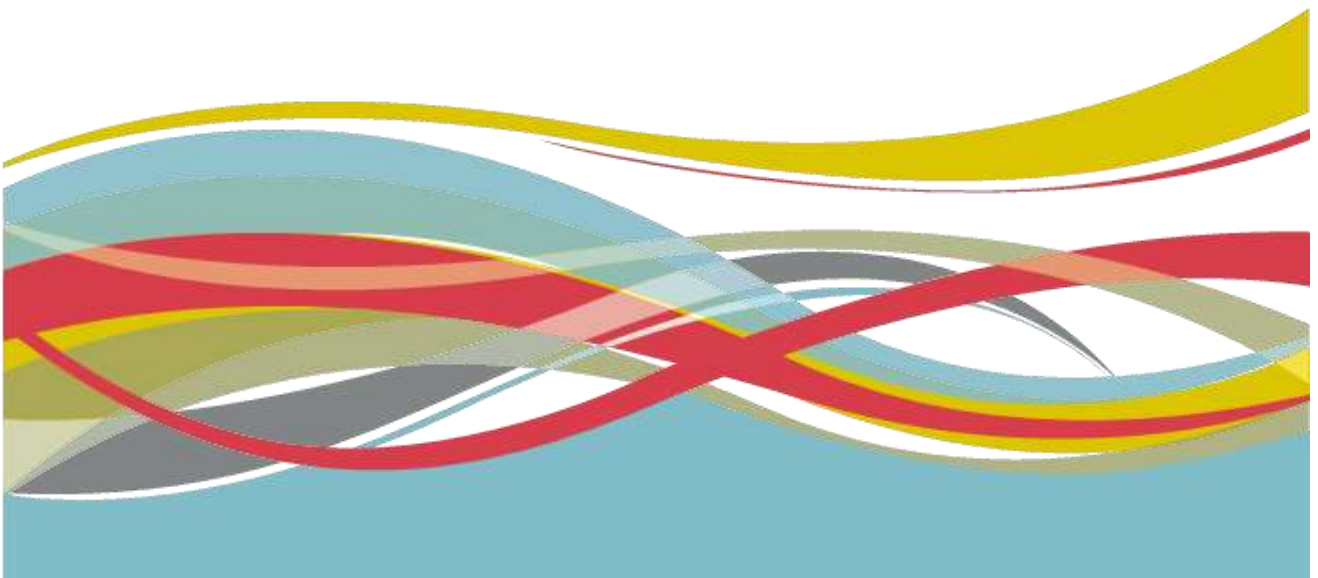




**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
14 NOVEMBER 2017



ORDINARY COUNCIL MEETING, 14 NOVEMBER 2017

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
9 November, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **14 November, 2017** commencing at 6.00pm.

Steve McDonald
GENERAL MANAGER

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

AGENDA

TUESDAY 14 NOVEMBER 2017

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 CIVIC PRAYER**
- 3 APOLOGIES AND LEAVE OF ABSENCE**

Moved: _____ **Seconded:** _____

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on **10 October 2017**, and the Extra Ordinary Meeting held on **25 October 2017**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

5 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.

6 PUBLIC PARTICIPATION**7 MAYORAL MINUTES****8 GENERAL BUSINESS****9 BUSINESS ARISING**

Nil

10 ENVIRONMENTAL SERVICES

10.1 DEVELOPMENT APPLICATION NO. 67/2017 - DEMOLITION AND RECONSTRUCTION OF SERVICE STATION, SYDNEY STREET, MUSWELLBROOK

Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Diversify the economy, facilitate the development of intensive agricultur and other growth industries, make the Shire a more attractive place to invest and do business</i>
Community Plan Goal:	<i>Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.</i>
Community Plan Strategy:	<i>Apply strategic planning and development assessment planning advice to support Council's economic diversification goals.</i>
Attachments:	A. Draft Conditions B. Roads and Maritime Services Response C. NSW Police Force Hunter Valley Local Area Command Response D. EPA Response E. Plans

Documents reference to in the assessment but not attached:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Building Code of Australia
- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 Hazardous and Offensive Development
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- Contaminated Land Policy
- Interim Construction Noise Guidelines
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (underground petroleum storage systems) Regulation 2014
- Protection of the Environment Operations (Noise Control) Regulation 2008
- Roads Act 1993
- Food Act 2003
- Public Health Act 2010
- Public Health Regulation 2012
- 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

APPLICATION DETAILS

Applicant: KDC Pty Ltd
Owner: Caltex Petroleum Pty Ltd
Proposal: Demolition of existing and construction of a new Service Station
Location: 12 – 26 Sydney Street, Muswellbrook
Permissibility: The proposed development is permissible as Service Station within the B2 Local Centre Zone
Recommendation: Approval

RECOMMENDATION

That Development Application No. 67/2017 proposing the demolition of existing and construction of a new Service Station at Lot 1 DP 1072849, Lot 2 DP 668639, Lots 1 and 2 DP 1072979, Lot 1 DP 137128 and Lot 1 DP 798715, 12 – 26 Sydney Street be approved subject the conditions in Appendix A to the report.

Moved: _____ **Seconded:** _____

☐ Cr J. Ledlin☐ Cr S. Bailey☐ Cr G. McNeill☐ Cr J. Foy☐ Cr M. Green☐ Cr R. Scholes☐ Cr S. Reynolds☐ Cr B.N. Woodruff☐ Cr S. Ward☐ Cr J.F. Eades☐ Cr M. Bowditch☐ Cr M.L. Rush**Aerial Photograph Identifying Development Site**

ISSUES SUMMARY

Council while undertaking its assessment of the proposal identified a landuse approval for Lot 1 DP 798715 (ID 734 and BA 130/1978) for sixteen (16) car parking space for the Prince of Wales Hotel located on adjacent land. During the construction and operation of the approvals a number of planning and building conditions failed to be complied with.

As a result of the failure to comply with the approvals, Council resolved on 25 January 1982 to commence legal action and served an injunction notice on the owners of the Prince of Wales Hotel in 1982. The works to be completed were as follows:

- Line marking of parking spaces;
- The completion of landscaping to the new parking areas;
- The completion of miscellaneous sewer fittings; and
- Removal of weatherboard cottage.

In the legal proceedings, the direction from the Land Environment Court was that the above works be completed by the 31st May 1982. The owners complied with the courts requirements and the matter was then reported back to Council 7 June 1982 and it was resolved that Council would take no further action under Section 316 of the Local Government Act relating to the occupation and operations of the Prince of Wales Hotel.

At the time, the works did not include the consolidation of the lots into a single title of land as required by ID 734. Council was advised at the time by its legal representative, that failure to enforce the requirement for consolidation could result in landuse conflict with lots being placed into separate ownership and redeveloped impacting the Prince of Wales approvals. This advice was ignored by Council in 1982 and compliance has never been achieved some 35 years later.

The application for the demolition of existing service station and redevelopment for the purpose of a new service station for Caltex has created a landuse conflict with the change of ownership of Lot 1 DP798715 (car park).

PLANNERS COMMENT

In regards to the above landuse conflict it is considered that the subject application DA67/2017 Demolition of Existing Service Station and Construction of a New Service Station be considered on its own merits and not be required to provide the additional sixteen (16) car parking spaces for the Prince of Wales Hotel. The proposed redevelopment of the site has planning merit and is compliant with the relevant planning regulation and policies expected in relation to the height of a pylon sign under Muswellbrook Development Control Plan 2009.

It has been requested that the parking for the wider locality be considered however this is not appropriate as there is no planning framework or policy in place to quantify the requirements.

The proposal will include remediation of the site and the installation of a new service station that's is more environmentally sustainable and lower risk to the public and the locality. The proposal is in the public interest and it is not fair and responsible to require the new owners to be burdened with the parking requirements of Council oversight in 1982.

1.0 BACKGROUND

The subject land is currently occupied by Caltex Service Station, a vacant dwelling and a section of car park associated with the Prince of Wales .

A review of Council's Application register, found the following applications :

- DA28/1998 – Relocation of diesel pump;
- DA45/1998 – Alterations and additions to service station
- DA74/1998 – Relocation of diesel pump;

- ID 734 & BA130/78 – Alteration and additions to licence premises and car parking

The matter is referred to Council for determination for non-compliance with Muswellbrook Development Control Plan 2008 Part 14(ix).2.3 of Outdoor Signage. MDCP allows the maximum height of pylon signs of 7m. The proposal is seeking consent for a pylon sign of 8.5m.

2.0 SITE AND LOCALITY DESCRIPTION

The proposal is located at 12 - 26 Sydney Street Muswellbrook and comprises of 5 allotments with a total area of 3920.9 m sq. The site has a 3m wide right of way running along the western boundary of existing Lot 1 DP 798715 and Buddens Lane. The land is identified as:

- Lot 1 DP 1072849;
- Lot 2 DP 668639;
- Lot 1 DP 1072979;
- Lot 1 DP 137128; and
- Lot 2 DP 79815.

The subject site is located on a classified road within the B2 Local Centre. The site is encompassed by business premises including and not limited to registered club, 2 pubs, retail premise and car yard. Residential dwellings are located at the rear of the sites (south boundary). The site is of flat terrain and drains to Councils stormwater infrastructure. A waterway is located east of the site and drains to Muscle Creek. The site is serviced by power, telecommunications, water and sewer. The land gains access from Sydney Street and Buddens Lane.

Three of the surrounding properties are identified as being Local Heritage Items under MLEP 2009. The items are Kerb and guttering on Sydney Street (I119), Prince of Wales Tavern (I122) and Valley Hotel/Motel (I 123).

3.0 DESCRIPTION OF PROPOSAL

The application is for the demolition of the existing service station, all ancillary structures and removal of the underground fuel storage tanks at 12- 26 Sydney Street Muswellbrook and construction of a new service station. The applicant is seeking consent for the new service station to operate 24hours per day.

The proposal seeks consent for the demolition of the existing service station, all other structures, the removal of existing underground fuel storage tanks and remediation of site for the redevelopment of the site. Once the existing structures have been removed from the site and remediation is undertaken, a new Service Station will be erected.

The new works include:

- Construction of new service building including a convenience store and a food and drink premises;
- New fuel canopy, fuel bowers and underground fuel tanks.
- Ancillary works including plant yard, stormwater management system and the provisions of 16 onsite car parking spaces.
- Free standing and wall signage; and
- Access to Sydney Street with left in and left out (reuse of existing as to not impact existing kerb and guttering).

