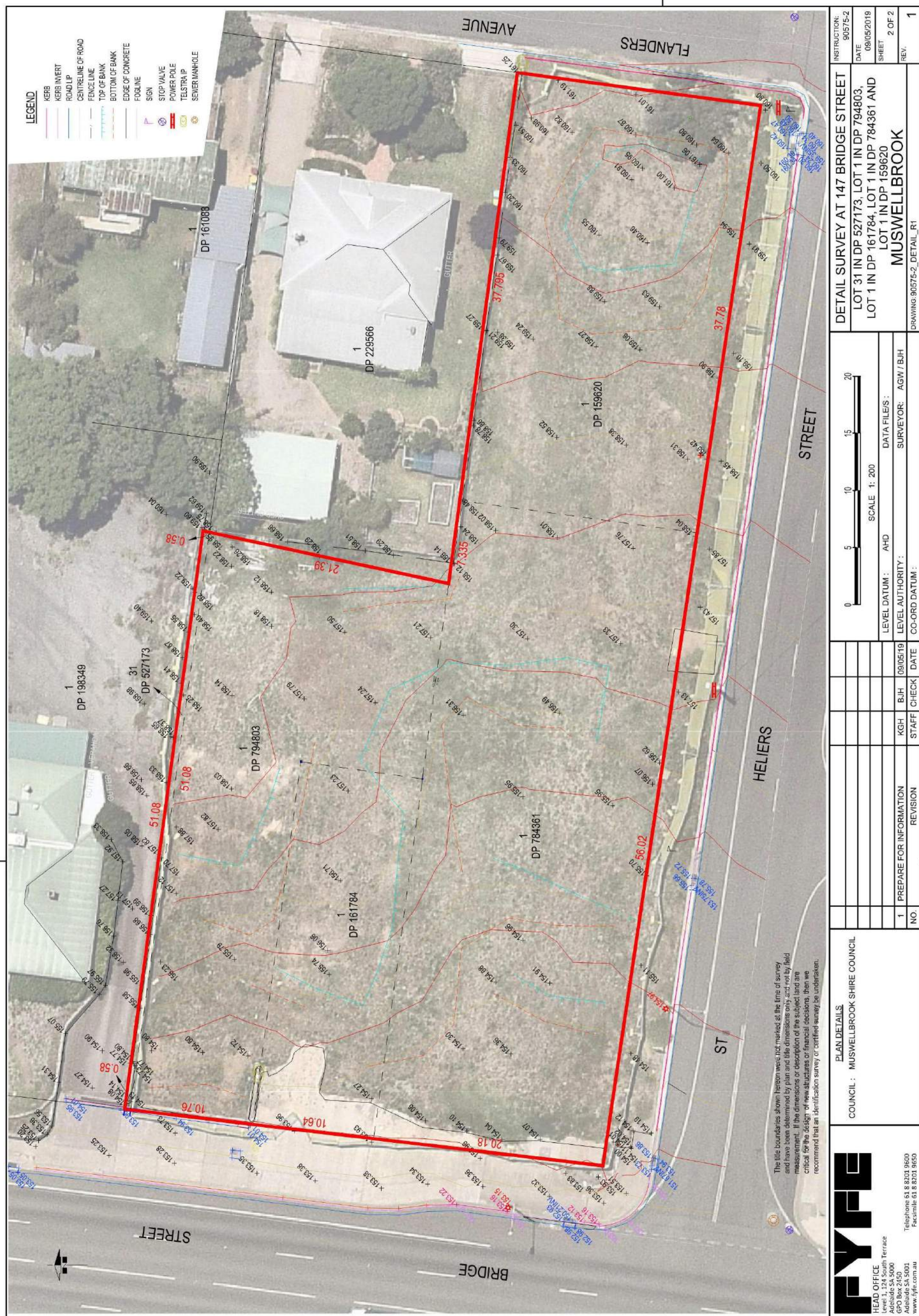
### **Existing Site Plan**













Inland Building & Construction  
Proposed Service Station & Food Outlet  
Stormwater Management Plan

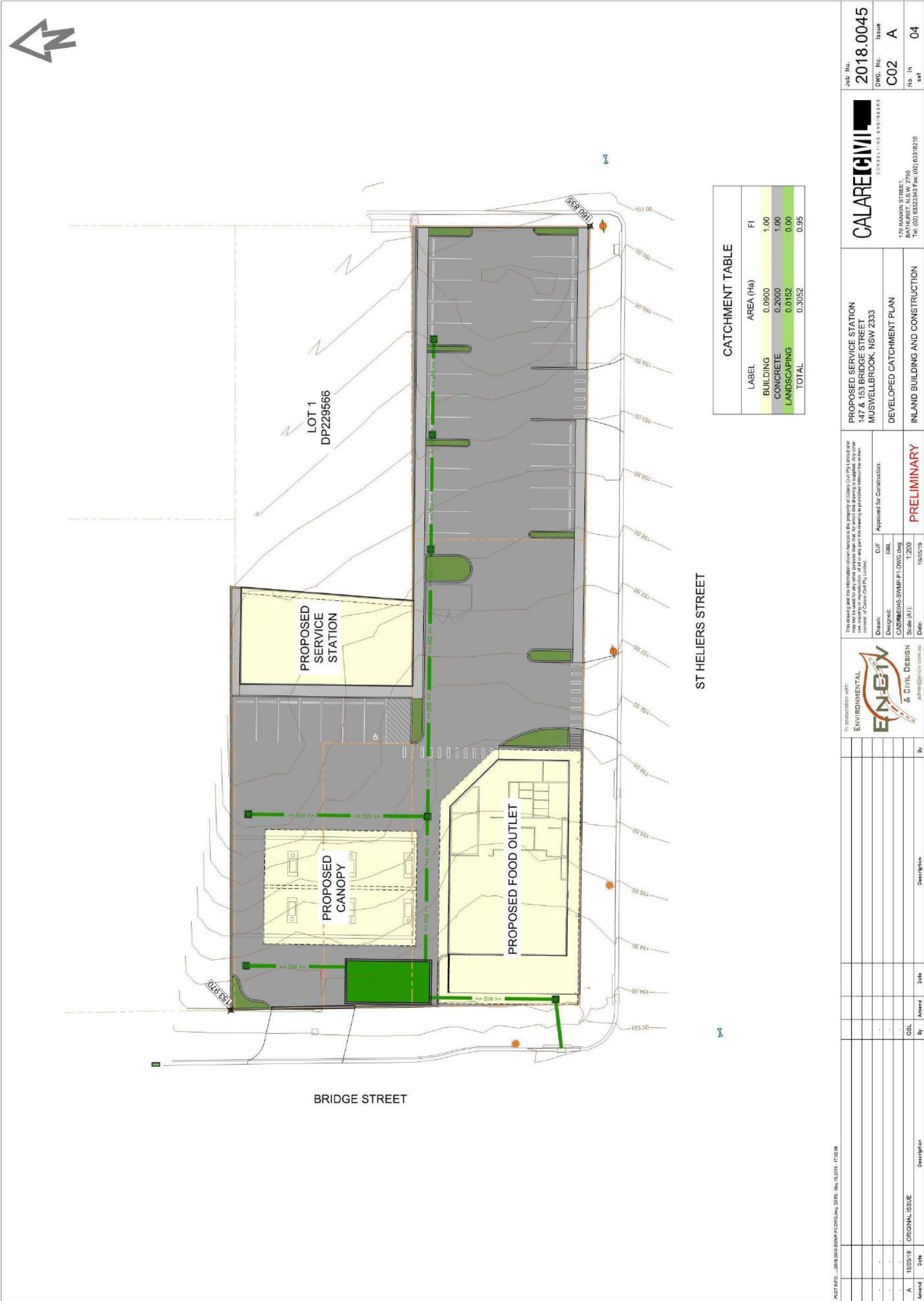
## FIGURES

Existing Catchment Plan	2018.0045-P01
Developed Catchment Plan	2018.0045-P02
Preliminary Drainage Plan	2018.0045-P03
Detention Tank Details	2018.0045-P04

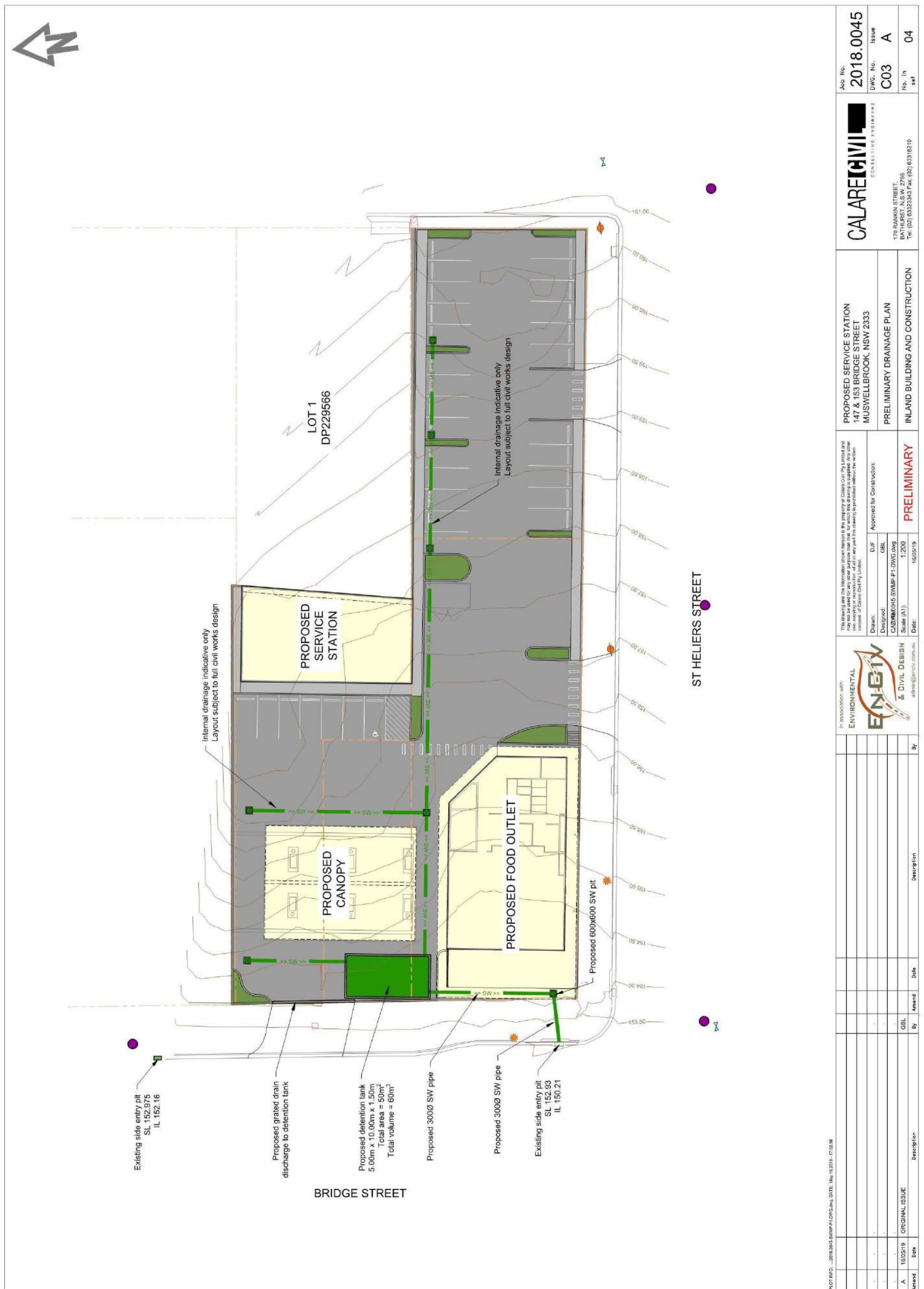




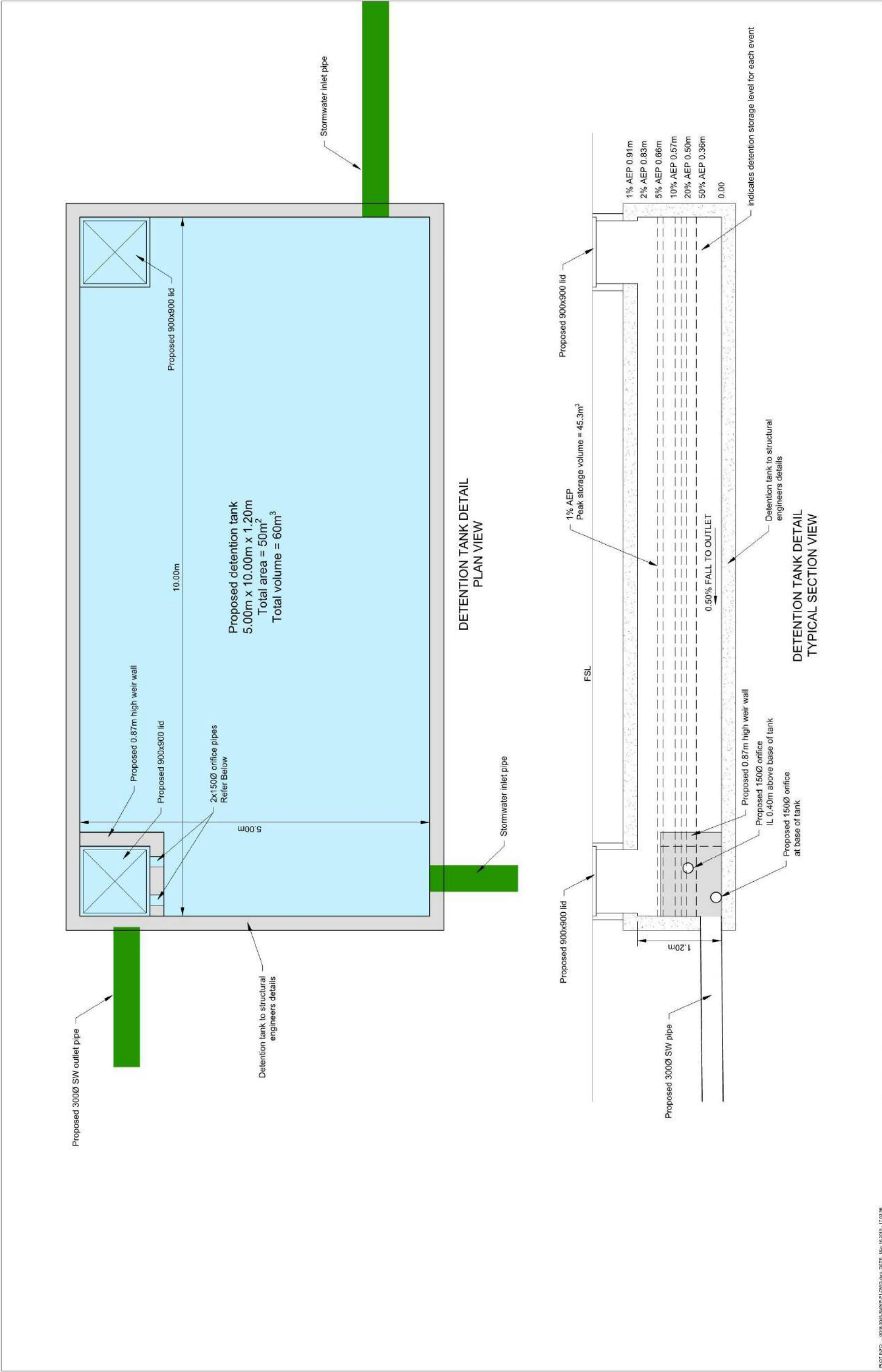












PLOT INFO: ...32618.DWG-SWMP-F1-DWG.dwg DATE: May 16, 2019 - 17:02:36		In association with:		This drawing and the information shown herein is the property of Calare Pty Limited and may not be used for any other purpose than that for which this drawing is supplied. Any other use, copying or reproduction of all or any part of this drawing is prohibited without the written consent of Calare Pty Limited.		PROPOSED SERVICE STATION 147 & 153 BRIDGE STREET MUSWELLBROOK, NSW 2333		Job No: <b>2018.0045</b>	
		ENVIRONMENTAL <b>ENGIN</b> & CIVIL DESIGN admin@engin.com.au		Drawn: DJF Designed: GBL Checked: CALARE/DAS-SWMP-F1-DWG.dwg Scale (A1): 1:25 Date: 16/05/19		DETENTION TANK DETAILS		DWG. No. <b>C04</b>	
		By		Description		INLAND BUILDING AND CONSTRUCTION		Issue <b>A</b>	
		Date		Amend				No. In set <b>04</b>	
		ORIGINAL ISSUE							
A	16/05/19	GBL							

7

## 7. Preliminary Hazard Analysis



**SEPP 33**

**RISK SCREENING DOCUMENTATION**



**Mobil Service Station**

**Cnr Bridge Street and St Heliers  
Street  
MUSWELLBROOK NSW**

**Hazkem Pty Ltd  
May 2019**

TELEPHONE  
61 3 9842 7300

ADDRESS  
Unit 8, 328 Reserve Road  
Cheltenham VIC 3192

WEB  
info@hazkem.com.au  
www.hazkem.com.au



This report was written by Alana Craven, member AIDGC,  
© Hazkem Pty Ltd

#### DISCLAIMER

This report was prepared by Hazkem Pty Ltd as an account of work for Inland Building and Construction. The material in it reflects Hazkem's best judgement in the light of the information available to it at the time of preparation. However, as Hazkem cannot control the conditions under which this report may be used, Hazkem will not be responsible for damages of any nature resulting from use of or reliance upon this report. Hazkem's responsibility for advice given is subject to the terms of engagement with Inland Building and Construction.

Last Saved	20 May 2019
Author	Alana Craven
Project Manager	Phil Kemm
Name of Organisation	Inland Building and Construction
Name of Project	Mobil Muswellbrook
Document Version	Rev 0

COPYRIGHT: The concepts and information contained in this document are the property of Hazkem Pty Ltd and is for the sole use of Inland Building and Construction. Use or copying of this document in whole or in part without the written permission of Hazkem Pty Ltd constitutes an infringement of copyright.

## TABLE OF CONTENTS

---

PURPOSE AND SCOPE OF THIS DOCUMENT	1
REFERENCE AND ASSISTANCE DOCUMENTS	2
SITE DESCRIPTION	2
Location	2
Proposal	2
Hazardous Materials	2
SEPP 33 RISK SCREENING	3
Fuel Storage	3
Proposal	3
Calculations	3
TRANSPORT SCREENING THRESHOLD	5
CONCLUSION	6
DOCUMENT REFERENCES	7
Other References	7
APPENDIX 1 Multi Level Risk Assessment Flow Chart	8
APPENDIX 2 Risk Rank Method	10
APPENDIX 3 Hazard Analysis	12
APPENDIX 4 Proposed Site Drawings	16

MOBIL MUSWELLBROOK

**RISK SCREENING and PRELIMINARY HAZARD ANALYSIS**  
**MOBIL SERVICE STATION**  
**Cnr Bridge St and St Heliers Street**  
**MUSWELLBROOK NSW**

**PURPOSE AND SCOPE OF THIS DOCUMENT**

For dangerous goods installation designs where there is proposed storages above minor quantities, an investigation process must be followed in order to assess whether or not a proposal is suitable for a particular site or not. Such sites should be deemed "potentially hazardous" until a detailed risk assessment determines otherwise. The process flow chart is detailed in appendix 1.

NSW State Environmental Planning Policy 33<sup>1</sup>, (SEPP 33) is a document published by the NSW Department of Planning which provides guidelines for local government and developers for ensuring that the safety and pollution impacts of an industrial proposal are addressed at an early stage of the development application process. Through this document an assessment procedure is followed which links the permissibility of a proposal to its safety performance. SEPP 33 ensures that only those industrial proposals which are suitably located, and able to demonstrate that they can be built and operated with an adequate level of safety, can proceed<sup>2</sup>.

As detailed in SEPP 33 a "hazardous industry" is one which poses a significant risk when all locational, technical, operational and organizational safeguards are included.

A "potentially hazardous industry" is one which, when all safeguards are operating, imposes a risk level which is significantly lower.

SEPP 33 also incorporates a screening process which will determine whether or not a site is potentially hazardous. If deemed potentially hazardous, a preliminary hazard analysis is required.

Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create an off-site risk or offence to people, property or the environment. Such activities would be defined as potentially hazardous or potentially offensive. SEPP 33 also provides guidelines to assist councils and proponents to establish whether a development proposal would fit into such definitions and hence, come under the provisions of the policy.

The purpose of a PHA is to gain a better understanding of the risks and hazards associated with the site and to provide a reasonable basis for an informed judgment to be made on the acceptability of the site for the proposed development<sup>3</sup>. The PHA will outline in detail possible risks and hazards associated with this site. This will assist council in reaching an informed decision for the proposal.

It is important to note also that this investigation has been carried out by a suitably qualified person who understands the properties of the dangerous goods stored on site and the possible impact they may have on equipment and structures located on and off site. Under state legislation a system must be designed by a suitably qualified person who is experienced in this type of work<sup>4</sup>.

MOBIL MUSWELLBROOK

**REFERENCE AND ASSISTANCE DOCUMENTS**

This document has been compiled with guidance from:

- Hazardous Industry Planning Advisory Paper No 4 'Risk Criteria for Land Use Safety Planning'
- Hazardous Industry Planning Advisory Paper No 6. 'Guidelines for Hazard Analysis'
- Hazardous and Offensive Development Application Guideline 'Applying SEPP 33'
- NSW Dept of Planning assessment guidelines "Multi Level Risk Assessment".

**SITE DESCRIPTION****LOCATION**

The site is a proposed Mobil service station located at the corner of Bridge Street and St heliers Street, Muswellbrook NSW. The site is on the north east corner of the Bridge Street and St heliers Street intersection. The site has a commercial property located to the north of the site with residential properties located along the North East boundaries. The southern and western boundaries are street frontages.

**PROPOSAL**

This site is a proposed service station supplying Motor Spirit and Combustible Liquids for automotive use to the general public. The site is approx. 3052 square meters in size with a proposed 227 square meter sales building and 496 square meter fast food outlet.

**HAZARDOUS MATERIALS**

This proposal incorporates a total of approximately 105 kl of flammable liquid and 35 kl of combustible liquid in underground tanks. The flammable and combustible liquid storages covered by this assessment are the only bulk hazardous materials stored on site and are fully covered under the SEPP 33 screening process.



MOBIL MUSWELLBROOK

**SEPP 33 RISK SCREENING****FUEL STORAGE****Proposal**

Product	Quantity	Tank/Compartment No.	Class and PG
Diesel	35,000 litres	1	C1*
E10 Petrol	25,000 litres	2	3 PG II
91 Petrol	40,000 litres	3	3 PG II
95 Petrol	15,000 litres	4	3 PG II
98 Petrol	15,000 litres	5	3 PG II
E85 Petrol	10,000 litres	6	3 PG II

Notes: \* As the diesel (combustible C1) is stored on site together with the petrol (flammable liquid class 3), it will be considered as a flammable for the purposes of this report.

**Calculations**

The screening method set out in Applying SEPP 33 (Department of Planning, 2011) provides the first step in the analysis. The screening method is based on broad estimates of the possible off-site effects or consequences from hazardous materials present on site, taking into account locational characteristics.

If the quantity/distance is less than the screening threshold, then no further analysis is necessary. The safety management regime in this case relies on observance of the requirements of engineering codes and standards.

If the quantities/distances exceed the screening threshold, further analysis is necessary.

By utilising Figure 9 of SEPP 33 and measuring separation distances, it can be determined whether further analysis is required. The separation distances are measured from both the underground tank fill points and the fuel dispensers to the site boundaries.

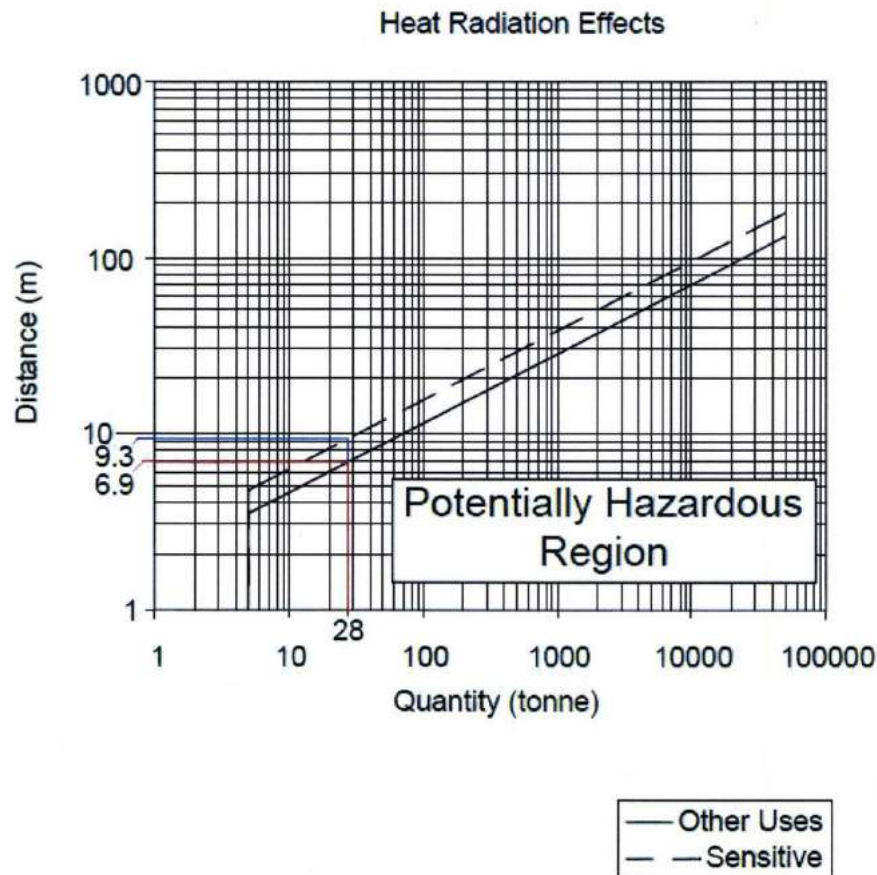
Boundary	Min Distance – Fill Points	Min Distance - Dispensers
North	14.4	7.1
South	27.4	20.4
East	27.6	31.3
West	19.3	10.8

Total storage capacity is 140,000 litres.

So for this quantity, as it is stored underground, we can divide by a factor of five, as it is considered less invasive. So allowance is for 28,000 litre storage.

MOBIL MUSWELLBROOK

FIGURE 9, SEPP 33



From Figure 9 we can see that for 28,000 litres, the minimum setback distance from the remote fill and dispensing points is 6.9 metres to site property boundaries for other uses or 9.3 metres for sensitive uses (residential uses).

The nearest property boundary to the north being 155 Bridge Street, is defined as a B2 Mixed Use Zone. The site is currently used as a commercial premise and categorised as such as an "Other use". Should this property alter its use and become residential it would be deemed a "Sensitive use" and further assessment would be required.

Since the set back distances are in excess of both 6.9m from normal use and 9.3m from sensitive use boundaries to the fill points and dispensers, the site is deemed to be non hazardous and there is no requirement to do a PHA for further analysis.

MOBIL MUSWELLBROOK

**TRANSPORT SCREENING THRESHOLD**

SEPP 33 screening also requires a study of the transporting/delivery frequencies, for the site as outlined in table 2 (below). It is envisaged that deliveries to site, for fuels will be about 3 times a week, or 156 times per year. According to the "Transportation Screening Thresholds", up to 45 movements per week or 750 movements per year for fuel are acceptable prior to becoming potentially hazardous<sup>6</sup>.

In this case, as the numbers of expected deliveries for the fuel is well below the thresholds, there are no requirement to do further analysis in the form of a PHA based on the transport screening thresholds.

Table 2: Transportation Screen Threshold "Applying SEPP 33" (page 18)

**Table 2: Transportation Screening Thresholds**

Class	Vehicle Movements		Minimum quantity*	
	Cumulative Annual	Peak or Weekly	per load (tonne) Bulk	Packages
1	see note	see note	see note	
2.1	>500	>30	2	5
2.3	>100	>6	1	2
3PGI	>500	>30	1	1
3PGII	>750	>45	3	10
3PGIII	>1000	>60	10	no limit
4.1	>200	>12	1	2
4.2	>100	>3	2	5
4.3	>200	>12	5	10
5	>500	>30	2	5
6.1	all	all	1	3
6.2	see note	see note	see note	
7	see note	see note	see note	
8	>500	>30	2	5
9	>1000	>60	no limit	

**Note:** Where proposals include materials of class 1, 6.2 or 7, the Department of Planning should be contacted for advice. Classes used are those referred to in the Dangerous Goods Code and are explained in Appendix 7.

\* If quantities are below this level, the potential risk is unlikely to be significant unless the number of traffic movements is high.

MOBIL MUSWELLBROOK

**CONCLUSION**

It has been determined via assessment of this proposal under the NSW State Environmental Planning Policy 33 (SEPP 33) that the site is deemed "not potentially hazardous". The proposed design sees all setback distances as required under SEPP 33 achieved and therefore the site and its current design are deemed to not impose a significant level of risk to the community. As a result of this finding there is no requirement for a Preliminary Hazard Analysis to be undertaken based on the site being assessed as not potentially hazardous.



MOBIL MUSWELLBROOK

**DOCUMENT REFERENCES**

- <sup>1</sup> State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW, January 2011.
- <sup>2</sup> State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 1, 1.2 the policy, last para
- <sup>3</sup> State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 9, 4.2
- <sup>4</sup> Protection of the Environment Operations (Underground Petroleum Storage Systems) regulation 2014 division 1, clause 5 and 6
- <sup>5</sup> State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 18, table 2

**OTHER REFERENCES****Australian Standards:**

AS 1940-2017	"The Storage & Handling of Flammable & Combustible Liquids"
AS 4897-2008	"The Design, Installation and Operation of Underground Petroleum Storage Tanks"
AS 3000-2007	"Electrical Wiring Rules".
AS/NZS 60079.10.1-2009	"Classification of Areas. Explosive gas atmospheres". Annex ZA "Examples of Hazardous Area Classification".
AS 2832.2-2003	"Cathodic Protection of Metals – Compact buried structures".
AS 2239-2003	"Galvanic (sacrificial) Anodes for Cathodic Protection".
AS/NZS 3788-2006	"Pressure Equipment – In-service inspection".
AS 4037-1999	"Pressure Equipment – Examination & testing".
AS/NZS 1841.5-2007	"Portable Fire Extinguishers".
AS 2444-2001	"Portable Fire Extinguishers and Fire Blankets". Select. & location.
AS 1692-2006	"Tanks for Flammable and Combustible liquids".

**Codes of Practices:**

Australian Code for the Transportation of Dangerous Goods by Road and Rail, Seventh edition.  
NSW Code of Practice 2005 for Storage & Handling of Dangerous Goods.  
NSW Work Health and Safety Act and Regs 2011.

**Planning NSW Guidelines:**

Hazardous and Offensive Development Application Guidelines - Applying SEPP 33  
Hazardous and Offensive Development Application Guidelines - Multi-Level Risk Assessment  
Hazardous Industry Planning Advisory Paper No. 4 - Risk Criteria for Land Use Safety Planning  
Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis  
Hazardous Industry Planning Advisory Paper No. 8 - Hazard and Operability Studies

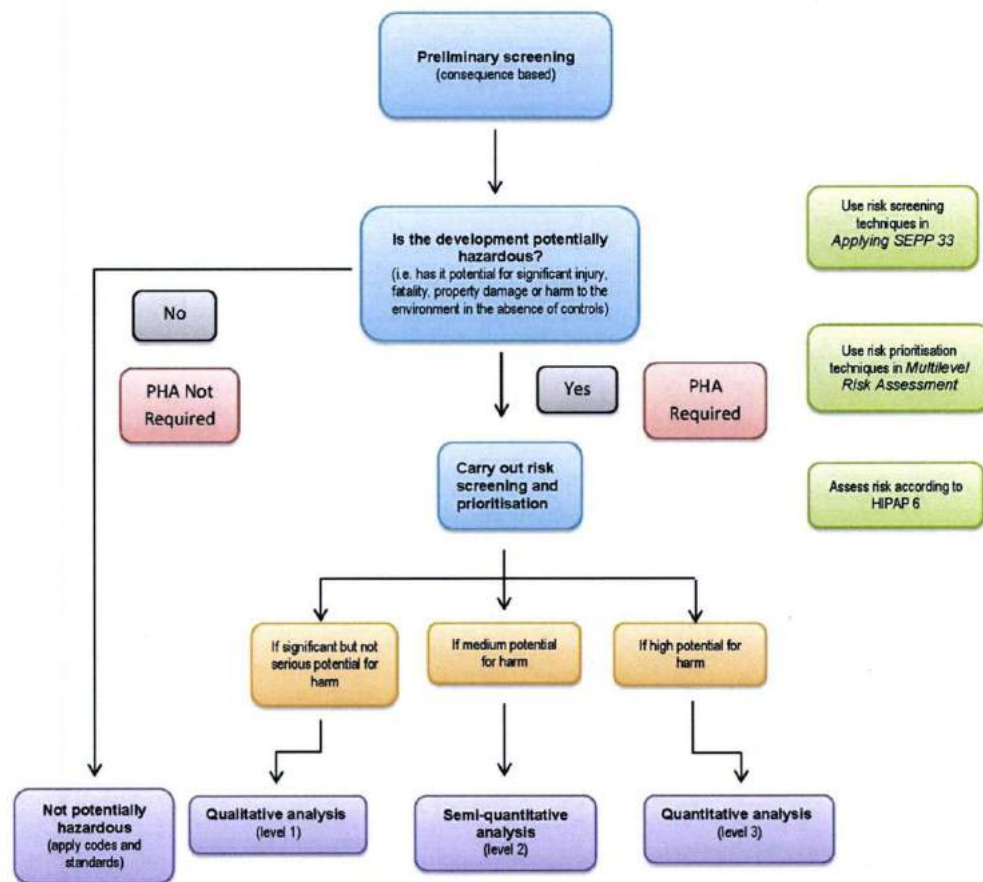
**Other Documentation:**

Local Authorities requirements, NSW WorkCover and EPA Acts and Regulations.  
Equipment Suppliers Specifications, Requirements and Instructions.  
Fuel System Specifications and Drawings.  
Site Specific drawings and suppliers specifications.