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
- Traffic Report
- Preliminary Hazard Assessment Report – State Environmental Planning Policy 33.
- Remediation Act Plan in accordance with *State Environmental Planning Policy 55*; and
- Acoustic Report.; and
- Plan of Management

5.0 SPECIALIST COMMENTS

5.1 Internal Referrals

The application was referred to Council's Building Section, Environmental Health Officer, Water and Waste, Community Infrastructure section. Each section reviewed the proposal and recommended standard conditions to be placed on the development consent should the application be approved.

5.1.1 Community Infrastructure Comments

Comments were provided in relation to the proposed application. The comments provided were in regards to the following:

- Accesses from Sydney and Buddens Lane;
- Stormwater;
- Right of ways; and
- Impact of the inclusion of Lot 1 DP 798715 and the loss of parking for the Prince of Wales Hotel.

Planners Comments

Accesses

Access to the site was assessed and the arrangement of "left in" and "left out" was deemed acceptable for the proposed use. The access to Buddens Lane is considered not suitable due to the Lane being narrow and having poor sight distances onto Sydney Street. A condition of consent will be included requiring the access onto Buddens Lane to be removed and a physical barrier erected to impede vehicular access to Budden Lane from the site.

Stormwater

The stormwater design was amended at the request of Council to shown invert levels and to indicate the pipe location. An amended design was submitted to satisfy Council requirements. Should the application be approved, a condition will be imposed on the development that a detailed stormwater design be prepared and submitted with the Construction Certificate.

Right of Ways and land ownership

The site contains 1 rights of way (ROW) and two lots with unidentified owners.

The right of way of 3.04m wide running the western boundary of the proposed site and abutting Budden Lane will be dedicated to Council for road widening purposes. A condition is included that this occur and be at no cost to Council.

Lot 2 DP 1072979 and Lot 2 1072849 are included in the application. The lots are identified in Council records being in the ownership of Caltex Petroleum Pty Ltd however, a deed/title search carried out by

Community Infrastructure found ownership was unidentified. The applicant has been advised that documentation is required to submitted proving ownership and the application will be a deferred comment to allow them to submit the required deeds.

Prince of Wales Hotel

The proposed application will see the loss of sixteen (16) approved parking spaces associated with the Prince of Wales Hotel on adjacent land. The parking was required under ID 734 and Building Application 130/79 for extension works for the licenced premises.

The approval documents detailed that a deed was to be prepared for the consolidation of lots associated with the Hotel. The aim of the consolidation was to prohibit the sale of the land to separate ownership.

A number of conditions, including the consolidation, failed to be complied with in regards to the above approval and legal action was commenced in the Land and Environment Court by Council. During legal proceedings, Council and the proponent came to an agreement and the action ceased. Council's legal advice at the time stated that the failure to consolidate allotments for the Prince of Wales Tavern could result in the loss of carparking should the lot be sold. The owner of the Prince of Wales has sold the lot which contains the majority of carparking to Caltex for them to include in their redevelopment of the service station.

The loss of parking associated with the Prince of Wales Hotel is not seen as a reason for the refusal of the application. The application before Council has been assessed on its merits alone and not considering the implication for the function of the Prince of Wales Tavern.

5.1 External Referrals

5.1.1 Roads and Maritime Services

Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 relates to 'traffic generating development'. In accordance with Clause 104 and Schedule 3 of the SEPP any Service Station on a Classified Road (Sydney Street) requires referral to RMS.

The application was referred to the RMS and a reply was received on 9 August 2017. The requirements were:

- that the left in / left out access be maintained;
- that appropriate sight distances are available to uses; and
- On-site parking be provided and no on street parking is to be relied upon.

A copy of the RMS response is attached as **Appendix B.**

5.1.2 NSW Police

The application was referred to the NSW Police for comment. A response was received from the NSW Police and they raised no objection to the development subject to the inclusion of their recommended conditions. A review of the response, found that some of the recommended conditions were not warranted and in this instance only certain conditions have been imposed on the consent.

A copy of the NSW Police response is attached as **Appendix C.**

5.1.3 NSW Environment Protection Authority

A response was received on 7 August 2017 from the EPA NSW. No objections or additional information was requested. Recommendations were made that should the application be approved, conditions are to be imposed requiring the development to comply with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

The response from the EPA is attached as Appendix D.

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 79C Matters for Consideration

Section 79C(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

State Environmental Planning Policy No 33—Hazardous and Offensive Development

The proposed development is listed in Appendix 3 of the State Environmental Planning Policy No. 33. Service Stations are generally considered to be potentially hazardous development with the storage of potentially hazardous liquids (fuels).

In accordance in Part 3, Clause 13 of SEPP 33 '*Matters for consideration by consent authorities*' Council in determining an application to carry out development to which this Part 13 applies must consider the following in its assessment of the application:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*
- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*
- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*
- (e) *any likely future use of the land surrounding the development.*

With the above listed considerations the application was lodged with a *Risk Screening Document and Preliminary Hazardous Analysis* titled *Proposed Tank Placement Caltex Service Station, July 2017 by Hazkem Pty Ltd*. The report reviewed the proposed use and it was determined that the use could be potentially hazardous or offensive as the designs setback distances did not comply with SEPP 33 and the proposal would require a Preliminary Hazardous Analysis (PHA) to be prepared for the site.

The PHA main aims were to identify all potential hazards and accidental events that may lead to an accident, rank the identified events according to severity, identify required hazard controls and follow up actions. The PHA concluded that the Service Station design was acceptable and the risk is negligible.

The PHA was also referred to the Environment Protection Authority as a relevant agency for comment. The EPA response was received on 7 August 2017 with no objections or additional information requested. It was recommended that the application be condition to comply with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, if approved.

Overall in regards to the above matters the site is considered acceptable and compliant with the requirements of SEPP 33 and compatible with the locality.

State Environmental Planning Policy No 55—Remediation of Land

The site is identified be potentially contaminated land due it is existing use as a service station. A remediation action plan (RAP) was prepared and submitted with the application due to the development involving the removal and replacement of the underground petroleum storage system (UPSS). The work involves the removal and replacement of five existing underground storage tanks (USTs), lines, fill points, vents, dispensers and any other associated infrastructure. In the preparation of the RAP the remediation was classified as Category 1 remediation works, which requires consent.

Clause 7 of SEPP 55 outlines Council considerations in determining the application for remediation. The Clause is as follows:

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.*

The RAP has identified the potential contamination sources, outlined the remediation action and planned the preventive measures for the redevelopment of the site as a Service Station. The works proposed are consistent with the requirements of SEPP 55 and will achieve the appropriate levels for its use as a Service Station. Condition of consent will be included to ensure the remediation works are carried out and the relevant validation certificate submitted to Council for its records.

State Environmental Planning Policy No.64 – Advertising and Signage

The development includes building identification signage and 2 freestanding pylons for an advertising sign. In this regard, SEPP 64 needs to be considered in the assessment of the application.

The largest sign is shown as the Main ID sign with dimension of 8500mm high by 2200mm wide. The signage contains business identification and fuel pricing and is consistent with other service stations throughout the state.

It is considered that the proposed signage is consistent with SEPP 64, specifically Schedule 1, refer to the table below.

SEPP 64: Schedule 1 Assessment Criteria	
Assessment Item	Planning Comment
1. <i>Character of the area</i>	The proposed site is located within an established business area. The locality has a number of signs ranging in size and content.

SEPP 64: Schedule 1 Assessment Criteria	
Assessment Item	Planning Comment
2. <i>Special areas</i>	The subject site is not identified as a special area. Therefore, this matter is not applicable to the subject development.
3. <i>Views and vistas</i>	The proposed signage will not obscure or compromise views, will not dominate the skyline and will not limit the viewing rights of other advertisers.
4. <i>Streetscape, setting or landscape</i>	The streetscape contains a mix of building styles and size. From single storey to two storeys. There are a number of street trees but proposed landscaping on site will be kept to a minimum to maximise sight distances.
5. <i>Site and building</i>	The proposed signage is considered to be compatible with the scale and proportion of the proposed building .
6. <i>Associated devices and logos with advertisements and advertising structures</i>	This matter is not applicable to the subject development.
7. <i>Illumination</i>	The proposed signage will see the illumination of the large pylon signage displaying Caltex business identification and fuel prices. The illumination of this sign is not considered inappropriate and is consistent with the business location.
8. <i>Safety</i>	The proposed signage is not considered a risk to public safety.

State Environmental Planning Policy (Infrastructure) 2007

The proposal will gain access via Sydney Street which is listed as a Classified Road. Consequently, Clause 101 applies. The clause is as follows:

101 Development with frontage to classified road

- (1) *The objectives of this clause are:*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The requirements of the Clause have been considered in the assessment and the proposed accesses to the Service Station are considered acceptable.

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 proposed Service Station site is zoned B2 Local Centre pursuant to Muswellbrook Local Environmental Plan 2009 and is permissible with consent.

Service Station is defined as:

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.*

Objectives of the B2 Local Centre Zone

Zone B2 Local Centre

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.

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

<i>Part 2 Permitted or prohibited development</i>	
<i>2.1 Land use zones</i>	Noted
<i>2.2 Zoning of land to which Plan applies</i>	See above
<i>2.3 Zone objectives and Land Use Table</i>	See above
<i>2.7 Demolition requires development consent</i>	Demolition included in the application and complies with the relevant planning policies and regulations. Condition will be applied
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	No proposal does not include any subdivision. The existing allotments will be required to be consolidated prior to an any occupation certificate being issued for the development.
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 13m in relation to the land. The proposal does not involve building works over 8.5m.
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 2:1 in relation to the land. The proposal does not involve building works that would result in floor space

	greater than 2:1 of the site.
<i>Part 5 Miscellaneous provisions</i>	
<i>5.10 Heritage conservation</i>	<p>The site is located in close proximity to 3 local heritage items. The aim of the clause is to ensure Council (consent authority) considers the potential impact the development may have to the heritage significance of the items.</p> <p>The proposed building to be demolished do not contribute to the heritage significance of the surrounding items. The proposed new structures will not impact or impede on the adjoining amenity of the locality or the heritage items.</p> <p>Local Item 119 being the kerb and guttering of Sydney Street is to remain intact. Measures during the demolition of the structures and construction will require to be undertaken to ensure damage does not occur. A condition of consent has been included.</p>
<i>Part 7 Additional local provisions</i>	
<i>7.6 Earthworks</i>	Earth will be undertaken in accordance with the relevant standards.