## **APPENDIX 1**

### **MULTI LEVEL RISK ASSESSMENT FLOW CHART**

---



## APPENDIX 2

### RISK RANK METHOD

---



**RISK RANKING METHOD**

Risk is the combination of the likelihood of a specific unwanted event and the potential consequences if it should occur.

**Probabilities**

- A - common or repeating occurrence
- B - known to occur, or "it has happened"
- C - could occur, or "I've heard of it happening"
- D - not likely to occur
- E - practically impossible

**Consequences****People**

- 1 - fatality or permanent disability
- 2 - serious lost time injury or illness
- 3 - moderate lost time injury or illness
- 4 - minor lost time injury or illness
- 5 - no lost time

**Equipment, assets or environment**

- 1 - more than \$500K damage
- 2 - \$100K to \$500K damage
- 3 - \$50K to \$100K damage
- 4 - \$5k to \$50K damage
- 5 - less than \$5K damage

**Production**

- 1 - more than \$500K production delay
- 2 - \$100K to \$500K delay
- 3 - \$50K to \$100K delay
- 4 - \$5k to \$50K delay
- 5 - less than \$5K delay

**Risk Ranking Method (above)**

For each event, the appropriate probability (a letter A to E) and consequence (a number 1 to 5) is selected. If an event affects more than one area of consequence (eg. Affects people and production), the highest rank number, i.e. 1, is always selected.

**Risk Ranking Table (below)**

The consequences (loss outcomes) are combined with the probability (of those outcomes) in the risk ranking table to identify the risk rank of each loss event (eg a consequence 3 with a probability B yields a risk rank 9).

The table yields a risk rank from 1 to 25 for each set of probabilities and consequences. A rank of 1 is the highest magnitude of risk, i.e. a highly likely, very serious event.

A rank of 25 represents the lowest magnitude of risk, an almost impossible, very low consequence event.

Events represented on the risk ranking table by ranks between 16 and 25 inclusive are considered acceptable risks.

**RISK RANKING TABLE**

PROBABILITY CONSEQUENCE	A	B	C	D	E
1	1	2	4	7	11
2	3	5	8	12	16
3	6	9	13	17	20
4	10	14	18	21	23
5	15	19	22	24	25

## APPENDIX 3

### HAZARD ANALYSIS

---

**Hazard Analysis**

**Project:** Mobil Service Station at Cnr Bridge St and St Heliers St, Muswellbrook NSW  
**Description/Activity:** Design Phase - Dangerous Goods Storage at Service Station  
**Date:** 25.05.2019

**RISK RANKING METHOD SUMMARY (Refer Appendix 2 for full detail)**

Probability	Consequences				
	People	Equipment, assets or environment	Production		
A - Common or Repeating Occurrence	1 - fatality or permanent disability	1 - more than \$500k damage	1 - more than \$500k production delay		
B - Known to occur, or "it has happened"	2 - serious lost time injury or illness	2 - \$100k to \$500k damage	2 - \$100k to \$500k delay		
C - Could occur, "I've heard of it happening"	3 - moderate lost time injury or illness	3 - \$50k to \$100k damage	3 - \$50k to \$100k delay		
D - not likely to occur	4 - minor lost time injury or illness	4 - \$5k to \$50k damage	4 - \$5k to \$50k delay		
E - practically impossible	5 - no lost time	5 - less than \$5k damage	5 - less than \$5k delay		

Sheet 1 of 3

Certification against AS1940 for Flammable and Combustible Liquids Storage		Probability	Consequences	Action Required (Y/N)
No.	Hazard	A-E	1-5	
1	Overfill of tank	D	4	N
2	Leak in pipework	D	4	N
3	Hose trip hazard	D	5	N
4	Ruptured fill hose	E	4	N
5	Equipment wear and tear	D	4	N
6	Vandalism of equipment	D	4	N
7	Customer overfill during dispensing	D	4	N
8	Customer drives off with nozzle inserted	D	4	N

[illegible]



**Project/Site:** Mobil Service Station at Cnr Bridge St and St Heliers St, Muswellbrook NSW  
**Description/Activity:** Design Phase - Dangerous Goods Storage at Service Station

**Note:** This section of the hazard analysis is for the design of site only and does not take into account any site issues which must be looked at regarding alternate storage locations

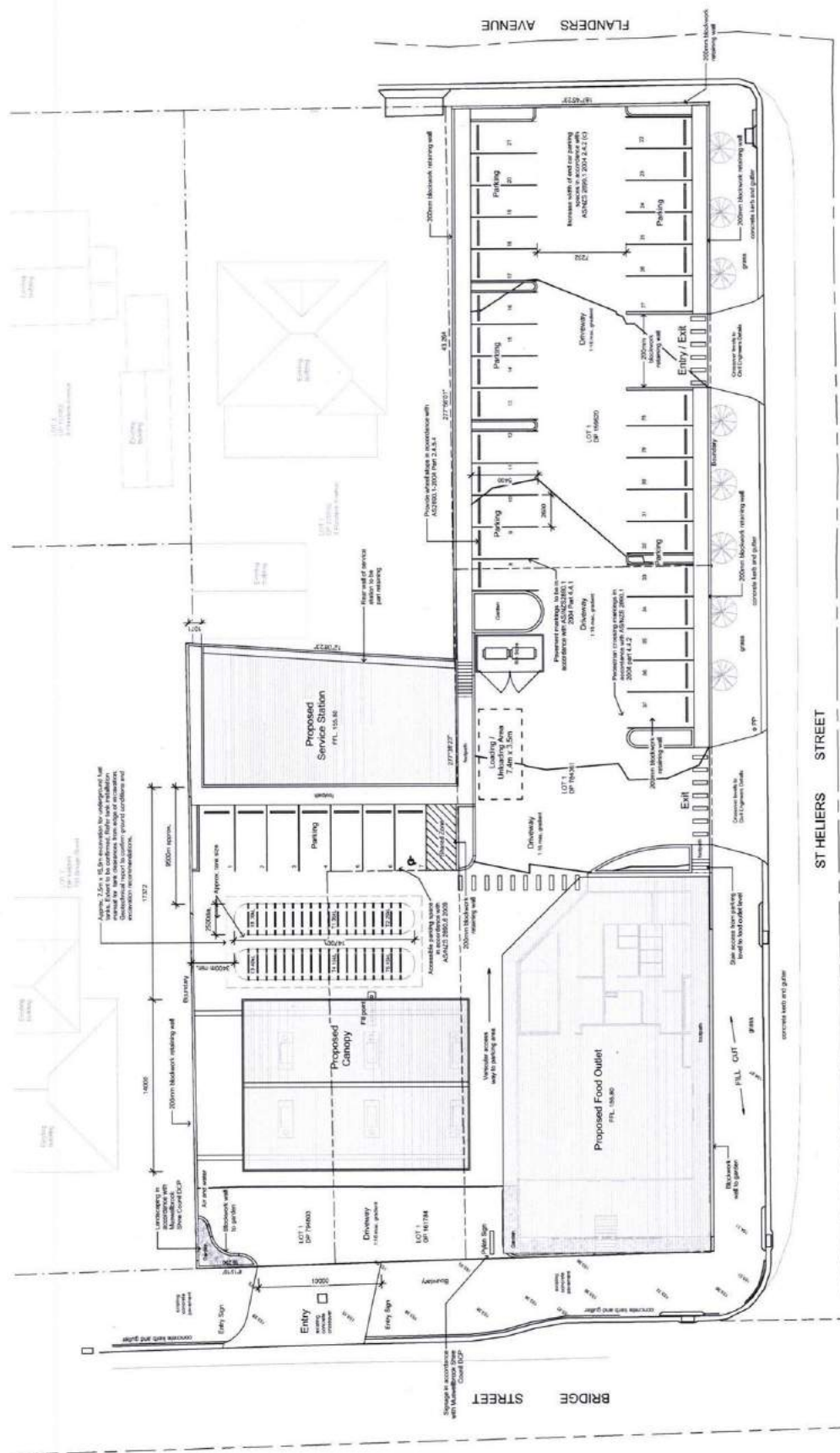
**CONCLUSION/COMMENTS:**

**POST IMPLEMENTATION CHECKLIST REVIEW:**

## **APPENDIX 4**

### **PROPOSED SITE PLAN**

---





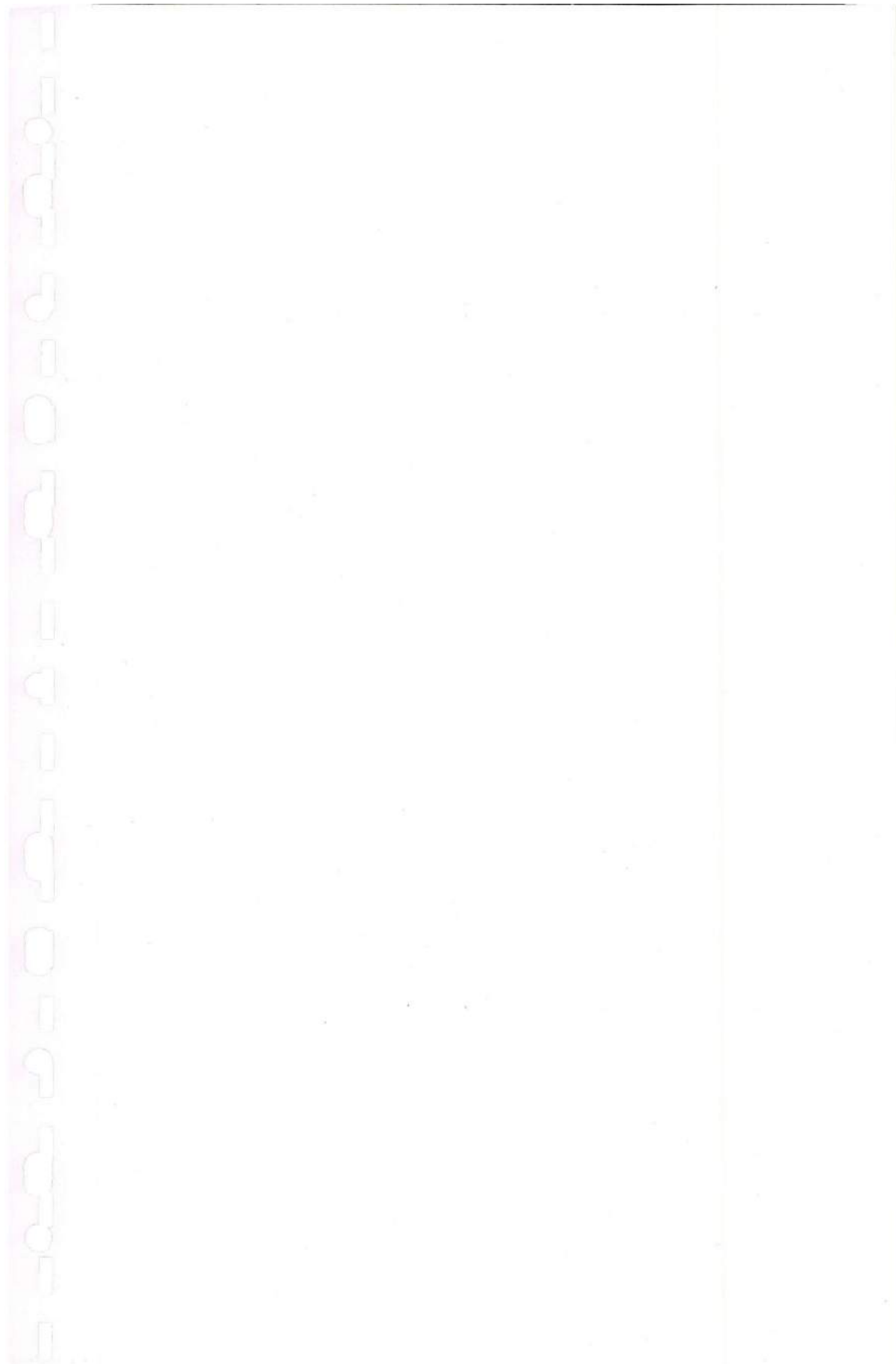
8





## 8. Design, Landscaping & Retaining Walls Policy

*Please refer to architectural drawings*



9

## 9.Noise Impacts & 24/7 Operations



17/05/19

Hamish McTaggart  
Senior Development Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333  
by email: [Hamish.McTaggart@muswellbrook.nsw.gov.au](mailto:Hamish.McTaggart@muswellbrook.nsw.gov.au)

Dear Hamish

**DA:** 78/2018  
**Address:** 147, 151 & 153 Bridge Street, Muswellbrook  
**Works:** Construction of a Service Station

I refer to your letter dated 29/04/19 in regards to the proposed development of construction of a service station in Muswellbrook.

In regards to point 9. Noise Impacts & 24/7 Operation our developer has agreed to reduce the operational hours from 24/7 to;

Monday to Friday – 0500 – 2200  
Saturday to Sunday – 0500 – 2200

At a later date the tenant may apply for a revision to have the operational hours amended.

Should you have any questions please do not hesitate to contact this office.

Yours faithfully,

Stuart Pennells  
Senior Project Manager





## 10. Waste Management

**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

---

**SECTION 24 – WASTE MINIMISATION AND MANAGEMENT**

This Section of the Muswellbrook Development Control Plan has been prepared based on the Model Waste Not DCP Chapter 2008, prepared by the *Department of Environment and Climate Change (now Environment Protection Authority)*.

This Section contains the following subsections:

- 24.1 Site Waste Minimisation and Management
- 24.2 Submission/Application Requirements
- 24.3 Assessment Criteria/Controls for All Development
- 24.4 Development-Specific Assessment Criteria/Controls
- 24.5 Appendices

**24.1 SITE WASTE MINIMISATION AND MANAGEMENT**

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following:

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs
- improved workplace safety
- enhanced public image
- compliance with legislation such as the Protection of the Environment Operation Act 1997 that requires waste to only be transported to a place that can lawfully accept it.

This section aims to facilitate sustainable waste minimisation and management within the Muswellbrook Local Government Area in a manner consistent with the principles of ESD.

The objectives of this section include:

- To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
- To encourage building designs, construction and demolition techniques in general which minimise waste generation.
- To maximise reuse and recycling of household waste and industrial/commercial waste.

**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

- To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
- To provide guidance in regards to space, storage, amenity and management of waste management facilities.
- To ensure waste management systems are compatible with collection services.
- To minimise risks associated with waste management at all stages of development.

This section applies to the following types of development that may only be carried out with development consent.

- demolition
- construction
- subdivision
- change in use

**24.2 SUBMISSION/APPLICATION REQUIREMENTS**

All applications for development, including demolition, construction and the ongoing use of a site/premise, must be accompanied by a Site Waste Minimisation and Management Plan. Waste management facilities proposed as part of the development shall be clearly indicated on the plan accompanying the development application.

**Site Waste Minimisation and Management Plan (SWMMP)**

A Site Waste Minimisation and Management Plan outlines measures to minimise and manage waste generated during demolition, construction and ongoing use of the site/premises.

In doing so, the SWMMP nominates:

- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete.

A SWMMP (and/or site plan) should detail the location of waste management facilities proposed both during construction and for ongoing operation. Appendix A provides a template for the compilation of a SWMMP.

A SWMMP must be submitted for all types of development including demolition, construction and ongoing use of the site/premises; including local development, integrated development and state significant/major project development (as defined by the Environmental Planning and Assessment Act and Amendments). More details are required in SWMMPs for larger and more complex developments.

Where a DA is required, with or without the need for a Construction Certificate (CC), a SWMMP must be submitted at development application stage. Where only a CC is required, a SWMMP shall be submitted at the construction certificate stage. The submission of an updated SWMMP (providing contractor details etc) may be required prior to commencement of works.

When implementing the SWMMP the applicant must ensure:



**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

- Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act (1997).
- Waste is only transported to a place that can lawfully be used as a waste facility.
- Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.
- Evidence of compliance with any specific industrial waste laws and protocols, such as the Protection of the Environment Operations Act 1997.
- Materials which are to be disposed of and those which are to be reused/ recycled are to be separated through the demolition and construction process.
- Materials that have existing reuse or recycling markets should not be disposed of in landfill when possible.

In the absence of project specific calculations, the rates specified in Appendix B Waste/Recycling Generation Rates and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

**24.3 ASSESSMENT CRITERIA/CONTROLS FOR ALL DEVELOPMENT****24.3.1 Demolition of Buildings or Structures**

The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

**Objectives**

- Optimise adaptive reuse opportunities of existing building/structures.
- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

**Controls/Requirements**

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application.
- Identify all waste likely to result from the demolition, and opportunities for reuse of materials.
- Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
- Reuse or recycle salvaged materials onsite where possible.

**Muswellbrook Shire Development Control Plan  
Section 24  
Waste Minimisation and Management**

- Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- Provide separate collection bins or areas for the storage of residual waste.
- Clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.