Section 79C(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

Section 79C(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 13/7/2017 to 2/8/2017. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

Section 9 – Local Centre Development

9. LOCAL CENTRE DEVELOPMENT	
9.1 Built Form	
<i>Building Design</i>	The buildings are appropriate for the site and are consistent with the existing streetscape. The two main structures are the fuel canopy and store. The fuel canopy is a large open structure with a roof area of 272m sq. The Store is a simple building with a low pitched roof with a total floor area of 220m sq.
<i>Building Height</i>	The maximum height for the site is 8.5m, being the pylon sign. The main buildings and store are a maximum of 5.5m (canopy) and 5m for the store. In relation to that maximum building height being 13m under the MLEP 2009 the building heights for the proposal are consider consistent with the DCP.

<i>Setbacks</i>	The building setbacks are consistent with the existing setbacks of existing building. The proposed Store will be built to the front boundary. The fuel canopy will have an approximate setback of 2m. The canopy is a large area however with its height and open design it will not be dominate within the streetscape. The buildings for the service station are small in scale in comparison with adjoining buildings.
9.2 Urban Landscape	
<i>Landscaping</i>	Minimal landscaping has been proposed for the development. This is to improve sight distances onto Sydney Street. Small pockets of planting are proposed along the frontage and along the rear parking area that abuts the residential zone.
<i>Car Parking</i>	16 car parking have been provided onsite. One park is an accessible car park located at the entrance of the store. Two parks in the 16 are located in the air and water bays. The remainder of the parking bays are to comply with AS 2890. Should the application be approved, a condition will be imposed.
<i>Outdoor Eating Areas</i>	Not applicable
<i>Signage and Advertising</i>	Discussed under Section 14 in detail. Signage complies.

Section 13 – Flood Prone Land

The site is identified as being flood prone is rare events. The application is consistent with the requirements of the DCP. The proposed gas and fuel tanks are design to be stabilised against floatation in an event of flooding.

Section 14 – Outdoor Signage

	Comment
14.1 Signage Design and Analysis	
<i>14.2 Matters for consideration</i>	SEPP 64 has been considered and the design is acceptable.
Signage Design, location and content	
<i>14.2.1 Design, scale and size</i>	The signage proposed includes 2 pylons signs, building branding on store, fuel canopy and pump stations. The design, scale and size of the signs are consistent with other businesses within the area and are consistent with the DCP requirements.
<i>14.2.2 Location</i>	The placement of the signs does not interfere with the locality. The pylon sign is positioned to help identify the entry for potential customers. Majority of the signage is located back from the street frontage and on the roof line of the canopy and store.
<i>14.2.3 Restrictions</i>	There are a number of signage elements proposed identifying both Caltex and the food and drink premises. Most of the proposed signage is branding and is located within the site and will not be dominating to those viewing from the street. The pylon sign is the main visual aspect of the

	proposal, as it is aimed at drawing attention to the site for potential uses. The DCP restricts pole or pylon signs to be no greater than 3m sq. and a maximum height of 7m from ground level. The proposed pylon sign is to be 8.5m in height with 18.7m sq. in display. The sign exceeds the requirements of the DCP, however the sign is consistent with the locality and does not comprise the amenity of the locality. The signage is considered appropriate for the locality and uses.
<i>14.2.4 Inappropriate forms</i>	Signage is appropriate and does not impact on residential development.
<i>14.2.5 Content</i>	The content is fuel food and drink advertising and does not contain inappropriate content.
<i>14.2.6 Pedestrian and road safety</i>	The signage does not interfere with pedestrian and road safety. The application was referred to RMS and no objection was raised.
<i>14.2.7 Signs on Heritage items and in conservation areas</i>	The site is not a located within a heritage conservation area however it is located within a cluster of heritage items as identified within MLEP 2009. The signs do not affect the heritage significants of the buildings or the kerb and guttering along Sydney Street. The application is for a replacement service station building.
<i>14.2.8 Illuminated signs</i>	The pylon sign will be illuminated, however the illumination is appropriate and does not impact the amenity of the locality.
<i>14.2.9 Roof or sky advertisements</i>	Not Applicable
<i>14.2.10 Wall Signs</i>	Wall signs are consistent with DCP requirements and do not exceed one per wall panel.
<i>14.2.11 Special promotional advertisement</i>	Not applicable
<i>14.2.12 Signage to assist disabled access</i>	Accessible parking will be sign posted to identify to uses.
<i>14.2.13 New technologies</i>	Not applicable
<i>14.2.14 A-frame signs</i>	Not applicable

Section 15 – Heritage Conservation

The site as mentioned above is located within a cluster of Local Heritage Items. The proposed works are not likely to impact the heritage items and their significance. Item 119 Kerb and Guttering of Sydney Street is most at risk with the development, however the service station has been design to reuse the existing vehicle access onto Sydney Street.

Proposed stormwater works will be undertaken within the road reserve and will abut the kerb and guttering. The Section 138 Permit under the Roads Act, should ensure that the proposed works do not impact the existing kerb and guttering.

Section 16 – Car Parking and Access

The proposed plans show 14 formal parking spaces with 2 being indicated at the air bay (active parking by applicant). Within the 14 parking spaces, one of these has been identified is being accessible with dimensions of 2.6m wide and 5.4 m in length. Should the application be approved conditions will be imposed on the consent requiring the development to comply with AS 2890.

The parking is proposed to be nose to kerb. The proposed access to the site will utilise the existing accesses which will help maintain the kerb and guttering identified as a heritage item under MLEP 2009. The proposed design allows for adequate vehicle moveability and allows the vehicles to enter and leave in a forward direction.

The development has been assessed as complying with Section 16 of MDCP 2009.

Section 16 of the Muswellbrook Development Control Plan regarding car parking, as follows:

Land Use Requirement		Required	Provided
Service Station		6 spaces per work bay	No work bays are provided
		PLUS	
		1 space per 20 m ² of gross floor area of the convenience store	80m ² / 20m ² = 4 spaces
		PLUS	
	WHICHEVER IS GREATER	1 space per 6.5 m ² of gross floor area	The plans indicate the total floor area of the service station building is 220m ² . With this in mind, by removing the convenience store component and considering what constitutes Gross Floor Area. The remaining floor area to be calculated is approximately 60m ² . Therefore 60m ² / 6.5m ² = 9.2 spaces
		OR	
		1 space per 3 seats if a restaurant facility is provided,	4 seats are provided. In this regard, 2 spaces are required.
		Total required	15.2 spaces (rounded to 16 spaces)

Section 20 – Erosion and Sediment Control

The development will require sediment and erosion control to be in place during the remediation of the site and the redevelopment of the site (Construction phase). The Remediation Action Plan and a sediment control plan has been submitted for the works. Conditions will be imposed on the consent.

Section 21 – Contaminated land

Section 21 of the MDCP is based on SEPP 55 requirements. As discussed in the SEPP 55 section of the report the site has had a preliminary investigation into contamination and a remediation action plan has been prepared for the proposal and appropriate conditions of content have been included in the recommendation.

Section 24 – Waste Management

The application was lodged with a Waste Management Plan for the proposal and is consider consistent with the requirements of the DCP.

Section 94A Contributions Plan 2009

A developer contribution of \$19,986.53 will apply to the proposed development should the Application be approved.

Section 79C(1)(a)(iia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

Section 79C(1)(a)(iv) the provisions of the regulations

The proposal has been assessed against the relevant clauses of the Environmental Planning and Assessment (EP&A) Regulations 2000. The proposal complies with the relevant provisions of the EP&A Regulations 2000. Clause 92(1)(b) of the EP&A Regulations 2000 require considerations of the provisions of Australian Standard AS2601-1991: The demolition of structures. As the demolition of the existing structures is required as part of this development, appropriate conditions are included in the attached schedule to ensure compliance with the relevant standards.

Section 79C(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 79C(1)(b) the likely impacts of that developmentContext and setting

The subject site is located within the B2 Local Centre zone under the MLEP 2009 and surrounded by a mix of commercial and residential uses. The site has been used for a commercial purpose in the past, with the existing service station on one of the allotments. The proposal will not have a detrimental visual impact upon the existing streetscape. The site is located in proximity to existing services, facilities and community services. The proposed layout is appropriate for its use and fits within the locality's context and setting and fulfils the objectives of the zone.

Access, Traffic and Transport

A traffic report for the proposed service station and store was undertaken by Intersect Traffic Pty Ltd and was submitted with the application. As discussed above the existing road network and the proposed access are considered appropriate for the proposed use. Suitable conditions will be imposed on the consent should the application be approved.

Noise and Vibrations

The proposed application will generate noise during the demolition, construction and ongoing operation. An acoustic assessment was undertaken by the Muller Acoustic Consultants to assess and determine the relevant noise attenuation measures to ensure the works are carried out to achieve compliant with the NSW Industrial Noise Policy acoustic levels. It was concluded that the proposal complied with the relevant noise criteria and would not generate sleep disturbance to the residences located at the rear with its proposed 24 hours of operation.

A condition of consent is recommended that the application be carried out in accordance with the Noise report and its recommendation for noise attenuation.

Social and Economic Impacts for the Locality

The provision of a redeveloped Service Station and convenience store in the location will improve services to the community and motorists of Sydney Street. The service station provides competition and job opportunity during operations and construction stages.

Stormwater

The applicant has provided a concept stormwater management plan which shows the internal drainage system for the site. It shows the collection of all impervious areas and its conveyance to internal drainage system from pipes and pits. Stormwater treatment devices have also been proposed for the proposal to minimise impact of possible pollutants of the locality.

Safety, security and crime prevention

As discussed previously, the proposal is considered to be appropriately design to not compromise on safety, security or crime prevention.

Section 79C(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 79C(1)(d) any submissions made

A total of zero (0) submissions were received during the notification period:

Section 79C(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 Policies

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

D6/1 Demolition Policy
C20/1 Contaminated Land Policy

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 no submissions being received.

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

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.

SCHEDULE A**DEFERRED COMMENCEMENT CONDITIONS**

In accordance with section 80(3) of the Act the consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the application in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of the consent.

In accordance with Clause 95(3) of the regulation, a twenty four (24) month period is given from the date of the "deferred commencement" notice to lodge plans and evidence that satisfactorily address the required details. If not, then the "deferred commencement" will lapse and a new development application will be required.