**24.3.2. Construction of Buildings or Structures**

Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste.

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

**Objectives**

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

**Controls / Requirements**

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.
- The SWMMP shall identify all waste likely to result from the construction process, and the opportunities for the reuse and recycling of these materials.
- Incorporate the use of prefabricated components and recycled materials.
- Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation). Provide separate collection bins or areas for the storage of residual waste and clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Ensure that all waste is transported to a place that can lawfully be used as a waste facility. Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.

**24.4 DEVELOPMENT-SPECIFIC ASSESSMENT CRITERIA/CONTROLS****24.4.1 Single Dwellings, Semi-Detached and Dual Occupancy**

The design of waste and recyclables storage areas within the home and property affect ease of use, amenity, the movement and handling of waste for the life of the development.

This section aims to encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.



**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

**Objectives**

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping

**Controls/Requirements**

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.
- Plans submitted with the SWMMP must show:
  - The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
  - The location of an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste, recycling and garden waste bins.
- Waste containers are to be stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- Where possible, the waste/recycling storage area should be located in the rear yard and minimise the distance of travel to the collection point.
- The waste storage area is to be easily accessible and have unobstructed access to Council's usual collection point.

*(Note: It is the responsibility of dwelling occupants to move bins to the identified collection point no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times.)*

**24.4.2 Multi-Unit Dwellings (Town Houses, Flats and Villas)**

The design of waste and recycling storage areas within the unit and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* (available from NSW Office of Environment & Heritage) should be used to inform design of multi-unit dwellings.

This section aims to encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

**Objectives**

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

**Controls/Requirements**

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.



## Muswellbrook Shire Development Control Plan

### Section 24

### Waste Minimisation and Management

- Plans submitted with a development application must show:
  - The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
  - The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins.
  - The location of any garbage chute/s and interim storage facilities for recyclable materials.
  - The location of any service rooms (for accessing a garbage chute) on each floor of the building.
  - The location of any waste compaction equipment.
  - The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.
- Waste management solutions should be taken into account early in the design process. Systems should be designed to maximise source separation and recovery of recyclables.

The following minimum collection and storage facilities shall be provided:

- Each dwelling unit should be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation.
- Where a development site has limited street frontage (e.g., cul-de-sac, battle-axe lots, or higher density developments) and the area available for kerbside bin storage on collection day is limited, the provision of a communal waste/recycling storage facility may be required.  
(Note: Building designers are encouraged to consult the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* for individual site solutions.)
- Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room/s designed in accordance with the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room/s designed in accordance with the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- The waste/recycling storage area/s or room/s must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.
- For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.

The following location and design criteria shall apply to collection and storage facilities:

- In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
- There must be an unobstructed and *Continuous Accessible Path of Travel* (as per *Australian Standard 1428 Design for Access and Mobility - 2001*) from the waste/recycling storage area/s or room/s to:
  - the entry to any Adaptable Housing (as per *Australian Standard 4299 Adaptable Housing - 1995*)
  - the principal entrance to each residential flat building
  - the point at which bins are collected/emptied.



## Muswellbrook Shire Development Control Plan

### Section 24

### Waste Minimisation and Management

*In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area/s or room/s.*

- Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.
- Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.
- Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles. (requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/ Planning Facilities – off street commercial vehicles*) In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

*(Note: As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.)*

The applicant is required to address potential site impacts (odour, early morning noise/lighting from garage truck) upon occupants of the proposed and adjacent developments in accordance with *Better Practice Guide for Waste Management in Multi Unit Dwellings*.

Proponents are encouraged to discuss this option with Council early in the design process.

- Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with *Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002*.
- If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.
- If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.
- The design and location of waste storage areas/facilities should be such that they complement the design of both the development and the surrounding streetscape.
- Developments containing four or more storeys should be provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.
- Garbage chutes must be designed in accordance with the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.
- The following management responsibilities shall be addressed:
  - Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in



## Muswellbrook Shire Development Control Plan

### Section 24

### Waste Minimisation and Management

place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

#### 24.4.3 COMMERCIAL DEVELOPMENTS AND CHANGE OF USE

(Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Education Establishments, Entertainment Facilities and Hospitals)

A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

*Note: Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this Site Waste Minimisation and Management section.*

This section aims to ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.

#### Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

#### Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.
- Plans submitted with the SWMMP must show:
  - The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 3 streams, paper/cardboard, recyclables, general waste.
  - The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
  - An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
  - The on-site path of travel for collection vehicles (if collection is to occur on-site).
- There must be convenient access from each tenancy to the waste/recycling storage room/s or area/s. There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room/s or area/s.
- Every development must include a designated waste/recycling storage area or room/s.
- Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.
- Arrangements must be in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development for the movement of recyclable materials and general waste to the main



**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.

- The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- Where possible, waste/recycling containers should be collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.
- A waste/recycling cupboard must be provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. Trade wastewater may be defined as "any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets)."
- Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.
- Food and drink premises that use disposable wrappers or containers should provide waste bins that are appropriate to the waste materials generated. In particular containers that are recyclable should be able to be recycled at the premises of origin.
- Recyclable receptacles are to be provided in premises that provide food and drinks in recyclable containers either pre-packaged or prepared in store. The following items should be recycled within the receptacles:
  - glass bottles
  - paper
  - cardboard
  - aluminium cans
  - steel cans
  - plastic bottles and containers
  - milk and juice cartons
- All waste receptacles should be coloured in conformance with the Australian Standard.
- Signage should be provided that assists patron in the proper sorting of waste and food scraps.
- Appropriate collection services should be contracted to ensure well sorted waste is disposed of accordingly.



**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management****24.4.4 MIXED USE DEVELOPMENTS** (Residential/Non-Residential)

Where residential and commercial land uses occur within the one building or development waste management will necessitate a balancing of variable demands, including preservation of residential amenity.

This section aims to ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

**Objectives**

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are safely and easily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

**Controls/ Requirements**

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.
- The controls at Section 24.4.2. Multi-Unit Dwellings apply to the residential component of mixed-use development.
- The controls at Section 24.4.3. Commercial Developments apply to the non-residential component of mixed-use development.
- Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component.
- In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
- The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

**24.4.5 INDUSTRIAL**

Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this section. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.



## Muswellbrook Shire Development Control Plan

### Section 24

#### Waste Minimisation and Management

This section aims to ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

#### Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

#### Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.
- Plans submitted with the SWMMP must show:
  - The location of designated waste and recycling storage rooms or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.
  - The on-site path of travel for collection vehicles.
- Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.
- There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room/s or area/s. There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room/s or area/s.
- Every development must include a designated general waste/recycling storage area or room/s as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).
- Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.
- All tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site.
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room/s or area/s.
- Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

- The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. Trade wastewater may be defined as "any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets)."
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.



**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

**24.5 APPENDICES**

Appendix A: Site Waste Minimisation and Management Plan Template

- Demolition stage
- Construction stage
- Ongoing operation

Appendix B: Waste/Recycling Generation Rates

**References:**

1. MODEL WASTE NOT DCP CHAPTER 2008;  
A Site Waste Minimisation and Management Chapter for Consolidated Development Control Plans, Department of Environment and Climate Change (2008).
2. Better Practice Guide for Waste Management in Multi-Unit Dwellings, Department of Environment and Climate Change (2008).

The Better Practice Guide for Waste Management in Multi-Unit Dwellings gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the NSW Office of Environment & Heritage website ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)). Further updates will be published as further information from social research and waste stream audits becomes available.

**Notes:**

1. *Relevant drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during demolition, construction and ongoing operation.*
2. *Muswellbrook Shire Council operates a waste management facility at Common Road, Muswellbrook and a transfer station at Rosemount Road, Denman. Contact details and information regarding waste streams received at the depots can be obtained from Council's website at [www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au).*
3. *Information regarding the waste collection zone map and timetable can be downloaded from Council's website on [www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au)*

**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

**Appendix A: Site Waste Minimisation and Management Plan Template**

<b>Applicant and Project Details</b>	
<b>Applicant Details</b>	
Application No.	
Name	Stuart Pennells
Address	PO Box 1864 BATHURST NSW 2795
Phone number(s)	02 6331 3330
Email	stuart@inlandbuilding.com.au
<b>Project Details</b>	
Address of development	147 - 153 Bridge Street, Muswellbrook
Existing buildings and other structures currently on the site	N/A
Description of proposed development	Construction of a service station.
<p><i>Declaration:</i>  <i>I acknowledge that this development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.</i></p>	
Name	Stuart Pennells
Signature	
Date	9-5-19



Muswellbrook Shire Development Control Plan  
Section 24  
Waste Minimisation and Management

## DEMOLITION STAGE

*already Completed.*

Materials on site		Destination		
		REUSE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (M <sup>3</sup> or Kg)	ONSITE * specify proposed onsite reuse or recycling methods	OFFSITE * specify proposed offsite reuse or recycling methods	FACILITY * specify contractor and landfill/ disposal site
Bricks				
Concrete				
Excavation material	100m <sup>3</sup>	Spread over Site to Level		
Fencing				
Fixtures & Fittings				
Floor coverings				
Furniture				
Glass				
Green waste	20m <sup>3</sup>			land fill - Weeds only.
Metals				
Paving/tiles				
Plasterboard				
Roadbase/ aggregate				
Roof Tiles				
Timber				
Hazardous/ special waste				
Other – please specify				
Other – please specify				

**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

**CONSTRUCTION STAGE**

Materials on site		Destination		
		REUSE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (M <sup>3</sup> or Kg)	ONSITE * specify proposed onsite reuse or recycling methods	OFFSITE * specify proposed offsite reuse or recycling methods	FACILITY * specify contractor and landfill/ disposal site
Bricks				
Concrete	2000 m <sup>3</sup>	any left over used for Retaining Wall Pads		
Roof Tiles				
Timber				
Plasterboard	200 kg			Land Fill
Metals				
Glass				
Excavation material	1000 kg	Re used on Site to attain Levels Required		
Green waste				
Fencing				
Paving/tiles				
Roadbase/ aggregate	250 kg	Drive Way Re-used at Retaining Walls fill		
Packaging				
Containers				
Paper/ cardboards	100 kg.			Recycled at facility.
Hazardous/ special waste				
Other – please specify				
Other – please specify				

**ONGOING OPERATION (Residential, Multi Unit, Commercial, Mixed Use & Industrial)**

Version date – 12 June 2012



**Muswellbrook Shire Development Control Plan**  
**Section 24**  
**Waste Minimisation and Management**

**Appendix B: Waste/Recycling Generation Rates**

**Construction Waste**

'Rule of Thumb' for renovations and small home building

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: *Waste Planning Guide for Development Application*, Inner Sydney Waste Board, 1998

**Ongoing Operation**

Premises type	Waste generation	Recyclable material generation
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises: Butcher Delicatessen Fish Shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L/100m <sup>2</sup> floor area/day 80L/100m <sup>2</sup> floor area/day 80L/100m <sup>2</sup> floor area/day 240L/100m <sup>2</sup> floor area/day 10L/1.5m <sup>2</sup> floor area/day 240L/100m <sup>2</sup> floor area/day 80L/100m <sup>2</sup> floor area/day	Variable Variable Variable 120L/100m <sup>2</sup> floor area/day 2L/1.5m <sup>2</sup> floor area/day 240L/100m <sup>2</sup> floor area/day Variable
Hairdresser, Beauty Salon	60L/100m <sup>2</sup> floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m <sup>2</sup> bar area/day 10L/1.5m <sup>2</sup> dining area/day	1L/bed space/day 50L/100m <sup>2</sup> bar area/day 50L/100m <sup>2</sup> dining area/day
Offices	10L/100m <sup>2</sup> floor area/day	10L/100m <sup>2</sup> floor area/day
Shop less than 100m <sup>2</sup> floor area Shop greater than 100m <sup>2</sup> floor area	50L/100m <sup>2</sup> floor area/day 50L/100m <sup>2</sup> floor area/day	25L/100m <sup>2</sup> floor area/day 50L/100m <sup>2</sup> floor area/day
Showroom	40L/100m <sup>2</sup> floor area/day	10L/100m <sup>2</sup> floor area/day
Multi-Unit Dwellings <sup>1</sup>	80L/unit/week	40L/unit/week

Sources: Adapted from *Waverley Council Code for the Storage and Handling of Waste*.  
<sup>1</sup> Appendix A, *Better Practice Guide For Waste Management In Multi-Unit Dwellings*



**Instrument setting out terms of Easements or Profits a Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.**

Lengths are in metres

Sheet 1 of 2 sheets

PLAN

Easement for Support 1.0  
Wide within Lot 31  
DP527173, Lot 1 DP794803,  
Lot 1 DP161784, Lot 1  
DP784361 and Lot 1  
DP159620

Full Name and Address of Proprietor of Land

Kanyon Pty Ltd  
#####,  
Blackburn, Vic 3130

**PART 1**

Number of Item shown in The intention Panel on the plan	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened Lot(s) or Parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
<b>1</b>	<b>Easement for Support 1.0 Wide (A)</b>	<b>1/159620</b>  <b>1/794803</b>  <b>31/527173</b>  <b>1/784361</b>	<b>1/229566 and Muswellbrook Shire Council</b>  <b>1/229566 and 1/198349</b>  <b>1/198349</b>  <b>Muswellbrook Shire Council</b>

**PART 2**

**Terms of easement, profit a prendre, restriction or positive covenant numbered 1 in the plan.**

No building shall be constructed or if constructed permitted to remain on any lot so burdened unless the registered proprietor of any lot so burdened constructs and maintains but only within the site of the Easement for Support 1.0m wide Designated (A) in the attached plan a batter or slope or retaining wall expressly for the support of the adjoining properties as required by Muswellbrook council.

In completing the works the owner of any lot so burdened must;

- (a) construct and maintain on the lot burdened, but only within the site of this easement, whatever batter or embankment or retaining wall as is reasonably necessary to support the surface or subsurface of the lot benefited or any part of it, or any structure or works on the lot benefited, and

**Instrument setting out terms of Easements or Profits a Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.**

Lengths are in metres

Sheet 1 of 2 sheets

Once constructed the owner of any lot so burdened must not:

- (a) interfere with the batter or slope or embankment or retaining wall or the support it offers, or
- (b) use the site of this easement, or any other part of the lot burdened, or any other land, in a way which may detract from the stability of or the support provided by the batter or slope or embankment or retaining wall.

If the owner of the lot burdened does or allows anything to be done which damages the batter or embankment or retaining wall or impairs its effectiveness, the owner of the lot benefited may serve not less than 14 days' notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed. If the owner of the lot burdened does not comply with the notice, the owner of the lot benefited may enter and repair the damage or remove the impairment and may recover any reasonable costs from the owner of the lot burdened.

In exercising those powers (whether or not after serving such a notice), the owner of the lot benefited must:

- a) Ensure all work is done properly, and
- b) Cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- d) restore the lot burdened as nearly as is practicable to its former condition, and make good any collateral damage.
- e) do anything reasonably necessary for that purpose, including:
  - entering the lot burdened, and
  - taking anything on to the lot burdened, and
  - carrying out work.

**The Authority having the right to vary, release or modify the above is Muswellbrook Shire Council.**

**Instrument setting out terms of Easements or Profits a Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.**

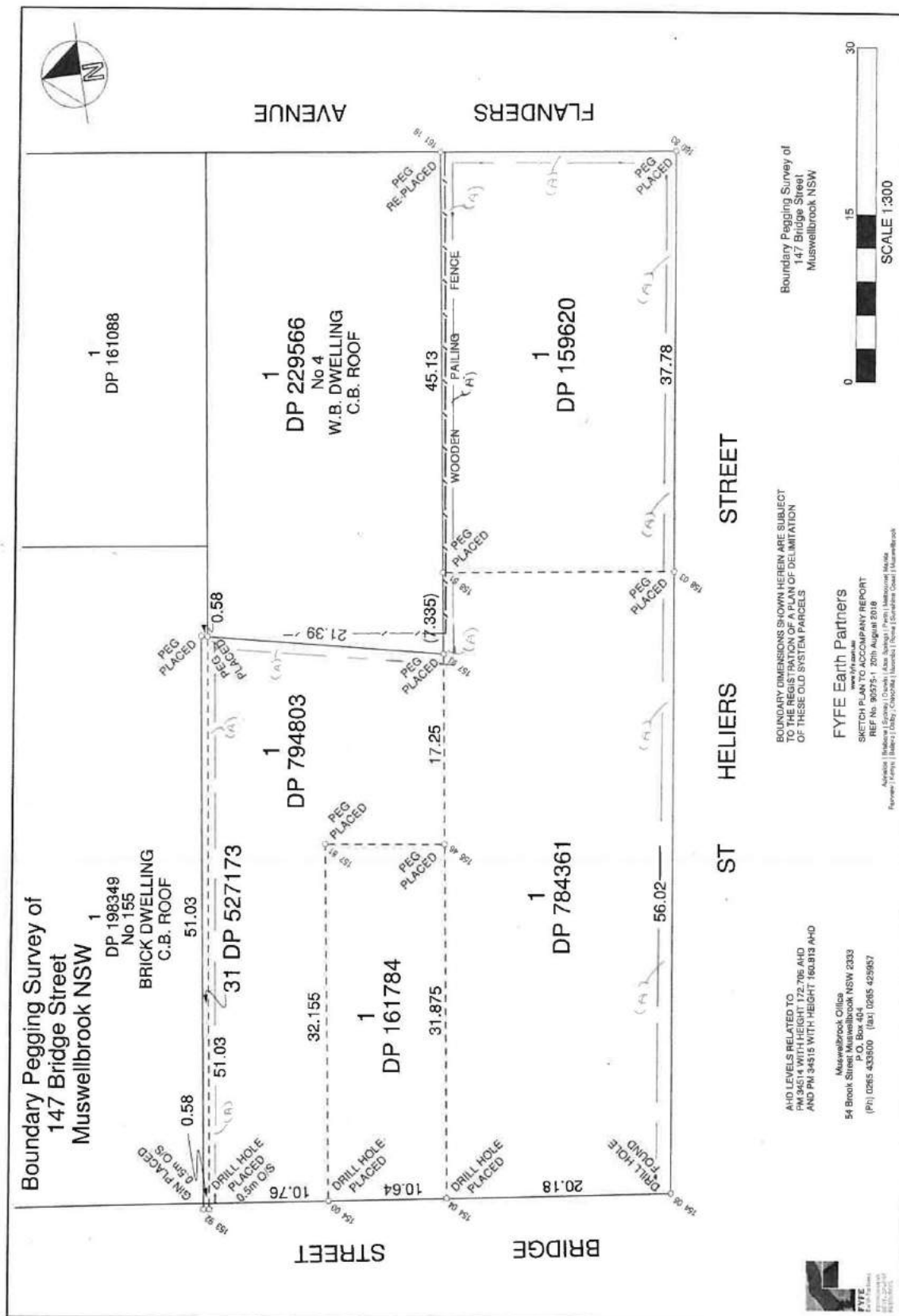
Lengths are in metres

Sheet 1 of 2 sheets

Signed for on behalf of Muswellbrook Shire council.....