1. Proof of Ownership

The applicant is to submit documentation confirming that Lot 2 DP 1072979 and Lot 2 DP 1072849 are in the ownership of Caltex Petroleum Pty Ltd.

SCHEDULE B**IDENTIFICATION OF APPROVED PLANS****2. 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 or in red on the plans:

Drawing No	Drawn By	Date
22475-DA01 to 22475-DA15	Caltex Australia Petroleum Pty Ltd	04/07/17

3. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

4. Development in Accordance with Documentation

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

Title	Author	Date
Statement of Environmental Effects	KDC Pty Ltd	July 2017
Traffic and Parking Assessment Service Station Redevelopment	Intersect Traffic	
Remediation Action Plan - Caltex Service Station Muswellbrook, NSW (Site ID: 22475)	Parsons Brinckerhoff	June 2017
Plan of Management	Caltex Australia Petroleum Pty Ltd	July 2017

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**5. Building Code of Australia**

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

6. Smoke Free Environment Act 2000

All covered outside areas that permit smoking must comply with the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2016.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**7. Structural Engineer's Plans and details – Proposed Works**

A certificate and detailed drawings issued by an appropriately qualified structural engineer are to be submitted to the Certifying Authority with the Construction Certificate application, which certifies that the design and construction of the structural elements will be structural adequate for its intended purpose.

8. Off Street Car Parking

A total of 16 off-street car-parking spaces 2 within the air and water bays, together with access driveways, shall be constructed, paved/sealed, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval with the Construction Certificate.

9. 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 DCP provisions 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.

10. Landscape Design Plan

A landscape design plan in respect of the proposed landscaping is to be submitted to Certifying Authority with the Construction Certificate. The plan is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and to be in accordance with Council's Landscaping Guidelines.

11. Asbestos & Hazardous Material Survey (High Hazard)

In relation to the demolition of the existing buildings and structures on the site:

- (a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works. (e.g. lead in paints, ceiling dust, glass fiber insulation or asbestos based products).

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

- (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
- i. The type of hazardous material;
 - ii. The level or measurement of the hazardous material in comparison to National Guidelines;
 - iii. Proposed methods of containment;
 - iv. Proposed methods of disposal;
 - v. Details of signage to be provided on the site to comply with the provisions of the Work Health and Safety Regulation 2011, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.
- (c) where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- (d) the demolition must be undertaken in accordance with AS2601.
- (e) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998 : Guide to lead paint management -

Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate.

Notes:

1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au.
2. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

12. 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.

13. Cigarette Butt Receptacle – Commercial

Cigarette butt receptacles must be provided on site, and permanently provided for the commercial building component of the development after construction. Details of the size and the location of the receptacle are to be provided to the Certifying Authority for approval with the Construction Certificate.

14. Accessible Access

Accessible access must be provided to and within the entire building. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

15. Geotechnical Investigation

A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to the Certifying Authority for approval with the Construction Certificate, certifying that the existing substrate on the site is capable of:

- a) withstanding the proposed loads to be imposed;
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) providing protection and support of adjoining properties;
- d) the provision of appropriate subsoil drainage during and upon completion of construction works.

16. Engineer Designed Stormwater

Plans and certification indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings and adjacent catchments, shall be submitted to Council for approval under Section 68 of the Local Government Act and approved prior to the issue of a Construction Certificate for construction works.

17. On-Site Stormwater Detention

On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5 year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20 year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

Engineering calculations, design and certification shall be certified by an appropriately qualified and practising Hydraulic Engineer and submitted to Council under Section 68 of the Local Government Act and approved prior to the issue of a Construction Certificate.

18. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of insert \$19,986.53 shall be paid to Muswellbrook Shire Council.

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

19. Food – Preparation and Storage

Detailed plans and elevations of the food preparation and food storage areas shall be submitted to, and approved by Council, prior to the release of the Construction Certificate. Plans shall include the finishes to the floors, walls, ceilings, benches and shelves, elevations of fixtures and fittings and location of hand wash basins.

20. Trade Waste Agreement

Prior to issue of the construction certificate, application is to be submitted to Council a completed trade waste application form and obtained an liquid trade waste approval in accordance with Council's Liquid Trade Waste Policy 4.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**21. Sediment and Erosion Control**

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

22. Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection and/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 the building work or demolition work is being carried out, but must be removed when the work has been completed.

23. 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.

24. Damage to Public Infrastructure

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

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

25. Section 68 Local Government Act Approval

Prior to the commencement of any works it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all water supply and sewer drainage works.

The application shall include the submission of Hydraulic Engineers details for all water supply and sewer drainage works

26. Notice of Proposed Work (Contaminated Land)

Notice of proposed work must be given to the Council in accordance with SEPP 55, Clause 16.

Note: At least 30 days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 1 days notice is required).

SEPP 55, Clause 16 requires that the notice must:

- (a) Be in writing;

- (b) Provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given;
- (c) Briefly describe the remediation work;
- (d) Show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1);
- (e) Specify, by reference to its property description and street address (if any), the land on which the work is to be carried out;
- (f) Provide a map of the location of the land; and
- (g) Provide estimates of the dates for the commencement and completion of the work.

The following additional information must be submitted with the notice to the Council:

- i. Copies of any preliminary investigation, detailed investigation and remediation action plan for the site; and
- ii. Contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

27. 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.

28. Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed in accordance with the staging of the demolition and construction by temporary security fencing (or hoarding) before work commences within each stage.
- (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.

29. Vehicle Entry

Prior to commencing construction of the drainage, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

30. 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.

31. Noise – Construction Noise Guidelines

Noise during demolition and construction must not exceed the limits specified in the Interim Construction Noise Guidelines. The applicant is ensure all reasonable and feasible measures are undertaken to comply with Interim Construction Noise Guidelines.

32. 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.

33. Second Hand Materials

Second hand materials must not be used unless specifically approved by the Certifying Authority or Principal Certifying Authority in writing.

34. Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

35. Applicant's Cost of Work on Council Property

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

36. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

Failure to obtain a permission for work outside of the approved hours may result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

37. Erosion and Sediment Control (Contaminated Land)

Erosion and sediment control techniques are to be in accordance with Muswellbrook Shire Council guidelines on Erosion and Sediment Control. All remediation works shall be conducted in accordance with an erosion and sediment control plan that follows the brochure "Preparing an Erosion and Sediment Control Plan", published by the Department of Conservation and Land Management. The plan must be kept on-site and made available to Council officers on request. Erosion and sediment control measures must be established prior to commencement of work. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works.

Temporary stockpiles of contaminated materials must be kept in a secure area. Facilities must be installed for cleaning vehicles prior to leaving the site. Detailed designs for any pollution control system, including leachate collection and disposal, must be provided to the Council with notice of proposed work required under SEPP 55, Clause 16.

38. Water Quality from Contaminated Sites

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria.

39. Waste from Contaminated Sites

Any removal of contaminated solids from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed of on land without:

- (a) permission of the land owner;
- (b) development consent from the relevant local Council (if required);
- (c) an environment protection licence from the NSW Environment Protection Authority; and
- (d) compliance with the provisions of the Protection of the Environment and Operations Act.

40. Excavation and Demolition

- (a) All excavations and backfilling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection and demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

41. Retaining Walls & Drainage

- a) Separate development consent will be required for any retaining walls over 600mm in height that do not comply with the specified development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for Earthworks
- b) The excavation, footings and drainage associated with construction of the retaining wall shall be located wholly within the property boundaries of Lot 1 DP 410315.
- c) 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.

42. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:-
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place, a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- (2) Any such hoarding, fence or awning is to be removed when the work has been completed.

43. Hot Water Installations

Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding 50°C in all other buildings;

44. Demolition and Removal of Buildings

- (a) Demolition must be carried out in accordance with AS 2601–1991, Demolition of structures.
- (b) Demolition materials must not be burnt or buried on the work site.
- (c) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.
- (d) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.
- (e) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site and must be maintained in a functional condition throughout the construction activities until the site is stabilised.
- (f) The work site must be left free of waste and debris when work has been completed.

45. Mandatory Council Inspections

At the following stages of construction, a satisfactory report from Council is to be obtained prior to works proceeding:

- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready to backfill. Suitable backfill material is to be available on site at the time of inspection.
- (b) Connection of stormwater drainage to easement– following installation and bedding of drainage lines and prior to backfilling
- (c) Driveway crossover of the footpath or nature strip: - prior to pouring concrete - Section 138 Roads Act Permit required prior to inspection being carried out.
- (d) Council infrastructure- at completion of works and prior to an Occupation Certificate inspection.

To arrange an inspection please contact Council's Environmental Service Department on (02) 6549 3745.

Note: Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

46. Erosion and Sediment Controls

The approved Sediment and Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment must be cleaned, collected and disposed of to Council's waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

47. Consolidation

Prior to the issue of an occupation certificate, the following land is to be consolidated into one registered lot:

- Lot 1 DP 1072849
- Lot 2 DP 668639;
- Lot 1 DP 1072979;
- Lot 1 DP 137128; and
- Lot 2 DP 107979.

48. Road Widening

The right of way on Lot 1 DP 798715 is to be dedicated to Council for the purpose of road widening of Budden Lane. The dedication is to be carried out as part of the lots consolidation and is to be at no cost to Council.

49. Reinstatement

All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Policy Footpaths and Kerb and Guttering Policy No.F10/1. All costs shall be borne by the applicant, and works shall be completed prior to the issue of a final Occupation Certificate.

50. 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.

51. Access for People with Disabilities

Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

52. Disabled Access from the Public Realm – Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

53. Decommissioning and removal of existing underground storage system

The Applicant shall prepare a Validation Report for the decommissioning and removal of the underground petroleum storage system in accordance with clause 15 of the Underground Petroleum Storage System (UPSS) Regulation 2014. The Validation Report shall:

- (a) be prepared by a duly qualified person in accordance with the EPA guidelines;
- (b) be submitted to council, no later than 60 days after the system is decommissioned or if remediation of the site is required, no later than 60 days of remediation is completed;
- (c) be prepared in accordance with the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011); and
- (d) describe the processes used to decommission the storage system and assess contamination at the storage site.

54. Installation of a new 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.

55. UPSS – Ground water monitoring wells

Prior to the issue of any Occupation Certificate, certification is to be submitted to the PCA that the ground water monitoring wells have been designed, installed, certified and tested by a duly qualified person in accordance with UPSS regulation. Documents relating to the operation of the ground water monitoring wells are to be kept on site.

56. Validation for Remediation

A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Principal Certifying Authority and Council within one month from completion of the remediation work, and prior to the issuing of any Occupation Certificate.

A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council. The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

57. 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.

58. Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials are not a threat to the environment they must be stored in accordance with WorkCover Authority requirements. All tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bonded area. Certification of compliance with this requirement shall be obtained prior to the issuing of any Occupation Certificate.

59. Mechanical Exhaust Ventilation

The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and

excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

60. 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

61. Asbestos Clearance Certificate (Major Works)

Prior to issuing any Occupation Certificate for building works where asbestos based products have been removed, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the site is free of asbestos.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.dec.nsw.gov.au

62. Certification – Civil Works

- (a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifying Authority that the stormwater drainage system was constructed in accordance with this consent and the provisions of AS3500. The applicant shall, upon completion of the development works and prior to the issue of an Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.
- (b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent. The applicant shall, upon completion of the development works and prior to the issue of an Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

63. Works as Executed Plans

Prior to the issue of any Occupation Certificate a works as executed plan drawn on the NSW Fair Trading template detailing the layout and location of the sewer and stormwater pipe work is to be submitted to Muswellbrook Shire Council.

64. Public Infrastructure Inspection

Prior to the issue of an Occupation Certificate written confirmation is to be obtained from Muswellbrook Shire Council's Building section that all damage caused to Council's infrastructure has been reinstated to a satisfactory condition. Council's inspection charges will apply.

65. Evidence of mandatory inspections

Prior to the issue of an Occupation Certificate, a satisfactory inspection report is to be obtained from Council confirming that the following inspections have been carried out:

- (a) Sewer drainage
- (b) Connection of stormwater drainage
- (c) Driveway crossover of the footpath or nature strip
- (d) Council infrastructure

66. Food – Registration

Prior to the issuing 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.

67. Food – Council Inspection

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 Food Safety Standards.

68. Food – certification

Food Business and Food Safety Supervisor shall be notified to Council's Environmental Health Officer prior to occupation.

69. Acoustic Requirements

Works and operations are to be carried out in accordance with 'Proposed Service Station Development Noise Assessment' by Muller Acoustic Consultants June 2017. The imperious acoustic screen is to be installed in accordance with 5.2 Noise Attenuation Assumptions and Figure 2.

70. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area shall be adequately screened from the street and located behind the building line;
- d) all waste is to be removed weekly from the site by a contractor and disposed of at a site approved for such purposes.

71. Access for New England Highway

The existing northern vehicular access on the New England Highway shall be reconstructed to restrict traffic movements to left in only, by angling the driveway at 70 degrees, making appropriate traffic management modifications within the site and installing appropriate signage.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**72. Trade Waste**

The premises must comply with Council's Liquid Trade Policy and the Protection of the Environment Operations Act 1997 at all times.

73. NSW Roads and Maritime Services

- (a) Vehicular access to existing driveway on Sydney Street that is closet to Sydney Street/Haydon Street intersection shall be restricted to left in only. An arrow to indicate access is left in only shall be provided on the driveway in accordance with the relevant Australian Standards.
- (b) Vehicular access to existing driveway on Sydney Street that is closet to Sydney Street/New England Highway intersection shall be restricted to left out only. An arrow to indicate access is left out only shall be provided on the driveway in accordance with the relevant Australian Standards.

74. Regulatory Signage

A regulatory signage plan to restrict access to left in and left out only must be submitted to Council for reference to Council's Local Traffic Committee. This advisory Committee will make recommendations to Council, which when adopted will be enforceable by the Police.

75. Access to Budden Lane

The development shall have no vehicular access Budden Lane. The applicant is to install a fence or bollards on the southern boundary along Budden Lane.

76. Obligation to minimise harm to the environment

The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation and where relevant decommissioning of the development.

77. Hours of Operation

The Service Station may be open for business on a 24 hour basis.

78. Prohibition on Burning

Materials or rubbish resulting from the land clearing, demolition and building works, must not be burnt on the site.

79. Obstruction of Parking Areas

No parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

80. Allocation of Parking Areas

All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the release of any Occupation Certificate.

81. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

82. Loading Within Site

All loading and unloading operations must be carried out wholly within the confines of the site, at all times and within loading bays designated on the approved plans.

83. Vehicle Ingress Signs

Appropriate signage must be provided and maintained within the site at the point of vehicular ingress for trucks.

84. Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage, forecourt area and truck parking is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises.

85. Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines

All signs should meet the criteria contained in Section 3.2.5 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) - Illumination and reflectance. The sign must be constructed entirely within private property and shall not encroach or overhang, into the road reserve.

86. Regulatory Signage

The sign must not obstruct any road regulatory, safety or directional signage in the vicinity.

87. Sign Design

The sign must not incorporate:

- Coloured writing. Only white writing should be permitted.
- Flashing lights or messages.
- Electronically changeable messages, unless in accordance with the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).
- Animated display, moving parts or simulated movement.
- Complex displays that hold a driver's attention beyond "glance appreciation".
- Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'; and
- A method of illumination that distracts or dazzles.

88. Signage Maintenance

All signage erected on site must be maintained in good condition at all times and are approved for a period of 15 years.

89. Sign Location

The proposed C-Store and Promo sign must be located such that minimum sight distances is in compliance with Figure 3.3 of AS 2890.1.

90. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

91. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

92. Landscaping

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

93. Stormwater maintenance

The approved stormwater management system must be maintained in accordance with the approved maintenance program.

94. Food – legislative requirements

All food preparation and food storage areas shall comply with the requirements of standard 3.2.3 of Chapter 3 of the Food Standards Code, the Food Act 2003 and the Food Regulation 2015.

95. Food – Flooring

Flooring in the food preparation and food storage areas must be appropriate for the area; able to be effectively cleaned; non-absorbent; laid so there is no ponding of water or harbouring of pests; and, coved at the floor/wall junction to a minimum 25mm radius. If using ceramic floor tiles, tiles shall be epoxy grouted and laid in accordance with the requirements of AS 3958.1.

96. Food – Splashback

Splashbacks shall be a minimum height of 450mm behind sinks, hand wash basins, food preparation benches, counters and tables. Splashbacks shall be sealed at all joints, edges and adjacent walls or other vertical surfaces.

97. Food – shelving/cupboards

Designated shelving/cupboards shall be provided for the storage of cleaning chemicals and staff personal belongings.

98. Food – Hand wash basin/s

- a) A hand wash basin shall be provided within the food preparation area. Hand wash basin shall be of adequate size to allow easy and effective washing of hands, arms and face.
- b) Hand wash basin in the food preparation area and staff toilets shall be provided with hot and cold water dispensed through a single mix tap. c) A paper towel and soap dispenser shall be fitted adjacent to the hand wash basin.

99. Food – ceilings

The ceilings shall be of smooth, sealed, and of an impervious material. Drop in panel ceilings are not acceptable.

100. Food – walls and ceiling

- (a) Walls shall be of solid construction, sealed, of an impervious material, and able to be easily and effectively cleaned.
- (b) Walls and ceilings in the food preparation and food storage areas, where not fitted with tiles or metal splashbacks, shall be painted in a light coloured washable paint.
- (c) The surfaces of all food preparation benches are to be smooth, impervious and capable of being effectively cleaned and sanitised.

101. Food - Lighting

Lights fittings in the food preparation and food storage areas, including those that are part of equipment used to process or display open food, shall be:

- (i) Designed and constructed to prevent contamination of food should the globe or tube shatter; and
- (ii) Free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

102. Food – Refrigeration

The walls of the cool room and freezer must be extended to the ceiling.

103. Food – vermin

The external door/s must be fitted with a vermin proof strip/s.

104. Food – Mechanical exhaust

The mechanical kitchen exhaust hood shall comply with Part F4.12 of the National Construction Code 2011 Building Code of Australia.

105. Impact on Amenity of Surrounding Area – Non Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by offensive odour, noise or dust as defined under the Protection of the Environment Operations

106. Noise – Legislation

All noise (including coolers and air conditions) generated from the premises must comply with the NSW EPA Industrial Noise Policy and the Protection of the Environment Operations (Noise Control) Regulation 2008.

Note: If council receives noise complaints and council verifies these as "offensive noise" an acoustic consultant must be engaged and the offending equipment modified to reduce noise emissions to comply with the above standards.

107. Noise – Tyre inflation

The tyre inflation point shall not contain an audible alarm.

108. UPSS – Wastewater removal

Wastewater generated in the undercover refuelling forecourt shall not be discharged to the approved environmental management system or Council's sewerage system. Waste waters shall be collected and appropriately stored for removal by an EPA licensed contractor and disposed of at an appropriate facility.

109. Flammable Liquids – storage and handling

The storage and handling of all flammable and combustible liquids must be carried out in accordance with Australian Standards AS 1940-2004.

GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 91A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

ROADS AND MARITIME

- (1) Vehicular Access to the existing driveway on Sydney Street that is closest to the Sydney/Haydon Street intersection shall be restricted to left in only/ to indicate access is left in only shall be provided on the driveway in accordance with the relevant Australia Standards.

- (2) Vehicle access to the existing driveway on Sydney Street that is closest to the Sydney Street/New England Highway intersection shall be restricted to left out only. An arrow to indicate access is left only out shall be provided on the driveway in accordance with the relevant Australia Standard.

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:

1. Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

2. Water Use Restrictions

The granting of this approval does not override or permit additional water usage beyond that of the current level of water restrictions in force. For further information please contact Muswellbrook Water & Waste on (02) 6549 3840.

3. Obstruction of Nominated Exits

During the occupation and life of the building nominated exits must not be blocked at the point of discharge.

4. Framing Details

Full details of the framing, roof trusses, bracing details and tie down connections involved in the construction indicating compliance with the Australian Standard are to be submitted to the Certifying Authority prior to the frame inspection.

NOTE: The frame inspection will not be passed until this information has been submitted.