Signed Director .....  
Kanyon Pty Ltd  
ACN 144 884 113

Signed Director/Secretary.....  
Kanyon Pty Ltd  
ACN 144 884 113





**NSW Police Force**

Muswellbrook Shire Council  
PO Box 122  
Muswellbrook. NSW 2333

30/10/2018

Attention: Hamish McTaggart  
Senior Development Planner

RE: Development Application No. 78/2018 – Service Station (Operating Hours – 24 Hours, 7 days a Week) And Restaurant (Operating Hours – 6.00am to 10.00pm)  
Lot: 1 Dp: 161784, Lot: 1 Dp:794803, Lot:1 Dp:784361 – 147 Bridge Street  
Muswellbrook, 153 Bridge Street Muswellbrook.

Dear Hamish,

A copy of the D. A., Statement of Environmental Effects, traffic & parking assessment and plans were forwarded to Hunter Valley Police for comment on the proposed development. There was no CPTED assessment in the application.

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environment Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised.'

**HUNTER VALLEY LOCAL AREA COMMAND**

26 William Street Muswellbrook NSW 2333

**T** 02 6542 6999 **EN** 61999 **F** 02 6542 6911 **EN** 61911 **W** [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

**TTY** 02 9211 3776 for the hearing and speech impaired **ABN** 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously

### Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximize risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimizing or concealing crime attractors and rewards) and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalization of inappropriate behaviour)

### Site Description

The proposed development is for a Service Station including a convenience store which will operate 24 hours a day, 7 days a week And Restaurant (Operating Hours – 6.00am to 10.00pm). The proposed development will be accessed from the main street (highway) through Muswellbrook and St Heliers Street. There are other businesses, licensed premise and residential property in the vicinity. Currently the site is vacant.

I have perused the plans and documents supplied by Muswellbrook Council. The plans and documents supplied did not have a CPTED assessment included. I have assessed these documents and have the following comments. –

### **1. Territorial Re-enforcement**

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

The boundaries of the development are reasonably well defined.

- Effective signage and directions will provide guidance to visitors/customers in locating main areas and keep them away from restricted areas.
- Signs can also assist in controlling activities and movements throughout the premises.
- Crime risk can be reduced for late night workers by reserving easily accessed and well-lit car spaces.
- In the 24 hour Service station centre, the counter area should be within a secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counter.

### **2. Surveillance**

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space.

Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels.

Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations. Formal (or Organised) Surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.



**General Comments in Design for Surveillance:**

- Buildings facing towards public and semi-public areas provide natural surveillance and informal supervision (eyes on the street).
- Entry points should be designed to maximize surveillance opportunities to and from these areas from both inside as well as outside.
- The placement and orientation of common entry areas should maximize opportunities for natural supervision by staff and other guardians.
- Laminated glass walls and windows facilitate supervision of common entry areas.
- Consideration at the time of development to the inclusion of CCTV cameras.

**Recommendations for Surveillance:**

Police have the following specific recommendations for the identified building uses.

**24hr Service station– higher risk of crime business**

- Surveillance equipment (CCTV) to enhance the physical security of the business's and assist in the identification of people involved in anti-social or criminal behaviour.
- Cameras should be installed both in and around the business to maximize surveillance opportunities.
- Cameras should monitor the cashier's area, high cost merchandise areas with poor natural supervision and entry/exit doors.
- TV monitors should enable staff to monitor activities on the camera.
- Recording equipment should be installed away from the counter area to avoid tampering.
- CCTV footage be kept for a minimum of 21 days.
- Appropriate warning signs to be displayed advising patrons of CCTV in use.
- Store windows are not obstructed with merchandise that may hinder surveillance into or out of the buildings.



**Lighting**

- **High quality, vandal resistant lamps are less likely to require replacement or maintenance.**
- **Security /Sensor lighting for areas not in use after dark can detect movement and highlight unwanted activity. This increases the risk to offenders being detected.**
- **Maintenance plan needs to be developed.**

**Landscaping**

- **Matured vegetation should allow clear sight lines. "to see and be seen" Shrubs should not provide easy concealment.**
- **Maintenance plan needs to be developed.**

**3. Access Control**

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Technical/Mechanical access control includes the employment of security hardware and Formal (or Organised) access control includes on-site guardians such as employed security officers.

General Comments in Design for Access Control:

- There is information to indicate the access control treatments in and around the development. The use of well-defined footpaths and vegetation.
- Fire exit doors to the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- Access control should be set in place to exclude unauthorized access to restricted areas, particularly to the office areas and the loading docks.
- Clear signs and the use of lighting at night, encourages people to move in authorized areas only.

**Recommendations for Access Control**

Police make the following comments.

- The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia.
- The windows should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.

**Service Station.**

- Counters should be designed to reduce the opportunity for assault of staff and unauthorized access to behind counter areas by having the 'Sales service area' as its own secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counter. Consider the width, height and location of the counter.
- Installation of an access door from sales service area to food prep area to allow staff to move to a safe area in the event of a robbery or aggressive person.
- The access door to the food prep area (as per plans) should be fitted with security access pad or key lock to restrict unauthorized access to the office area.
- For business handling cash, A safe designed and installed to the Australian Standards can provide additional security to money and other valuables. A drop safe for use in the 24hour Service Station centre, ensure minimal amount of cash kept in till.
- To enhance the security of the business's, a monitored intruder alarm system is recommended,
- For Service station centre staff, incorporating a duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery.
- For the Service Station staff, they should be able to control the main customer entry/exit point from behind the service counter so that they can control customer entry within later hours of trading.

**Oliver's food outlet**

- The office door should be fitted with security access pad or key lock to restrict unauthorized access to the office area. There will be minimal supervision at the rear entry.
- Recommendation that the rear entry/exit be only for deliveries. This will allow for surveillance of all customers entering and will reduce the excuse for being in an out of bounds area. Clear signs should be displayed to indicate restricted areas.

**4. Space/Activity Management**

Space/Activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

**General Comments in Design for Space/Activity Management:**

- There is currently some street activity in the area at night by people using the nearby food outlet and the nearby Licensed premises.
- The development site is on the main Highway which carries all type of vehicles. Locals and people moving through Muswellbrook on the New England Highway will make use of the proposed service station and attached food outlets, especially after hours as there is limited other businesses open. The number of people and vehicles moving in and around the site would be expected to increase.
- Police suggest patronage from these Licensed premises, in particular, during the early hours of Friday, Saturday and Sunday mornings, may negatively impact this development. The proposed twenty-four (24) hours per day seven (7) days a week 'hours of trade' will see diverse groups amass on-site, particularly intoxicated persons in search of their hang-over cure, only to adversely affect the development through an array of alcohol related crime and display of anti-social behaviour.



- A side effect of twenty-four (24) hour trade is increased noise levels and complaints. Increased 'noise' levels will potentially impact premises within the development's vicinity to the east of the development
- Police anticipate this development will generate increased noise levels from both vehicular and pedestrian (patrons) traffic. Of particular concern is the noise that will be generated during the early hours of the morning, being 1200am and before 0500am, carries much further and causes significantly more harm to those it affects (i.e. lack of or interrupted sleep).

#### **Recommendations for Space/Activity Management.**

**Police make the following comments.**

- **the development of the site maintenance plan, provisions should include the picking up of discarded rubbish from the fast food outlet outside the perimeter of the development, on nearby footpaths and street. As malicious damage (graffiti) is often an offence caused to such developments strong consideration must be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.**
- **A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a twenty-four to forty-eight hour period.**
- **Staff to be trained and need to monitor groups gathering that may generate unacceptable noise and take appropriate action, especially in the carpark to the rear of the development.**
- **To include a bicycle rack in a well supervised area.**

#### **ADDITIONAL COMMENTS ON APPLICATION:**

Heavy vehicle Movement.

It is acknowledged that heavy vehicle movements and traffic movements on both New England and St Helliers Street will be discussed at the Council Traffic Committee meeting.

A mapped diagram of the movement of the heavy vehicle through the proposed development has been provided and shows the path the vehicle would take to enter



via New England Highway and leave via ST Helliers Street. The heavy vehicle would be required cross two pedestrian crossing and move between the service station and Olivers food outlet. Police are requesting that fuel deliveries be restricted to non-peak times to reduce the likelihood of conflict with other users of the site.

### Conclusion

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by the NSWP absolutely safe for members of the community or their property
2. It is based upon the information provided to the NSWP at the time the evaluation was made,
3. The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,
4. The contents of this evaluation are not to be copied or circulated otherwise that for the purposes of the consent authority or organization referred to on page 1.

The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report feel free to contact Senior Constable Sheree Gray, Crime Prevention Officer, Hunter Valley Policing District, Phone 6542-6999.

Yours faithfully



Steven Benson  
Detective Acting Inspector  
Acting Crime Manager  
Hunter Valley Policing District



CR2019/000774  
SF2018/303033  
KML

13 March 2019

General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

**Attention: Hamish McTaggart**

**BRIDGE STREET (HW9): DA 78/2018, SERVICE STATION AND RESTAURANT, LOT: 1 DP: 161784, LOT: 1 DP: 794803, LOT: DP: 784361, 147-153 BRIDGE STREET MUSWELLBROOK**

Reference is made to Council's letter dated 19 September 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the proposal to be for construction of a service station operating 24 hours / 7 days a week, food outlet facility operating 6:00am to 10:00pm, and signage. Access to the site is proposed via an entry driveway off Bridge Street and separate entry and exist driveways off St Heliers Street.

#### Roads and Maritime Response

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Roads and Maritime has reviewed the information provided and raises no objection to the proposed development, provided the following matter(s) are addressed and included in Council's conditions of development consent:

- Vehicular access from the proposed Bridge Street driveway to be left in only.
- All vehicles are able to enter and exit the site in a forward direction.
- Heavy vehicle fuelling shall not be permitted.
- Council to ensure turning paths for fuel deliveries is suitable.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveways promote safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Bridge Street stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.
- All matters relating to internal arrangements on-site such as car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.
- Should Council approve the proposed development and recommended road works, Roads and Maritime concurrence is required in accordance with Section 138 of the *Roads Act (1993)* as the roadworks required affect Bridge Street a classified State road. As such, the works are to be designed in accordance with the *Austroads Guide to Road Design 2009* (with Roads and Maritime supplements) and relevant Australian Standards to the satisfaction of both Roads and Maritime and Council.

Furthermore, Roads and Maritime highlights that in determining the application under Part 4 of the *Environmental Planning & Assessment Act, 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development, such as (inter alia) removal of trees, relocation of utilities, stormwater management, etc. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and the nature of the works, the Council may require the developer to undertake further environmental assessment for any ancillary road works.

- While it is acknowledged that concurrence is not required to be provided by Roads and Maritime for the new signage proposed in the subject application under Clause 18 of SEPP 64, the following advice is for Council to consider:
  - All signs should meet the criteria contained in the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017)* including, but not limited to, Section 3.3.3 Illumination and reflectance.
  - Council should ensure that all signs meet the requirements of Schedule 1 Assessment Criteria of the *State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage*.



- Council to advise the applicant that Roads and Maritime may direct the screening, modification or removal of a structure if, in the opinion of Roads and Maritime, the structure is considered a traffic hazard under Section 104 of the *Roads Act 1993*.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Kate Leonard, Development Assessment Officer, on 4908 7688 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely



**Peter Marler**  
Manager Land Use Assessment  
Hunter Region





The General Manager

Muswellbrook Shire Council


Muswellbrook 2333

Email: [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)

**RE: Submission of objections regarding Development Application: 78/2018**

As per our written correspondence dated 3 October 2018, Darren and I object to the approval of the Development Application (D.A) 78/2018 in its current state. We understand that our property and the proposed development share the same zoning; however we highlight that our house, 4 Flanders Avenue has been in this location since 1939, and has been solely a residential property from this time. The "Statement of Environmental Effects" authored by Anthony Daintith: Town Planning does not refer to our property as a residential property, preferring to focus upon the other buildings within the vicinity of the proposed development, therefore we believe choosing to minimise the impact of the development upon our property.

We note that while the Statement of Environmental Effects makes some reference to the concerns raised in our previous correspondence, it does not fully address our concerns to our satisfaction. These being;

- Privacy, including Acoustic Privacy
- 

We believe that this development will have a detrimental impact upon the privacy of our house, 4 Flanders Avenue. The current design details a large car park and vehicle accesses at the rear of the block adjacent to our house's front, side and rear yard areas, veranda, master bedroom, family bathroom and second bedroom.

The DA 78/2018 and Statement of Environmental Effects does not acknowledge that the development will have a direct impact upon the privacy of our property, and does not give proper and full consideration to the seriousness of the impact of the development upon the wellbeing of any residents of our house. Given that this facility is planned to be a 24 hour business, the implications for any residents of our house will be 24 hours, 7 days per week and there will not be any hour of the day or night where residents of 4 Flanders Avenue will not feel the scrutiny of passers by.

The additional documents provided to council, while professing that there will be minimal impact upon surrounding properties, the development application does not provide clear details regarding the height and type of fencing which the developer proposes will address this issue. I note that the additional plans provided to council make note of a 20mm high retaining walls along the car park boundary. What additional fencing will be provided to provide security and privacy to our property as a 20cm high retaining wall is completely unacceptable.

#### **Acoustic Privacy**

While the additional documents provide an "Operational Noise Impact Assessment", this is based upon current traffic and pedestrian movements. The assessment refers to assumptions about proposed traffic and pedestrian movements, therefore the true impact upon our property can not be known. It is reasonable to expect that the noise impact of traffic (including semi trailers) and pedestrian movements of a fully functioning restaurant and services station operating, 16 hours and 24 hours per day, 7 days per week respectively will significantly increase the current levels of noise experienced by any residents of our property. It is also not unreasonable to assume that the increase of noise throughout the night, will disturb the sleep of any residents of our property, especially since the windows of 2 of the bedrooms face the proposed development.



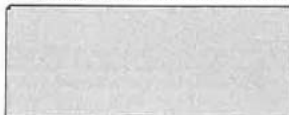
We again bring to Council's attention, that there are no other businesses operating 24 hours per day within the vicinity. The other businesses in the locality are usually ceased by 10 – 10:30pm or 12pm on Fridays and Saturday nights. While we acknowledge that Hungry Jacks has approval to operate 24 hours, apart from the initial weeks after its original opening the business has not operated 24 hours; it has opened at 5:30/6:30am and closed by 11pm most nights. Additionally, noises from the neighbouring businesses, such as Hungry Jacks, the RSL, and Eaton's Hotel, all have a degree of space that mitigates the worst of the noise. The proposed development would erase that space and make any noises generated much more oppressive.

In addition Noise Impact Assessment makes note of the potential noise created by the HVAC plants proposed to be located at the rear of the two buildings as well the noise generated by the air pump. Darren and I would like further information as to how the noise of the equipment will be mitigated in order not to compromise the ambiance or comfort of our property – both indoors and the backyard and veranda areas. I note that the Noise Impact Assessment refers to a 2 m barrier around the HVAC plant – what would this look like? What materials would be used to build such a barrier? What consideration has been given to impact of possible shadows created by the barrier and/or the reflection of sun or other light back to our property?

We continue to express our concerns as noted in our previous correspondence about other noise producing activities such as delivery and garbage collection. There is no consideration in the Statement of Environmental Effects or in the Noise Assessment of the times of the proposed deliveries and the additional noise, on top of vehicle movement and pedestrians this will create and the impact of the comfort and ambiance of property.

We believe that the additional concerns noted in our correspondence dated 3 October 2018 have not been adequately addressed by the additional development documents. These concerns include;

**Smoking policy** – will there be designated smoking areas on the premises and if so where will these areas be located? As previous correspondence identified there will be a significant increase in the amount of people accessing the development within close vicinity



to our property and even if a third of these people smoke cigarettes the impact of such on any resident of 4 Flanders Avenue would be unpleasant and potentially detrimental to their health. It is well documented that there is no safe level of exposure to second-hand smoke and prolonged exposure can increase the risk of lung cancer, heart disease and sudden infant death syndrome. It can also cause sore throats, nasal symptoms, asthma attacks and other chest illnesses (<http://www.cancercouncil.com.au>, accessed 2 October 2018).

**Antisocial behaviour management** – The Statement of Environmental Effects provides advice regarding theft and graffiti mitigation strategies, but we feel it does not adequately address our concerns about how the service station and restaurant will manage patrons, especially those accessing the business later at night (after accessing other licenced premises) to ensure limited disturbance of residences in the area. Our questions relating to how the development plans to mitigate and manage antisocial, loud and offensive behaviour within the car park and other areas of the business, remain unanswered by the additional documentation. We also question how management will limit the patrons from disposing of rubbish including bottles and cigarette butts into our back yard?

The plans are still unclear as to what type of materials will be used to build the retaining wall and fencing between our property and the rear of the service station. The additional documents provide no further clarity as to whether there will be access behind the building for people to climb either on the roof of the service station, onto the roof of our colourbond shed or into the backyard area of our property? We would still like clarity of what migration strategies have been considered to limit this type of behaviour and potential security concerns?

**Anticipated rear and side view of the development from our house** – The additional documents still provide no artist's impressions or scale drawings of what the development will look like from the vantage point of our property.

**Management of waste on site** including but not limited to; vermin control, offensive odours, and littering. The additional documents do not provide any clarity as to our this will be managed.





**Security and night time lighting** – I note that the Statement of Environmental Effects makes reference to security lightening, however the additional documentation does not provide the exterior and interior lighting plans for both the buildings including the proposed brightness/reflection of these lights towards our house? Will this lighting shine through the bedroom windows and compromise sleep?

**Security measures, including use of CCT cameras** – The Statement of Environmental Effects makes reference to CCT cameras; Darren and I request that a map of camera locations and areas covered by provided to ensure that camera angles do not compromise privacy and safety of residents of 4 Flanders Avenue?

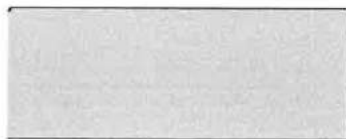
**Car park & Service station buildings**- What consideration has been given to the materials used and the potential for the transfer of radiant heat towards our property?

**Compensation**- Compensation for any damage caused to our property during construction phase eg; existing landscaping, structural damage to colour bond shed and residence? What other options that will be made available for compensation due to malicious damage to our property by the businesses patrons and staff?

**Complaints process** – Identified complains process for Darren, myself and any residents of 4 Flanders avenue during the construction of the proposed development (should it be approved) and any ongoing concerns once the development has been completed?

**Traffic control and impact of increased vehicle movements as a consequence of construction and operation of DA78/2018-**

We note that the Traffic and Parking Assessment (Ref: 18.19.008) provides models of traffic flow for St Heliers and Bridge Streets, however it fails to take into account increased traffic movements for Flanders Avenue.



Our questions relating to the impact upon Flanders Avenue remain and would like clarification of the following;

- Opportunity for amended traffic flow and parking restrictions for Flanders Ave, such as making the avenue one way and / or parking restricted to permanent residences? Flanders Avenue is only 7 metres in width and currently experiences considerable pressure from traffic using the avenue as a thoroughfare to avoid the Highway.
- Consideration to the financial implications for Council due to damage to the road way pavement in St Heliers Street (and Flanders avenue) due to the increase in traffic movement, including larger vehicles.

#### Conclusion

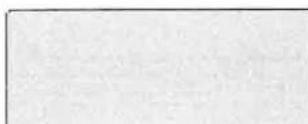
As per our original correspondence to Council relating to DA 78/2018, dated 3 October 2018 Darren and I continue to object to this development and do not believe that this development in its current state promotes our interest, comfort and security of our property 4 Flanders Ave, Muswellbrook.

Thank you for considering our application and we are willing to discuss our objections and possible solutions further, if necessary.

Yours sincerely

Darren Kenah

Christine Kenah



**References:**

Development Application 78/2018 with the proposal for the development of "Service station and food outlet" on the corner of Bridge Street and St Heliers Street, Muswellbrook.

Traffic Solutions Pty Ltd, Proposed Service Station and Food Outlet, Corner of Bridge and St Heliers Streets, Muswellbrook: Traffic and Parking Assessment (ref:18.19.008), dated 30 August 2018

RCA Australia, Operational Noise Impact Assessment: 24Hr Service Station, Muswellbrook NSW (ref:13852-601/1), dated December 2018

Anthony Daintith Town Planning, Statement of Environmental Effects, dated 7 December 2018

Muswellbrook Shire Development Control Plans (DCP), April 2009  
<http://www.muswellbrook.nsw.gov.au/Council-services/Planning-development/Development-control-plan.htm> accessed 2 October 2018

Muswellbrook Shire Local Environment Plan (LEP),  
<http://www.legislation.nsw.gov.au/sessionalview/sessional/epi/2009-129.pdf> accessed 2 October 2018

Cancer Council NSW <http://www.cancercouncil.com.au/31928/reduce-risks/smoking-reduce-risks/going-smoke-free/smoking-and-the-law/?pp=31928> accessed 2 October 2018

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N> accessed 2 October 2018

Objection of DA no: 78/2018  
Darren and Christine Kenah  
(02) 65414599  
0428 264 072

04/10/2018

General Manager

Fiona Plesman

Muswellbrook Shire Council

157 Maitland Street

Muswellbrook 2333

**RE: Issues of concern relating to Development Application 78/2018**

After reviewing Development Application (DA) 78/2018 for a Service Station and Food Outlet on the corner of Bridge Street and St Heliers Street I wish to raise with council a number of concerns. I feel confident that being a resident of 1 Flanders Avenue for the past 28 years I have a reasonably accurate understanding of the issues which concern local residents in respect of DA 78/2018.

I am fully aware that the area is correctly zoned for a commercial development as identified in DA 78/2018 and as such any observation or concern raised is meant to be constructive in nature.

I wish to raise the following:

- . Flanders Avenue is only slightly more than 7 meters wide with a 1 metre footpath on either side. Because of the narrowness of the footpath, pedestrians walk on the road. Flanders Avenue in addition to Sowerby Street are frequently used by school students walking to town, it is also a common route for vehicles traveling from the wine estate to town or bypassing town to the highway exit of Bell Street.

- . Vehicles using the Bridge Street entry will have gone from 60 kilometres per hour (kph) to 50 and down to approximately 10 kph in 150 meters when entering the premises. It is not unusual for groups of eight to ten cars and trucks in close formation to be traveling along the highway. This has the potential for an increase in traffic incidents. The exits onto St Heliers Street seeking to return to the highway will further congest the Highway intersection.

- . From the detail shown on the plan, the Entry/Exit onto St Heliers Street would seem to be directly opposite the Muswellbrook RSL Club Entry/Exit. The location of these points could have the potential for further traffic congestion. Vehicles entering the carpark at night where the gradient is 1/20 would be projecting their headlights into the side windows of the residence located at 4 Flanders Avenue.

- . When licensed premises within the area hold special events, the overflow of parked vehicles is absorbed by adjoining carparks. In many instances this has resulted in antisocial behaviour, as a result, many of the instances have been reported to council. As the buildings substantially increase the parking area in this area, I assume attention to this issue will be carried out in the final construction detail.

- . It is noted that some minor landscaping detail for the front of the proposed development, but no such landscaping relief other than a small kerb is shown on the plan which would break up the starkness at the rear of the carpark adjoining Flanders Avenue. I assume such detail could be resolved as a final detail.



The design pays little respect to the heritage values of the structures within the area. Our own house was built in the early 1900's and places it as one of the very earliest dwellings constructed in Muswellbrook. The design in DA 78/2018 could clearly have been developed in total isolation of any understanding of the history of the town or any view of the adjacent structures.

Yours Sincerely

A large, dark, irregular redacted area covering the signature.A smaller, dark, irregular redacted area covering the signature.

The General Manager

Muswellbrook Shire Council

Muswellbrook 2333

Email: council@muswellbrook.nsw.gov.au

**RE: Submission of objections regarding Development Application: 78/2018**

Darren and I object to the approval of the Development Application (D.A) 78/2018 in its current state. We understand that our property and the proposed development share the same zoning; however we highlight that our house, 4 Flanders Avenue has been in this location since 1939, and has been solely a residential property from this time. Our house is on the border of two conflicting zones and thus needs to be considered by council in the context of this submission and D.A as a privately owned home. In the course of objecting to this submission we have relied upon the following council documentation;

- Muswellbrook Shire Local Environment Plan (L.E.P), 2009
- Muswellbrook Shire Development Control Plan (DCP), 2009
- Development Application 78/2018

We also note that council needs to consider the following issues when approving a Development Application;

- Privacy, including Acoustic Privacy
- Heritage significance and the impact of a new development upon existing buildings and locations of historical significance
- Urban design

Darren and I object to the Development Application (D.A), 78/2018 due to the following reasons;

- **Privacy**

We believe that this development will have a detrimental impact upon the privacy of our house, 4 Flanders Avenue. The current design details a large car park and vehicle accesses at the rear of the block adjacent to our house's front, side and rear yard areas, veranda, master bedroom, family bathroom and second bedroom.

Council's Development Control Plan (D.C.P) 2009, section 6 "Residential Development" subsections 6.1, 6.1.1 and 6.1.3 detail the privacy considerations new developments must give to existing residences. In addition to these subsections, subsection 6.3.3 details that the new development must "...locate windows and outdoor spaces to avoid direct or close views into the windows, balconies, or private open space of adjoining dwellings..." We argue that the proposed car park will breach all these aspects. We concede that this section is applicable to developments in residential areas, and acknowledge that our house and the proposed development are both located in the B2 commercial zone; however considering the context of our house being a private residence and the development being on the boundary of a residential area we believe these concerns are relevant and need to be taken into consideration by council.

The DA 78/2018 does not acknowledge that the development will have a direct impact upon the privacy of our property, and does not give proper and full consideration to the seriousness of the impact of the development upon the wellbeing of any residents of our house. Given that this facility is planned to be a 24 hour business, the implications for any residents of our house will be 24 hours, 7 days per week and there will not be any hour of the day or night where residents of 4 Flanders Avenue will not feel the scrutiny of passers by.

The rear veranda and back yard area of the house and yard are utilised for entertaining guests, eating meals, gardening and generally enjoying the outdoors. We fear that any residents of our house will feel uncomfortable and unable to use the backyard and veranda areas due to patrons of the service station and restaurant having an uninterrupted view of family and friends' activities. Darren and I also share concerns about the safety of any children and their feelings of security and wellbeing whilst playing in our backyard, knowing that strangers are able to view their play.

We believe that the development application does not provide clear details regarding the height and type of fencing which the developer proposes will address this issue.

Additionally, we believe that the fencing required to screen our house from both the public car park and large vehicles moving through the area would be sizeable and 'gaol like' and while the plan does not make any reference to screening plants; the planting of screening trees and shrubs would take a considerable amount of time before they would provide what we perceive as adequate privacy screening. It should also be noted that running down the fence line in our yard is the council sewer line and access point so any plantings would need to occur on the car park side of the fencing.

- **Acoustic Privacy**

Council's Development Control Plan (DCP) 2009, section 6 "Residential Development", subsection 6.3.4 details a developer's responsibility in relation to Acoustic privacy. The subsection details the developer must "...ensure that (the) development does not result in adverse amenity impacts arising from noise generation...(and that) site layout and design separates active recreational areas, parking areas, vehicle access ways and service equipment areas from bedrooms areas of dwellings" (DCP, 2009).

The proposed development includes parking spaces for 30 vehicles, vehicle access and egress (including movement of semi trailers and other large vehicles) and pedestrian traffic pathways that are directly adjacent to the outdoor living areas, master bedroom and second bedroom of our house. We would anticipate that at peak times there could be as many as 150 people (5 persons per car) congregating in the car park. We are also concerned that apart from the noise of the vehicle movements themselves, any visitors to or residents of our house would have to contend with the noise generated from patrons' conversations, car doors, squeaking brakes and other ambient noises generated by 30 cars and 150 people.

In addition it appears that other noise producing activities such as delivery points and garbage collection are planned to be located at the rear of our back yard. The waste collection bins are planned to be located against our rear side fence, directing impacting on the privacy and ambiance of the rear yard area and given most garbage collection and deliveries occur in the early mornings, it would not be unreasonable to assume that the



sleep patterns of any residents of 4 Flanders avenue would be compromised by deliveries and garbage collection.

This development is proposed to be a 24 hour business, thus noise will continue to be an issue 24 hours per day 7 days per week with no reprieve for residents of 4 Flanders Avenue. It would also be reasonable to anticipate that noise generated by the business and its patrons would increase on public holidays including family festive periods of Christmas and Easter making the use of the rear veranda and back yard areas of 4 Flanders Avenue unpleasant and unusable by guests and family.

The other businesses in the locality are usually ceased by 10 – 10:30pm or 12pm on Fridays and Saturday nights. While we acknowledge that Hungry Jacks has 24 hour approval to operate, apart from the initial weeks after its original opening the business has not operated 24 hours; it has opened at 5:30/6:30am and closed by 11pm most nights. Additionally, noises from the neighbouring businesses, such as Hungry Jacks, the RSL, and Eaton's Hotel, all have a degree of space that mitigates the worst of the noise. The proposed development would erase that space and make any noises generated much more oppressive.

We have concerns that the development application appears not to have included a traffic study to indicate the number of traffic movements that would be generated by both the proposed service station and the restaurant. The amount of noise that will be generated by the proposed D.A, due to increased vehicles, including semi trailers and pedestrian movements, will be incomparable to what we and the other residents in the area have previously been experienced by the other businesses in the locality. Even when the vacant block was utilised by the Ford dealership, at no time do we experience the Ford dealership to have had this many people on their premises to generate anywhere near to the amount of noise this development will generate.

At the time of writing this submission, we were unable to determine the location and type of the air conditioning units or refrigeration units for cool rooms at both the service station and restaurant. We have concerns that the units will be noisy and operating 24 hours a day and are highly likely be located at the rear of both buildings and will as such impact upon

the outside spaces such as the rear back yard and veranda areas of our house. Such placement would therefore be close to our premises and will adversely affect the quality of lifestyle of residents in both our home and front and back yard spaces.

- **Heritage Impact and Urban Design**

Our house "Hazeldene" was built in 1939 by architects Rixon, Hasteley and Baker for the Hazel family. Mr Daniel "Mick" Hazel was a local blacksmith and the house's history and the influence of the Hazel family on the development of Muswellbrook has been subject of a study by the Muswellbrook Historical society. It is one of many residences in the vicinity that dates from this era. We believe that the design of the proposed development is not sympathetic to our home or others in Flanders Avenue, St Heliers and Bridge Streets. The height, colourings and design of the development is not fitting with the existing architecture. Our home and the proposed development are both located in the conservation area of Muswellbrook.

In particular we do not believe that the design is complementary to Eatons Hotel; an identified building of historical significance in the Muswellbrook township. The Muswellbrook Shire D.C.P subsection 15.1.9 "...ensure(s) that new developments will be sympathetic with features and associations that make for the heritage significance of a place...(and) do not diminish or compromise the heritage significance of places by introducing elements which are out of character with or draw attention from the things which make for the heritage significance of places... This means that new developments should be similar in appearance."

Subsection 15.2.4 states that Council must give consideration to the impact of new building works and "How will elements of new developments relate visually to existing building works?" The D.C.P identifies that buildings can produce "...powerful visual intrusions...and visual conflicts with features of the wider settings of existing buildings should be minimised..." Further to this subsection 15.1.14 clearly details that "...buildings that are visually intrusive or otherwise non-contributory to the character of the area will not be

acceptable." In addition to Section 15, Section 9 "Local Centre Development" details guidance regarding commercial property development in the town main street area; the zoning that applies to both our home and the proposed development site. The objective of this subsection is to ensure that development "... complements and enhances existing local centres" whilst ensuring that "...the heritage character/value and streetscape of the business centre of Muswellbrook." This is achieved by the use of building materials and colours that harmonise, rather than dominate the existing streetscape. The corporate colours of both buildings are bright and somewhat overbearing of the buildings in the locality, including our house and do nothing to reinforce the attractiveness of the surrounds.