5. Food Premise

Council may carry out, by complaint and/or on routine, inspection of the premise to assess compliance with the Food Act 2003, Public Health Act 2012, Protection of the Environment Operations Act 1997 and Local Government Act 1993. Council will charge a fee for any such inspection in accordance with the current adopted fees and charges

6. Roads and Maritime Services

You advised that any proposed works to be undertaken with the road reserve (Sydney Street) may require a Works Authorisation Deed (WAD) with the Roads and Maritime Services (RMS)



Transport
Roads & Maritime
Services

09 August 2017

CR2017/002662
SF2017/156917
KML

General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Attention Donna Watson

NEW ENGLAND HIGHWAY (A15): DA 67/2017, DEMOLITION OF EXISTING SERVICE STATION & CONSTRUCTION OF A NEW SERVICE STATION, LOT: 1 DP: 1072849, LOT: 2 DP: 668639, LOT: 1 DP: 1072979, LOT: 1 DP: 137128, 12-22 SYDNEY STREET MUSWELLBROOK

Reference is made to Council's letter dated 13 July 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the development to be for the demolition of an existing service station (existing buildings, fuel canopy, fencing, signage), removal of existing fuel bowsters, underground storage tanks and above ground LPG tank; construction of a new service station and convenience store integrating a food and drink premises; retention of existing vehicular accesses to the site; provision of 16 on-site car parking spaces; associated signage and landscape works; and other minor works.

Roads and Maritime response and requirements

Roads and Maritime has reviewed the information provided and has no objections to the proposed development provided the following matters are addressed and included in Council's conditions of development consent:

- Vehicular access to the existing driveway on Sydney Street that is closest to the Sydney Street/Haydon Street intersection shall be restricted to **left in only**. An arrow to indicate access is **left in only** shall be provided on the driveway in accordance with the relevant Australian Standards.

Roads and Maritime Services

Level 8, 266 King Street, Newcastle NSW 2300 |
Locked Bag 2030, Newcastle NSW 2300 |

www.rms.nsw.gov.au | 13 22 13

Comment: This restriction shall prevent vehicles parking nose to nose at the bowlers and potentially reversing to exit the site

- Vehicular access to the existing driveway on Sydney Street that is closest to the Sydney Street/New England Highway intersection shall be restricted to **left out only**. An arrow to indicate access is **left out only** shall be provided on the driveway in accordance with the relevant Australian Standards.
- Council shall ensure appropriate sight distance is available for vehicles entering and exiting the site.
- Council shall ensure adequate onsite parking is provided. There shall be no reliance placed on on-street parking on Sydney Street.

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 the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of Sydney Street and New England Highway 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.

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 for Council to consider:

All signs should meet the criteria contained in Section 3.2.5 of the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)* - *Illumination and reflectance*. The sign must be constructed entirely within private property and shall not encroach or overhang, into the road reserve.

- The sign must not obstruct any road regulatory, safety or directional signage in the vicinity.
- The sign must not incorporate:
 - Flashing lights or messages.
 - Electronically changeable messages, unless in accordance with the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)*.
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.

Additionally, 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*. Signage should also take into account the Department of Planning and Infrastructure's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)*.

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 Hunter Land Use on 4908 7688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region

**NSW POLICE FORCE****HUNTER VALLEY
LOCAL AREA COMMAND**

Muswellbrook Police Station
26 William Street,
Muswellbrook NSW
Tel: (02) 6542 6999
Fax: (02) 6542 6911

Donna WATSON
Development Planner
Muswellbrook Shire Council
157 New England Hwy
Muswellbrook NSW 2333
(02) 6549 3700

Development Application 67/2017
Applicant: Caltex Petroleum Australia
Site: Caltex Service Station 12-26 Sydney Street, Muswellbrook NSW
Proposal: Demolition of Existing & Reconstruction of New Service Station
24/7 Trading Hours

Dear Sir/Madam,

In accordance with the Development Application protocol between New South Wales Police and Muswellbrook Shire Council facilitating Crime Prevention through Environmental Design (CPTED) principles, the Hunter Valley Local Area Command has been invited to make comment in relation to the above development.

Police have read & considered the applicant's Statement of Environmental Effects 'SEE' prepared KDC Planning Development Property. It's conceded the site's reconstruction would have no to little impact as usage remains the same, though the applicant's proposed 'hours of trade' require serious consideration.

Within the 'SSE' the applicant proposes twenty-four (24) hours per day seven (7) days a week 'hours of trade'. Police are concerned that unless conditions are imposed to mitigate potential risks the development will negatively impact upon the site, its immediate vicinity and broader community.

The site 12-26 Sydney Street, Muswellbrook is surrounded by no less than six (6) existing licensed premises all within a four hundred (400) metre radius;
Prince of Wales Hotel - neighbouring premise
Muswellbrook & District Workers Club - neighbouring premise
Valley Hotel Motel - less than 100 metres
Royal Hotel - approximately 200 metres
Shamrock Hotel - approximately 400 metres
Railway Hotel - approximately 400 metres

Police suggest patronage from these premises, in particular during the early hours of Friday, Saturday and Sunday mornings, will 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 being Buddens Lane, Haydon and Maitland Streets which house both residential and commercial premises.

Police anticipate this development will generate increased noise levels from both vehicular and pedestrian (patrons) traffic outside of the current approved 'hours of trade'. 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).

Whilst not strictly opposed to the development, Police ask that Muswellbrook Shire Council give serious consideration to the concerns raised and impose conditions that will adequately address same too ensure the development does not negatively impact the immediate vicinity and/or broader community.

Police put forward the following list of conditions (CPTED considerations) which aim to assist with crime prevention, also ensure the proposed development is appropriately managed.

CPTED Considerations:

1. A copy of the premise's Development Approval shall be kept on the premise at all times and shall be immediately produced to Council Inspector and/or Police upon request.

(Plan of Management)

2. The applicant shall submit to Council in written form a 'Plan of Management' that outlines, but not limited to, a description of proposed business activities, premise & staff security measures, policies outlining how staff will respond to crime(s), traffic management, other crime prevention initiatives and/or any other issue(s) raised by a relevant stakeholder.
3. The 'premise operator' shall comply with the 'Plan of Management' at all times. The 'Plan of Management' may only be amended from time to time by agreement between the 'premise operator' and the NSW Police Local Area Commander.
4. Development Approval should not be granted until such time the 'Plan of Management' is accepted by both Council & the NSW Police Local Area Commander.

(Hours of Operation)

5. 'Hours of Operation' shall be subject to review for the duration of any development approval.

(Premises Security)

6. The premise shall be fitted with an alarm system that meeting the following:
 - a. internal movement/motion detectors, and
 - b. the entire premises must be monitored and have separate multiple programmable zones, and
 - c. duress 'panic button' alarms, and
 - d. Entry keypad with inbuilt duress codes and panic buttons, and
 - e. Any remote controls must also have panic buttons, and
 - f. The control panel box must have back up battery power, and
 - g. A line cut system or similar which arms the system if the phone line is cut, and

- h. All components fitted with anti-tamper switches, and
 - i. Off-site 24 hour monitoring.
- 7. An intruder alarm system is activated at all times when the premise is unattended.
- 8. 'Reasonable Steps' are taken to repair any faulty intruder alarm system.
Written records of any steps taken to repair a faulty intruder alarm system are to be maintained. This record must include as a minimum the date and time, and name of the authorised repair person and/or company contacted.

(CCTV)

- 9. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - All principal entrance/s and exits (including fire doors)
 - All areas within the premises occupied by the public (excluding toilets)
 - The area within 50m radius external to the public entrance/s to the premises.
 - Approved outdoor area(s) (including car parks)
- 10. CCTV recording equipment video tapes, discs and or hard drive recordings shall be retained for minimum of **21 days** before being re-used, destroyed or deleted. Time and date shall be auto recorded on the video tape, disc or hard drive. Video tapes and or disc must be handed to Council, Police or Special Inspectors upon request. Recordings must include the premise's CCTV software.
- 11. It is requested that all video equipment and cameras be of high-grade digital quality so as to facilitate identification and adjudication of patrons, offenders and incidents occurring within the subject premise.
- 12. That all CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Owner/Licensee shall record this daily checking activity in the premises incident register or book that meets the standards required by Police and Council.
- 13. That all CCTV recording devices and cameras shall be operated 24 hours per day 7 days per week or all trading hours plus one (1) hour after closure of the premise if it does not trade 24 hours per day.

(Security)

- 14. An initiative to address staff safety & crime prevention may be the implementation of either a night window or pre-pay policy to operate between the hours of 1200am to 500am. Such measure(s) would lower the risk of robbery and/or fail to pay offences.
- 15. At the direction of Council and/or the NSW Police Local Area Commander, the 'premise operator' **must** implement an adequate 'Security Management Plan' to address any public safety, crowd control and/or other concern raised.
- 16. Where a 'Security Management Plan' is imposed, the 'premise operator' shall operate at all times in accordance with it. The 'Security Management Plan' may only be amended from time to time by agreement between the 'premise operator' and the NSW Police Local Area Commander.

(Noise Emission)

17. Any sound generated shall be controlled so that any emitted noise is not audible in any premises and is at such a level so as not to create 'Offensive Noise' as defined in the Protection of the Environment Operation Act 1997.
18. *Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 05:00 am.'*

The Hunter Valley Local Area Command thanks you for the opportunity to make comment in relation to the above development. Should you require further information please do not hesitate to contact the Command - (02) 6542-6999.

Sincerely,



Timothy Seymour
Detective Chief Inspector
Crime Manager
Hunter Valley Local Area Command

Disclaimer

NSW Police has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained within this document, any person who does so acknowledges that:

- *It is not possible to make areas evaluated by NSW Police absolutely safe for the community and their property.*

Recommendations are based upon information provided to, and observations made by NSW Police at the time the document was prepared.

The evaluation/report is a confidential document and is for use by the person/organization referred to on page one.

The contents of this evaluation/report are not to be copied or circulated otherwise that for the purposes of the person/organization referred to on page one.

NSW Police hopes that by using the recommendations contained within 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.



**muswellbrook
shire council**

D12017/613744

Enquiries
Please ask for
Direct
Our ref
Your ref

Mrs D L Watson
02 6549 3777
DA 67/2017



2017/122

Hunter Valley Area Command
NSW Police
26 William Street
MUSWELLBROOK NSW 2333

huntermvalley@police.nsw.gov.au

Dear Sir/Madam

Development Application No. 67/2017 - Demolition Of Existing Service Station & Construction Of New Service Station
Lot: 1 Dp: 1072849, Lot: 2 Dp: 668639, Lot: 1 Dp: 1072979, Lot: 1 Dp: 137128 -
12- 22 Sydney Street Muswellbrook

Council has received a development application for demolition of existing service station & construction of new service station at the above premises.

Please find attached a copy of the plans submitted for the proposal.

Your comments in relation to the proposal are requested. Please forward your comments to Council before 9 August 2017. If a submission is not received by this date, Council will assume that you have no objections in relation to this proposal.

For further assistance please contact me, on 02 6549 3777.

Yours faithfully

DL Watson

Donna Watson
Development Planner

Muswellbrook Shire Council ABN 86 864 180 944
Address all communications to The General Manager · PO Box 122 · Muswellbrook NSW 2333
Phone 02 6549 3700 · Email council@muswellbrook.nsw.gov.au · Web www.muswellbrook.nsw.gov.au

Page 1 of 1



Statement of Environmental Effects

Proposed Demolition and Reconstruction of a Service Station

12 – 26 Sydney Street
MUSWELLBROOK NSW 2333

Prepared for Caltex Petroleum Australia | July 2017



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Statement of Environmental Effects

Final Version

Report Job No. 16202 | Prepared by KDC Pty Ltd for Caltex Australia Petroleum Pty Ltd | July 2017

Prepared by	Jake Curley	Reviewed by	Kate Young
Title	Town Planner, KDC Pty Ltd	Title	Senior Planner, KDC Pty Ltd
Signature		Signature	
Date	28 th June 2017	Date	3 rd July 2017

This Report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.

Approved by	Leon Hayson
Title	Development Manager, Caltex Australia Limited
Date	July 2017



KDC Pty Ltd • ABN 61 148 085 492 • www.kobydc.com.au
Suite 2B, 125 Bull Street, Newcastle West 2302



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Executive Summary

This Statement of Environmental Effects (SEE) is submitted to Muswellbrook Shire Council (Council) in support of a Development Application (DA) for redevelopment of the Caltex service station located at 12 – 26 Sydney Street, Muswellbrook NSW 2333 including the following:

- Demolition of existing buildings, fuel canopy, fencing and signage;
- Removal of existing fuel bowsers, underground storage tanks and above ground LPG tank and potential remediation works (if required);
- Construction of a new service station convenience store building integrating a food and drink premises (GFA 220m²);
- Construction of new fuel canopy, fuel bowsers (8 off filling points), underground fuel tanks and associated fuel infrastructure,
- Provision of a new service and plant yard attached to the rear of the convenience building;
- Retention of two existing vehicular accesses driveways to the site;
- Provision of 16 on-site car parking spaces, including 1 accessible space and 2 air and water bays;
- Associated signage and landscape works; and
- Other minor works as illustrated on the proposed Architectural Drawings included at Appendix A.

The new development will provide improved services and facilities for employees within the locality, local residents, and passing motorists travelling along Sydney Street. 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.

The proposal is generally compliant with relevant legislative requirements, including Environmental Planning Instruments and the Muswellbrook Development Control Plan (DCP) 2009. The proposed use(s) are permitted on the site under the Muswellbrook Local Environmental Plan (LEP) 2009 within the B2 Local Centre zone and is compliant with the applicable LEP clauses including (but not limited to) height of buildings and floor space ratio.

The proposed development incorporates a high quality presentation (including appropriate signage) to Sydney Street; is compatible with surrounding land uses; and has been designed to cause minimal adverse environmental and amenity impact. The design of the service station is unlikely to detract from the heritage significance of nearby heritage items and does not affect the heritage kerb and gutter immediately outside the site on Sydney Street.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties; including traffic and access, noise, overshadowing, visual amenity and waste and water management. Where necessary, mitigation measures are proposed to minimise these impacts and reduce potential risk associated with the development. Furthermore, the future occupants will employ strict management procedures for the premises to ensure that the development is a safe, efficient and pleasant environment in which to work and visit.

Through the proposal's merits and absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and recommended for Council's support subject to standard conditions.



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16202_SEE_Muswellbrook_ServiceStation_July2017

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1 Introduction

This Statement of Environmental Effects (SEE) is submitted to Muswellbrook Shire Council (Council) in support of a DA for the redevelopment of the Caltex service station located at 12 – 26 Sydney Street, Muswellbrook NSW 2333.

The DA seeks approval for:

- Demolition of existing buildings, fuel canopy, fencing and signage;
- Removal of existing fuel bowsters, underground storage tanks and above ground LPG tank and potential remediation works (if required);
- Construction of a new service station convenience store building integrating a food and drink premises (GFA 220m²);
- Construction of new fuel canopy, fuel bowsters (8 off filling points), underground fuel tanks and associated fuel infrastructure,
- Provision of a new service and plant yard attached to the rear of the convenience building;
- Retention of two existing vehicular accesses driveways to the site;
- Provision of 16 on-site car parking spaces, including 1 accessible space and 2 air and water bays;
- Associated signage and landscape works; and
- Other minor works as illustrated on the proposed Architectural Drawings included at Appendix A.

A Construction Certificate for the development will be sought separately.

This SEE has been prepared by KDC Pty Ltd (KDC) on behalf of Caltex Australia Petroleum Pty Ltd. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 79C (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It should be read in conjunction with the supporting documentation appended to this report.

1.1 Consultation with Council

A formal Pre-DA meeting was held on the 24th November 2016 at Penrith Council (Ref. No. PL16/0134) where the proposed development was presented by the Developer's Town Planner. Attendees at the meeting were:

Penrith City Council Officers

Eddie Love – Acting Manager of Planning
Donna Watson – Development Officer
Peter Higgins – Manager Technical Services

Development Team

Ryan Falkenmire – Town Planner
Patrick Quinlan – Town Planner

Notes taken from this meeting have been reviewed and comments addressed both in this SEE and in the provision of the attached appendices. The following inclusions are noted:

- All LEP and DCP clauses have been addressed as part of this SEE.
- The proposal demonstrates a high-quality design with a uniform and modern presentation to both street frontages. The built form is articulated, with high end materials and finishes, creating an overall aesthetically pleasing built form that remains compatible and sympathetic to the surrounding area.
- Specific details of the operation have been provided within Section 3 of this SEE.



- Improved landscaping, which provides a visual and acoustic barrier to the adjacent residential properties.
- All of the Lots associated with the development site will be consolidated. This process is currently underway.
- It was noted that the existing sewer line transects the site. Redirection of the sewer line is not technically possible given the gradient of the site, therefore there is no reasonable alternative other than to build over the main sewer line as discussed with Council's Gamini Hemachandra. The design of the building will coincide with council's policies and procedures relating to building over sewer mains as outlined in Council's policy register. Furthermore, the UPSS and underground infrastructure have been positioned away from the sewer line's zone of influence where possible.
- Adequate information is believed to have been provided in response to engineering requests; including stormwater, traffic and access (refer to Appendices B and D respectively).
- After review of the Right of Way easements situated in Lot 2/DP197210 and Lot 1/DP 137 no dominant tenement or servient tenement were identified. Despite this, the proposal does not impact the function or non-exclusive purpose of either easement.
- Acoustic (Appendix I) and traffic reports (Appendix D) have been provided.
- Waste management has been considered with a Waste Management Plan appended at Appendix H.
- Site contamination and a Remediation Action Plan have been provided at Appendix E.

The feedback provided in the Pre-DA meeting (and subsequent liaison) has resulted in a design that is compliant with Council's Local Environmental Plan 2010 (LEP) and generally compliant with the Muswellbrook Council Development Control Plan 2009.

1.2 Existing Uses

The site is made up of a number of lots and currently contains a Caltex service station and associated structures and infrastructure as well as a dwelling house. At the time of writing this report, the existing dwelling on the site was vacant.

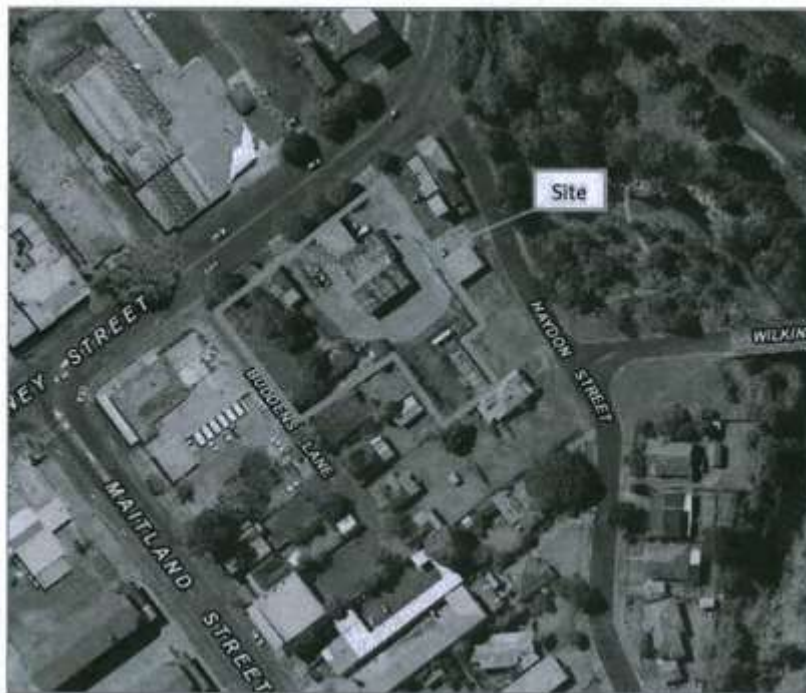


2 Site Analysis

The site is located at 12-26 Sydney Street, Muswellbrook and is within the Muswellbrook Shire Local Government area (LGA). Refer to Figure 1 for an aerial view of the site.

Sydney Street, is a major arterial road which connects a number of regional towns northwest of Newcastle including Singleton, Tamworth and Denman. It is known as the New England Highway (SH 9) collecting and distributing traffic to and from regions in the Hunter Valley and New England areas including Muswellbrook. Under a functional road hierarchy, it is classified as an arterial road and is under the care and control of NSW Roads and Maritime Services (RMS).

Figure 1 – Locality plan



2.1 Site Description

The site currently contains a service station and associated structures, a dwelling house and is largely concrete paved. The site extends to 3,401m² and has approximately 55m frontage to Sydney Street. Access is currently obtained from left in left out driveway crossings on Sydney Street.

The site includes a number of lots and is legally described as:

- Lot 1 in DP 1072849;
- Lot 2 in DP 668639,
- Lot 1 and in DP 1072979
- Lot 2 in DP 1072979;
- Lot 1 in DP 137128; and
- Lot 1 in DP 798715 (refer to Figure 2).