- **Additional concerns not addressed by DA78/2018**

**Smoking policy** – will there be designated smoking areas on the premises and if so where will these areas be located? As previously noted there could be in excess of 150 people congregating or moving through the car park area of the development and even if a third of these people smoke cigarettes the impact of such on any resident of 4 Flanders Avenue would be unpleasant and potentially detrimental to their health. It is well documented that there is no safe level of exposure to second-hand smoke and prolonged exposure can increase the risk of lung cancer, heart disease and sudden infant death syndrome. It can also cause sore throats, nasal symptoms, asthma attacks and other chest illnesses (<http://www.cancercouncil.com.au>, accessed 2 October 2018).

**Antisocial behaviour management** – There is no detail in the submission about how the service station and restaurant will manage patrons, especially those accessing the business later at night (after accessing other licenced premises) to ensure limited disturbance of residences in the area. We question how business management plan to mitigate and manage antisocial, loud and offensive behaviour within the car park and other areas of the business? We also question how management will limit the patrons from disposing of rubbish including bottles and cigarette butts into our back yard?

We also have questions about the type of retaining wall and fencing between our property and the rear of the service station. Will there be access behind the building for people to climb either on the roof of the service station, onto the roof of our colour bond shed or into

the backyard area of our property? What migration strategies have been considered to limit this type of behaviour and potential security concerns?

**Anticipated rear and side view of the development from our house** – what residents of our home will be looking at from our front yard, bedrooms, kitchen window, rear verandah and back yard area? There are no artists impressions or scale drawings of what the development will look like from the vantage point of our property.

**Management of waste on site** including but not limited to; vermin control, offensive odours, and littering.

**Security and night time lighting** - We also ask for the exterior and interior lighting plans for both the buildings including the proposed brightness/reflection of these lights towards our house? Will this lighting shine through the bedroom windows and compromise sleep?

**Security measures, including possible use of CCT cameras** - Will the proposed development use CCT cameras as a security measure? If so, Darren and I request that a map of camera locations and areas covered by provided to us to ensure that camera angles do not compromise privacy and safety of residents of 4 Flanders Avenue?

**Fencing** -What is the proposed height and materials used for the proposed privacy fencing? What consideration has been given to the materials used and the potential for the transfer of radiant heat towards out property? Any expectation that Darren and I will need to contribute to half the costs of boundary fencing and retaining walls?

**Car park & Service station buildings**- What consideration has been given to the materials used and the potential for the transfer of radiant heat towards our property?

**Location underground fuel tanks** – We note that the plans make reference to the location of the undergrown fuel tanks being "...to be confirmed"; where else is it anticipated that the tanks maybe be placed and what notice or right of reply will Darren and I be provided about



any change of location? We would have concerns if the tanks were moved to another location due to the impact of fumes and noise from deliveries.

**Compensation-** Compensation for any damage caused to our property during construction phase eg; existing landscaping, structural damage to colour bond shed and residence? What other options that will be made available for compensation due to malicious damage to our property by the businesses patrons and staff?

**Complaints process** – Identified complains process for Darren, myself and any residents of 4 Flanders avenue during the construction of the proposed development (should it be approved) and any ongoing concerns once the development has been completed?

**Air conditioning and Freezer units** - Type, size, location and expected noise levels of air conditioning and refrigeration units? Has any consideration been given to the impact of the heat generated from such units upon our property?

**Traffic control and impact of increased vehicle movements as a consequence of construction and operation of DA78/2018-**

- Has a traffic study been undertaken as to the anticipated increase in traffic volumes, noise and overall impact of changed traffic conditions?
- Opportunity for amended traffic flow and parking restrictions for Flanders Ave, such as making the avenue one way and / or parking restricted to permanent residences? Flanders Avenue is only 7 metres in width and currently experiences considerable pressure from traffic using the avenue as a thorough fare to avoid the Highway.
- Has there been consideration given to the management of the increase in traffic in St Heliers Street entering onto the New England Hwy (Bridge Street)? In addition migration strategies for potential accidents due to vehicles turning into the service station and St Heliers Street across highway traffic?
- Consideration to the financial implications for Council due to damage to the road way pavement in St Heliers Street (and Flanders avenue) due to the increase in traffic movement, including larger vehicles.

- Traffic control and mitigation strategies to minimise potential accidents due to the increase of traffic movements and driveways opposite the existing RSL and Hungry Jacks entries and exits.
- Mitigation strategies to ensure the safety of pedestrians when crossing both St Heliers and Bridge Streets; currently there is no marked crossings or refuge island for pedestrians in either street

#### Conclusion

Muswellbrook Shire Council planning, building and development policy details that all development applications must meet the requirements of the Muswellbrook Shire Local Environment Plan (L.E.P), the Muswellbrook Shire Development Control Plans (D.C.P) and the Building code of Australia with primary consideration given to how the D.A considers privacy, heritage impact, urban designs and overall impact upon neighbouring properties. As objectors to the D.A, 78/2018 we believe that further inquiry needs to occur in respect to how the proposed development has fully considered these issues in respect to our property 4 Flanders Avenue, Muswellbrook.

The developer will maintain that their application and proposed development fulfils the aim of the Muswellbrook Shire Local Environment Plan by “...(encouraging) orderly, economic, and equitable development...” it however fails to acknowledge that the LEP aim also details that development must only occur when “...safeguarding the community’s interests and community amenity...” As the family most affected by this development we do not believe that this development in its current state promotes our interest, comfort and security within our property 4 Flanders Ave, Muswellbrook.

Thank you for considering our application and we are willing to discuss our objections and possible solutions further, if necessary.

Yours sincerely



## References:

Development Application 78/2018 with the proposal for the development of "Service station and food outlet" on the corner of Bridge Street and St Heliers Street, Muswellbrook.

Muswellbrook Shire Development Control Plans (DCP), April 2009  
<http://www.muswellbrook.nsw.gov.au/Council-services/Planning-development/Development-control-plan.htm> accessed 2 October 2018

Muswellbrook Shire Development Control Plans (DCP): Heritage Conservation, April 2009  
<http://www.muswellbrook.nsw.gov.au/Council-services/Planning-development/Development-control-plan-pdfs/Section%2015%20-%20Heritage%20Conservation.pdf> accessed 2 October 2018

Muswellbrook Shire Local Environment Plan (LEP),  
<http://www.legislation.nsw.gov.au/sessionalview/sessional/epi/2009-129.pdf> accessed 2 October 2018

Cancer Council NSW <http://www.cancercouncil.com.au/31928/reduce-risks/smoking-reduce-risks/going-smoke-free/smoking-and-the-law/?pp=31928> accessed 2 October 2018

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N> accessed 2 October 2018



## 7 CORPORATE AND COMMUNITY SERVICES

### 7.1 CHANGING THE VENUE FOR THE JULY 2019 AND SEPTEMBER 2019 COUNCIL MEETINGS

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - General Manager
<b>Author:</b>	Michelle Sandell-Hay - PA to the General Manager
<b>Community Plan Issue:</b>	<i>Progressive leadership</i>
<b>Community Plan Goal:</b>	<i>That Muswellbrook Shire is well led and managed</i>
<b>Community Plan Strategy:</b>	<i>Effective governance of Muswellbrook Shire</i>

#### PURPOSE

To consider changing the venue for the Ordinary Council Meetings to be held in July 2019 and September 2019.

#### OFFICER'S RECOMMENDATION

1. The Council meeting scheduled to be held on 30 July, 2019 be held in in the Council Chambers, Muswellbrook.
2. The Council Meeting scheduled to be held on 24 September, 2019 be held in the Denman Memorial Hall, Ogilvie Street, Denman.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### BACKGROUND

In April 2019 Council resolved to amend the venues for Ordinary Meetings scheduled for April and May.

#### CONSULTATION

Not applicable.

#### REPORT

Council currently conducts an ordinary meeting on the last Tuesday of each month commencing at 6.30pm. These meetings deal with a full range of Council business, including consideration of reports from Committees. At the Ordinary Council Meeting held on 9 April, 2019 Council resolved to hold its May/June Ordinary Meeting in Denman.

As the Denman Hall project is proposed to be completed and opened early August 2019 it is proposed to hold the July Council Meeting in the Chambers, Administration Centre Muswellbrook and the September Council Meeting in the Denman Hall to ensure that the Hall has been fully completed.

#### OPTIONS

Council may adopt the proposed change to the schedule of meetings or a variation of the schedule.

**CONCLUSION**

It is proposed that Council conduct its Ordinary Meeting in the Council Chambers, Muswellbrook on 30 July, 2019 and the Denman Memorial Hall on 24 September, 2019 commencing at 6.30pm.

**SOCIAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Meetings are conducted in accordance with Council's Code of Meeting Practice.

**STATUTORY IMPLICATIONS**

Not applicable.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.

## 7.2 REPORT ON INVESTMENTS HELD AS AT 31 MAY 2019

Attachments:	A. Investment Portfolio and Cash as at 31 May 2019 B. Issuer Trading Limits as at 31 May 2019
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

### PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

### OFFICER'S RECOMMENDATION

The information showing Council's investments as at 31 May 2019 be noted and the exceeded trading limits on one issuer be accepted.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

### REPORT

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

The funds, invested under Section 625 of the Local Government Act, as at 31 May 2019 are shown in the attachments.

### COMMENT:

As at 31 May 2019, there is one issuer whose portfolio trading limits have been exceeded. Overall, however, none of the security rating group trading limits have been exceeded and on that basis, it is recommended that special action is not taken to resolve these individual trading limit discrepancies.

The one issuer is noted in the table below:

Issuer name	Trading limit exceeded (\$)	Trading limit exceeded (%)	Type of security	Detail
P&N Bank Ltd	\$76k	3%	Term deposit	The earliest-maturing holding is a \$1m term deposit which matures on 05 June 2020. It is recommended that Council allows this issuer to remain in discrepancy as this security offers some of Council's better yielding interests and overall Council's A2 security rating group trading limits have not been exceed.

Council's weighted running yield is 2.61% for the month.

The Responsible Accounting Officer certifies that, apart from the above trading limit discrepancies, the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.





At Call Deposit	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	% Running Yield	Weighted Running Yield
	Westpac Bus Prem At Call		4,624,291.31	1.00000000	4,624,291.31	100.000	0.000	4,624,291.31	7.84%	1.59%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.17%	0.90%	
			4,724,291.31		4,724,291.31			4,724,291.31	8.01%		1.58%
Floating Rate Deposit	ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.300	1,003,004.81	1.70%	2.89%	
			1,000,000.00		1,000,000.00			1,003,004.81	1.70%		2.89%
Floating Rate Note	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	99.946	0.652	2,011,960.00	3.41%	2.93%	
	Auswide 1.05 12 Feb 2020 FRN	AU3FN0040747	1,500,000.00	1.00000000	1,500,000.00	100.210	0.133	1,505,145.00	2.55%	2.69%	
	Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	100.333	0.174	1,005,070.00	1.70%	2.65%	
	BOQ 1.05 12 Feb 2020 FRN	AU3FN0026381	1,000,000.00	1.00000000	1,000,000.00	100.356	0.133	1,004,890.00	1.70%	2.69%	
	BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.898	0.262	1,009,600.00	1.71%	2.73%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.474	0.109	1,005,830.00	1.71%	2.64%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.342	0.199	502,705.00	0.85%	2.60%	
	BENAU 1.1 21 Feb 2020 FRN	AU3FN0033486	1,500,000.00	1.00000000	1,500,000.00	100.433	0.073	1,507,590.00	2.95%	2.64%	
	BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.630	0.080	3,021,300.00	5.12%	2.64%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.405	0.250	503,275.00	0.85%	2.61%	
	CredSue 1.15 29 Apr 2020 FRN	AU3FN0027314	1,000,000.00	1.00000000	1,000,000.00	100.545	0.238	1,007,830.00	1.71%	2.70%	
	CredSue 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	102.319	0.837	1,031,560.00	1.75%	3.82%	
	CUA 1.3 20 Mar 2020 FRN	AU3FN0034963	750,000.00	1.00000000	750,000.00	100.563	0.615	758,835.00	1.29%	3.12%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.736	0.737	1,522,095.00	2.58%	3.12%	
	MACQ 1.1 03 Mar 2020 FRN	AU3FN0026605	750,000.00	1.00000000	750,000.00	100.461	0.719	758,850.00	1.29%	2.98%	
	RACB 1.1 11 May 2020 FRN	AU3FN0042370	2,000,000.00	1.00000000	2,000,000.00	100.279	0.135	2,008,280.00	3.41%	2.74%	
	ME Bank 1.45 18 Jul 2019 FRN	AU3FN0032041	1,000,000.00	1.00000000	1,000,000.00	100.145	0.370	1,005,150.00	1.70%	3.13%	
	ME Bank 1.25 06 Apr 2020 FRN	AU3FN0035333	500,000.00	1.00000000	500,000.00	100.394	0.432	504,130.00	0.86%	2.66%	
	NPBS 1.35 07 Apr 2020 FRN	AU3FN0026969	1,000,000.00	1.00000000	1,000,000.00	100.615	0.446	1,010,610.00	1.71%	3.07%	
	Old Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.290	0.616	1,513,590.00	2.57%	3.21%	
	Old Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.629	0.716	760,087.50	1.29%	3.35%	
	RABOBK 1.05 11 Feb 2020 FRN	AU3FN0028373	1,000,000.00	1.00000000	1,000,000.00	100.523	0.133	1,006,560.00	1.71%	2.69%	
	RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	101.701	0.815	1,025,160.00	1.74%	3.38%	
	SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1.00000000	4,000,000.00	101.081	0.306	4,055,480.00	6.88%	2.88%	
			30,750,000.00		30,750,000.00			31,045,582.50	52.65%		2.89%
Floating Rate TCD	GB 1.5 07 Jun 2019 FloatTCD	AU3FN0031605	1,000,000.00	1.00000000	1,000,000.00	100.021	0.807	1,008,280.00	1.71%	3.46%	
	GB 1.5 29 Nov 2019 FloatTCD	AU3FN0033619	1,000,000.00	1.00000000	1,000,000.00	100.288	0.016	1,003,040.00	1.70%	2.52%	
			2,000,000.00		2,000,000.00			2,011,320.00	3.41%		3.19%



Term Deposit	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
	AMP 27 Oct 2019 180DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.274	3,008,210.97	5.10%	2.70%	
	BOQ 3.4.21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.204	1,032,043.84	1.75%	3.40%	
	MYS 2.45 04 Nov 2019 181DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.161	1,001,610.96	1.70%	2.45%	
	NAB 2.58 03 Jun 2019 91DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.622	2,012,440.54	3.41%	2.58%	
	NAB 2.6 11 Jun 2019 91DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.570	1,508,547.95	2.56%	2.60%	
	NAB 2.45 21 Oct 2019 180DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	0.248	4,009,934.24	6.80%	2.45%	
	NPBS 3 31 Aug 2019 1095DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.000	1,500,000.00	2.54%	3.00%	
	P&NB 3.83 05 Jun 2020 1827DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.778	1,037,775.34	1.76%	3.83%	
	P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.327	2,066,538.08	3.50%	3.53%	
	SunBank 2.27 26 Aug 2019 91DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.025	3,000,746.31	5.09%	2.27%	
			20,000,000.00		20,000,000.00			20,177,848.23	34.22%		2.75%
Fixed Interest Total			58,474,291.31		58,474,291.31			58,962,046.85	100.00%		2.61%



**Portfolio Valuation Report**  
**Muswellbrook Shire Council**  
**As At 31 May 2019**

**Disclaimer:**

Laminar Capital Pty Ltd ABN 33 134 764 740 (AFSL 476686), its officers, employees, agents and associates ("Associates") from time to time hold interests in securities of, or earn brokerage, fees and other benefits from, corporations or investment vehicles referred to in documents provided to clients. All information contained herein is confidential and proprietary to Laminar Capital and, accordingly, this material is not to be reproduced in whole or in part or used for any purpose except as authorised by Laminar Capital. It is to be treated as strictly confidential and not disclosed directly or indirectly to any other person, firm or entity.

Distribution of this information to anyone other than the original recipient and that party's advisers is unauthorised. Any reproduction of these materials, in whole or in part, or the divulgence of any of its contents, without the prior consent of Laminar Capital is prohibited. Any securities recommendation or comments (including an opinion) contained in this document is general advice only and does not take into account your personal objectives, financial situation or needs. Laminar Capital is not acting in a fiduciary capacity. Recommendations or statements of opinion expressed may change without notice. You should not act on a recommendation or statement of opinion without first considering the appropriateness of the general advice to your personal circumstances or consulting your investment advisor to determine whether the recommendation or statement of opinion is appropriate for your investment objectives, financial situation or needs.

Laminar Capital believes that the information contained in this document is accurate when issued. Laminar Capital does not warrant that the information contained herein is accurate, reliable, complete or up-to-date, and, to the fullest extent permitted by law, disclaims all liability of Laminar Capital and its Associates for any loss or damage suffered by any person by reason of the use of the information, opinions or conclusions contained in this document, whether arising from the negligence of Laminar Capital or its Associates or otherwise. No action should be taken on the basis of or in reliance on the information, opinions or conclusions contained in this document.

Laminar Capital acts as principal when we buy and sell fixed interest securities in the secondary markets. The yield that we quote to you incorporates any margin that we may receive. The margin is the difference between the price at which we, as principal, buy the security and the price at which we sell the security to you. Laminar Capital may also receive placement fees from issuers for distributing securities on their behalf.

This document is not, and is not intended to be, an offer or invitation for subscription or sale, or a recommendation, with respect to any securities, nor is it to form the basis of any contract or commitment. This document does not purport to identify the nature of the specific market or other risks associated with these products. Before entering into any transaction in relation to the products, the investor should ensure that it fully understands the terms of the products and the transaction, relevant risk factors, the nature and extent of the investor's risk of loss and the nature of the contractual relationship into which the investor is entering. Prior to investing in these products, an investor should determine, based on its own independent review and such professional advice as it deems appropriate, the economic risks and merits, the legal, tax accounting characteristics and risk, and the consequences of an investment in them. This is not a substantive commentary or analysis by Laminar Capital and has not been prepared as a research product or comments by a research analyst.

LAMINAR CAPITAL PTY LTD  
 ACN 134 764 740  
 WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 2, 546 COLLINS STREET, MELBOURNE VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933  
 SYDNEY OFFICE: LEVEL 42, GATEWAY TOWER 1, MACQUARIE PLACE, SYDNEY NSW, 2000 T 61 2 8094 1230 F 61 2 8094 1233  
 BRISBANE OFFICE: LEVEL 18, RIVERSIDE CENTRE 123 EAGLE STREET, BRISBANE QLD, 4000 T 61 7 3123 5370 F 61 7 3123 5371

Report Code: TESSBPTDXT-01.14  
 Report Description: Portfolio Valuation As At Date  
 Parameters:  
 Term Deposit Interest Included  
 Cash Excluded



Trading Limit Report  
Muswellbrook Shire Council  
As At 31 May 2019

## 1 Issuer Trading Limits

Issuer	Issuer Parent	Already Traded Limit For (with Issuer Group) Book or Face Value Trading Notional Entry	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd		5,000,000.00 Book	10.00 % of 58,474,291.31	5,847,429.13	86.00	14.00	847,429	0.00	0
ANZ Banking Group Ltd		1,000,000.00 Book	30.00 % of 58,474,291.31	17,542,287.39	6.00	94.00	16,542,287	0.00	0
Auswide Bank Limited		2,500,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	86.00	14.00	423,715	0.00	0
Bank of Queensland Ltd		4,500,000.00 Book	10.00 % of 58,474,291.31	5,847,429.13	77.00	23.00	1,347,429	0.00	0
Bendigo & Adelaide Bank Ltd		5,000,000.00 Book	10.00 % of 58,474,291.31	5,847,429.13	86.00	14.00	847,429	0.00	0
Credit Suisse Sydney		2,000,000.00 Book	20.00 % of 58,474,291.31	11,694,858.26	17.00	83.00	9,694,858	0.00	0
Credit Union Australia Ltd		2,250,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	77.00	23.00	673,715	0.00	0
Greater Bank Ltd		2,000,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	68.00	32.00	923,715	0.00	0
Macquarie Bank		750,000.00 Book	20.00 % of 58,474,291.31	11,694,858.26	6.00	94.00	10,944,858	0.00	0
Members Banking Group Limited (was RACQ Bank)		2,000,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	68.00	32.00	923,715	0.00	0
Members Equity Bank Ltd		1,500,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	51.00	49.00	1,423,715	0.00	0
MyState Bank Ltd		1,000,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	34.00	66.00	1,923,715	0.00	0
National Australia Bank Ltd		7,500,000.00 Book	30.00 % of 58,474,291.31	17,542,287.39	43.00	57.00	10,042,287	0.00	0
Newcastle Permanent Building Society Ltd		2,500,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	86.00	14.00	423,715	0.00	0
PSN Bank Ltd		3,000,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	100.00	0.00	0	3.00	76,285
OPCU LTD v/a OBANK		2,250,000.00 Book	5.00 % of 58,474,291.31	2,923,714.57	77.00	23.00	673,715	0.00	0
Rabobank Nederland Australia Branch		2,000,000.00 Book	20.00 % of 58,474,291.31	11,694,858.26	17.00	83.00	9,694,858	0.00	0
Suncorp Bank		7,000,000.00 Book	20.00 % of 58,474,291.31	11,694,858.26	60.00	40.00	4,694,858	0.00	0
Westpac Banking Corporation Ltd		4,724,291.31 Book	30.00 % of 58,474,291.31	17,542,287.39	27.00	73.00	12,817,986	0.00	0
		58,474,291.31		143,262,013.71			84,864,009		76,285





## 2 Security Rating Group Trading Limits

Security Rating Group	Already Traded Face Value Book or Notional	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	1,000,000.00 Book	100.00 % of 58,474,291.31	58,474,291.31	2.00	98.00	57,474,291	0.00	0
A+ to A-	15,000,000.00 Book	80.00 % of 58,474,291.31	35,084,574.79	43.00	57.00	20,084,575	0.00	0
A1+	12,224,291.31 Book	100.00 % of 58,474,291.31	58,474,291.31	21.00	79.00	46,250,000	0.00	0
A1	4,750,000.00 Book	80.00 % of 58,474,291.31	46,779,433.05	10.00	90.00	42,029,433	0.00	0
A2	17,750,000.00 Book	60.00 % of 58,474,291.31	35,084,574.79	51.00	49.00	17,334,575	0.00	0
BBB+ to BBB-	7,750,000.00 Book	30.00 % of 58,474,291.31	17,542,287.39	44.00	56.00	9,792,287	0.00	0
	58,474,291.31		251,439,452.63			192,965,161		0

### Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

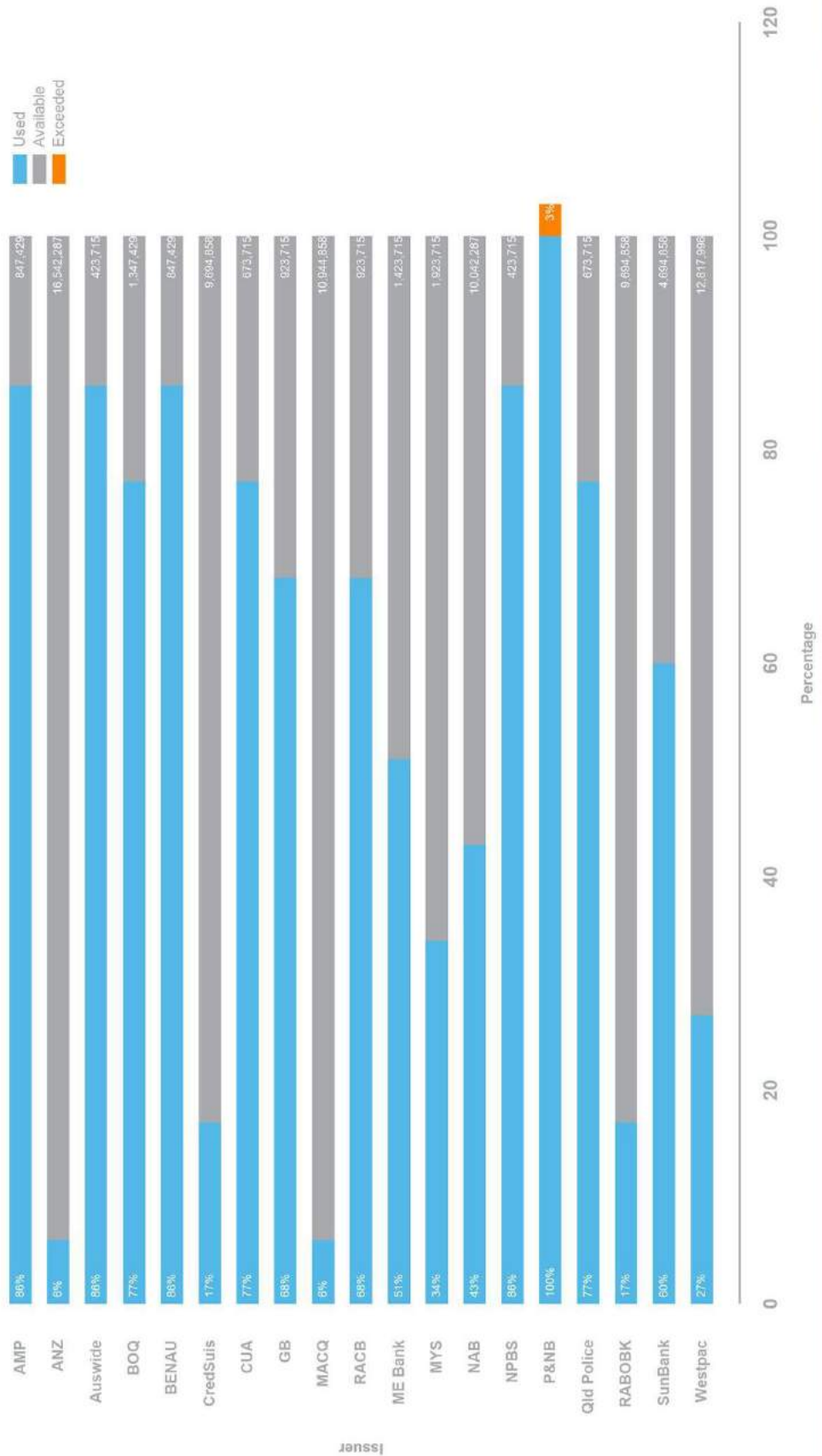
## 3 Term Group Trading Limits

Term Group	Already Traded Face Value Book or Notional	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	34,724,291.31 Book	0.00 AUD	0.00	0.00	0.00	0	100.00	34,724,291
1-3 Year	21,750,000.00 Book	0.00 AUD	0.00	0.00	0.00	0	100.00	21,750,000
3-5 Year	2,000,000.00 Book	0.00 AUD	0.00	0.00	0.00	0	100.00	2,000,000
	58,474,291.31		0.00			0		58,474,291



Trading Limit Report  
Muswellbrook Shire Council  
As At 31 May 2019

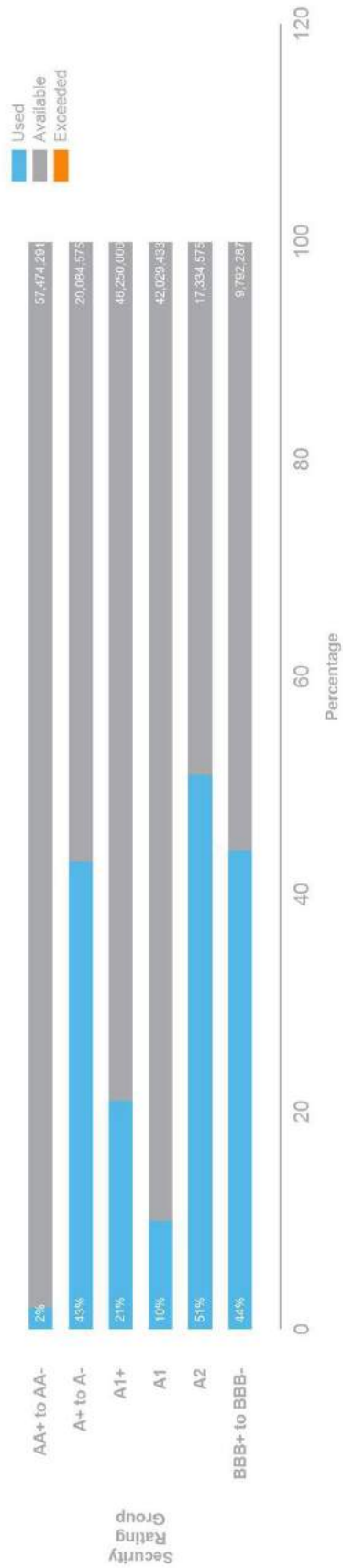
Issuer Trading Limits





Trading Limit Report  
Muswellbrook Shire Council  
As At 31 May 2019

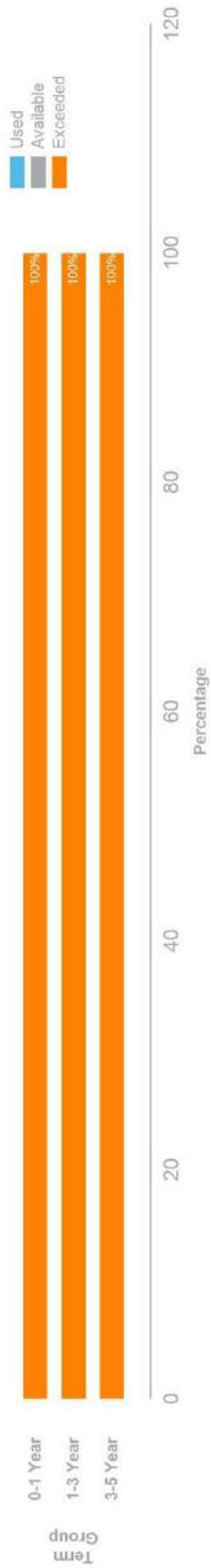
Security Rating Group Trading Limits





Trading Limit Report  
Muswellbrook Shire Council  
As At 31 May 2019

Term Group Trading Limits







## Trading Limit Report Muswellbrook Shire Council As At 31 May 2019

### Disclaimer:

Laminar Capital Pty Ltd ABN 33 134 764 740 (AFSL 476666), its officers, employees, agents and associates ("Associates") from time to time hold interests in securities of, or earn brokerage, fees and other benefits from, corporations or investment vehicles referred to in documents provided to clients. All information contained herein is confidential and proprietary to Laminar Capital and, accordingly, this material is not to be reproduced in whole or in part or used for any purpose except as authorised by Laminar Capital. It is to be treated as strictly confidential and not disclosed directly or indirectly to any other person, firm or entity.

Distribution of this information to anyone other than the original recipient and that party's advisers is unauthorised. Any reproduction of these materials, in whole or in part, or the divulgence of any of its contents, without the prior consent of Laminar Capital is prohibited. Any securities recommendation or comments (including an opinion) contained in this document is general advice only and does not take into account your personal objectives, financial situation or needs. Laminar Capital is not acting in a fiduciary capacity. Recommendations or statements of opinion expressed may change without notice. You should not act on a recommendation or statement of opinion without first considering the appropriateness of the general advice to your personal circumstances or consulting your investment advisor to determine whether the recommendation or statement of opinion is appropriate for your investment objectives, financial situation or needs.

Laminar Capital believes that the information contained in this document is accurate when issued. Laminar Capital does not warrant that the information contained herein is accurate, reliable, complete or up-to-date, and, to the fullest extent permitted by law, disclaims all liability of Laminar Capital and its Associates for any loss or damage suffered by any person by reason of the use by that person of, or their reliance on, any information contained in this document, whether arising from the negligence of Laminar Capital or its Associates or otherwise. No action should be taken on the basis of or in reliance on the information, opinions or conclusions contained in this document.

Laminar Capital acts as principal when we buy and sell fixed interest securities in the secondary markets. The yield that we quote to you incorporates any margin that we may receive. The margin is the difference between the price at which we, as principal, buy the security and the price at which we sell the security to you. Laminar Capital may also receive placement fees from issuers for distributing securities on their behalf.

This document is not, and is not intended to be, an offer or invitation for subscription or sale, or a recommendation, with respect to any securities, nor is it to form the basis of any contract or commitment. This document does not purport to identify the nature of the specific market or other risks associated with these products. Before entering into any transaction in relation to the products, the investor should ensure that it fully understands the terms of the products and the transaction, relevant risk factors, the nature and extent of the investor's risk of loss and the nature of the contractual relationship into which the investor is entering. Prior to investing in these products, an investor should determine, based on its own independent review and such professional advice as it deems appropriate, the economic risks and merits, the legal, tax accounting characteristics and risk, and the consequences of an investment in them. This is not a substantive commentary or analysis by Laminar Capital and has not been prepared as a research product or comments by a research analyst.

LAMINAR CAPITAL PTY LTD  
ACN 134 764 740  
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 2, 546 COLLINS STREET, MELBOURNE VIC 3000 T 61 3 9001 6960 F 61 3 9001 6933  
SYDNEY OFFICE: LEVEL 42, GATEWAY TOWER 1, MACQUARIE PLACE, SYDNEY NSW, 2000 T 61 2 8094 1230 F 61 2 8094 1233  
BRISBANE OFFICE: LEVEL 18, RIVERSIDE CENTRE 123 EAGLE STREET, BRISBANE QLD, 4000 T 61 7 3123 5370 F 61 7 3123 5371

Report Code: TBSBP120EXT-01.00  
Report Description: Trading Limit Performance (Historical) As At Date  
Parameters:  
Balances are Settlement Date Based  
Traded Price Value  
Effects of Parent Child Issuers Ignored  
Null Zero Holdings

## 8 ADJOURNMENT INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

### **RECOMMENDATION**

**Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:**

#### **9.1 Contract 2018-2019-0346 WATER AND SEWER CONSTRUCTION AND MAINTENANCE SERVICES PANEL**

Item 9.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **9.2 T511920HUN SUPPLY AND DELIVERY OF READY MIX CONCRETE**

Item 9.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **9.3 FUTURE FUND POLICY SCHEDULE**

Item 9.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

## 9 CLOSED COUNCIL

**10 RESUMPTION OF OPEN COUNCIL**

**11 CLOSURE**