Figure 2 – Cadastre



The site is situated at approximately 145 metres Australian height datum (AHD) and is relatively flat. The following photographs depict the current site conditions.

Photograph 1 – View of the Site from northern access driveway on Sydney Street





Photograph 2 – View of the Site from southern access driveway on Sydney Street



2.2 Surrounding Development

The site is located within a local centre zone with predominantly commercial properties surrounding the site.

North East

Adjacent to the site on the north eastern boundary are two commercial premises fronting Sydney Street. Further to the north east along Sydney Street is Muscle Creek and the railway line.

South and South East

Adjoining the site to the south are residential properties fronting Buddens Lane. To the south east is a single storey dwelling with access via Haydon Street.

North West

To the north west of the site, on the opposite side of Sydney Street is the Muswellbrook Workers Club.

South West

Buddens Lane bounds the site along the south western boundary with the Prince of Wales Tavern located further beyond.



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3 Description of Proposed Development

This section of the report provides a detailed description of the proposed development.

3.1 Elements of the Proposed Development

The proposal includes the following works within the site:

- Demolition of existing buildings, fuel canopy, fencing and signage;
- Removal of existing fuel bowers, underground storage tanks and above ground LPG tank and potential remediation works (if required);
- Construction of a new service station convenience store building integrating a food and drink premises (total GFA 220m²);
- Construction of new fuel canopy, fuel bowers (8 off filling points), underground fuel tanks and associated fuel infrastructure,
- Provision of a new service and plant yard attached to the rear of the convenience building;
- Retention of two existing vehicular accesses driveways to the site;
- Provision of 16 on-site car parking spaces, including 1 accessible space and 2 air and water bays;
- Associated signage and landscape works; and
- Other minor works as illustrated on the proposed Architectural Drawings included at Appendix A.

3.2 Demolition

It is proposed to remove the existing dwelling, convenience store, fuel canopy and other site elements as indicated on the Demolition Plan (DA-01) provided in Appendix A. Qualified contractors will remove the above and below ground tanks including associated pipes, cables, electrical conduits etc. The tanks will be transported and stored to an appropriate location for demolition.

An assessment of soil contamination will take place and remedial works undertaken as necessary to ensure the site is suitable for ongoing use as a service station.

Demolition waste has been identified as a waste stream and details are provided within the Waste Management Plan attached at Appendix H.

Demolition will be carried out in accordance with AS 2601- 2001. Protection of the public and the environment in terms of dust and noise control will be considered and actioned prior to demolition commencing.

3.3 Service Station

The proposed service station will include:

- Fuel dispensing area (appropriately bunded) containing four, double sided bowers with overhead fuel canopy;
- A convenience store comprising customer service counter and retail floor space; office; store room, cool room, barista area and amenities; and
- Underground fuel tanks and associated infrastructure (details below).

The proposed building is of a modern design, consistent with the next generation Caltex service station design. The nominated materials and finishes for the service station and convenience store are identified on the architectural plans included at Appendix A and include mix of cement paneling, deco clad wood vertical aluminum paneling, frameless glass auto sliding doors, white mosaic tiling, faux brick paneling, colourbond sheeting (satin black finish) and low sheen acrylic paint finishes.

The external colour palette is urban and the design is essentially contemporary for this form of development. The building represents a shift away from the traditional service station built form, in an effort to



significantly improve the visual appeal and attractiveness of the site commensurate with the enhanced retail platform.

Tank Details

There will be two, 90kL split compartment, underground double wall fiberglass fuel tanks installed on the site. The new underground fuel tanks are pre-fabricated off-site and will be transported to the site prior to their installation. The proposed installation of the new tanks will take approximately one week. The ancillary works and commissioning of the new tanks will take approximately 4-5 weeks.

The design and installation of the underground storage systems will comply with AS1940 and AS 4897-2008 and the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Construction Management Regulations 2014*. This provides the highest level of protection.

Refer to Preliminary Hazard Analysis (PHA) prepared by Hazkem Pty Ltd at Appendix F, which provides further detail regarding the installation of the proposed underground fuel tanks and fuel infrastructure.

Operational Hours and Staff

The proposed hours of operation are 24 hours a day, 7 days a week. A maximum of two staff members will be present on site at any one time.

Deliveries and Servicing

The proposed delivery schedule is estimated to be as follows:

- Fuel deliveries to occur at off-peak times at any period throughout the day (approximately 3 per week);
- Store deliveries to occur between 5am and 10pm (daily);

Note – Fuel tanker deliveries will be made using a 20m articulated vehicle as illustrated on the Tanker Turning path at Appendix A. Convenience store deliveries will utilize a single unit truck (12.5m) as illustrated on the Refuse Turning path at Appendix A.

3.4 Food and Drink Premises

The proposed food and drink premises is integrated within the service station convenience store building and comprises a kitchen, wash-up area, service counter and juice bar. The actual floor space for the food and drink premises is 22m².

Deliveries and Servicing

Deliveries shall be made outside of peak times. The loading bay caters for a medium rigid vehicle and the turning template is shown on the site plans in Appendix A and discussed within the Traffic Report in Appendix D.

Operational Hours and Staff

The food and drink component is proposed to operate 24 hours a day, consistent with the proposed hours of the service station. Approximately 3 staff will be present at the site at any time.

3.5 Vehicular Access and Parking

Vehicular access to the site is proposed to be maintained from Sydney Street with the existing separate entry and exit crossings to remain. Turns at the Sydney Street driveways will remain left in/left out only due to the double white lines on Sydney Street.



The proposal also incorporates an additional access point via Buddens Lane which will allow ease of access to and from the site and will add to the safety and manoeuvrability of vehicles throughout the site.

Sixteen (16) car parking spaces including one (1) accessible space and two (2) functional space for the use of air and water facilities on the premises have been proposed on the site.

The existing driveways will provide for the turning movements of cars and service vehicles (including petrol delivery tankers), in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 –2002. Within the site, parking spaces will be typically 2.6 metres wide by 5.4 metres long. The one disabled parking space will be 2.6 metres wide, with a 2.6-metre-wide adjacent area for wheelchairs.

The provision of parking under the proposal demonstrates numerical compliance with the rates detailed within the Muswellbrook Development Control Plan 2009 (DCP). Car parking calculations are further discussed at Section 5.2 of this SEE.

3.6 Waste Management

The types of waste generated during operation of the site will include food wastes, paper and cardboard, plastics, containers, residual waste, potential hazardous waste (e.g. fuel spills) and miscellaneous customer waste. Waste will be primarily stored in the 2 x skip bins (for the separation of general waste and recycling) in the proposed service yard adjoining the rear of the building. A vertical grease separator is also located within the service yard. A colourbond solid fence 1.8m high will screen this area with gates provided for external access and waste collection.

Waste collection will be undertaken by a private contractor during daytime hours. Swept paths are shown for a 12.5m refuse vehicles at Appendix A. Further details on waste management are provided in the Waste Management Plan at Appendix H.

3.7 Signage

Signage for the Caltex Service Station and its Foodary convenience store component comprises:

- Freestanding illuminated pylon sign 8.5m in height and total area of approximately 18.7m² fronting Sydney Street;
- Street promotional sign 2.1m in height;
- 2 x illuminated fuel canopy fascia signs (front and side elevations);
- Building fascia 'The Foodary' signage located above building entrance;
- LED shopfront window promotional light box;
- Wall signage displaying 'The Foodary' on the north western elevation;
- Caltex spreader sign over dispensers;
- Other ancillary shopfront safety decal, directional signage, pump numbers and pump information boards as illustrated on the proposed plans.

An assessment of the proposed signage against State Environmental Planning Policy 64 and Council's DCP signage requirements have been enclosed within Section of this SEE and Appendix C of this SEE.

Refer to the Architectural plans attached in Appendix A for specific signage details and locations.

3.8 Landscaping

The proposed landscaping scheme has been designed to soften the built form when viewed from the street and neighbouring properties while ensuring the functionality of the site. All street trees are proposed to be retained with possible trimming required to ensure safe access. This will ensure the existing green frontage is maintained along Sydney Street.



Proposed landscaped elements include garden beds along the perimeters of the site where possible including new tree plantings, low level shrubs and groundcover. The total landscaped area will be approximately 392m² which equates to roughly 12% of the site. The planting palette will be based on the character of surrounding developments and the durability of the species selected to ensure long term enhancement of the site. Incorporation of appropriate hard and soft landscaping into the proposal will help soften the hard stand surface required for service station type developments and generally improve the visual aesthetics of the area.

3.9 Stormwater Management

A Concept Stormwater Drainage Plan has been prepared by Lindsay Dynan (Civil Engineers) to support this DA (attached at Appendix B). The site's stormwater philosophy is summarized below:

Runoff from all new roof areas will drain to a rainwater tank via a proprietary first flush system. The rainwater tank is proposed to have a reuse storage volume of 3000L. Overflows from the rainwater tank will be piped to the site stormwater network. All hardstand areas of the site are proposed to drain via a pit and pipe network during minor storm events and overland flow paths during major storm events.

It is proposed that the site drain via a D225 PVC pipe to an existing kerb inlet pit on the corner of Sydney Street and Maitland Street.

The bunded areas for the site are to be treated as a separate catchment and discharge into a spill purceptor before being directed into the proposed stormwater network. All other hardstand areas will be directed into a spill hydrosystem with spill stormstacks installed in all surface unlet pit to meet Muswellbrook Shire Councils quality requirements in section 25.2.5 of the DCP.

3.10 Construction Management

A Construction Management Plan will be prepared and submitted to the Certifier for approval prior to the issue of a Construction Certificate.



4 Relevant Legislation and Planning Controls

The following legislation, Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs) and are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979;
- Roads Act 1993;
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy 33 – Hazardous or Offensive Development;
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);
- State Environmental Planning Policy 55 – Remediation of Land;
- Muswellbrook Shire Local Environmental Plan 2009 (LEP 2009); and
- Muswellbrook Shire Development Control Plan 2009 (DCP 2009).

4.1 Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Section 79C (1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 79C (1), is provided within this SEE.

4.2 Roads Act 1993

Under Section 138 of the Roads Act, consent is required from the appropriate roads authority to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road,

Therefore, approval is required under Section 138 for the proposed minor improvement works within the Sydney Street pedestrian verge. Sydney Street is listed as an RMS classified road, however, as the existing driveway kerbing and crossovers will remain unchanged with no site access modifications proposed, Muswellbrook Council is the relevant authority in this instance; and this DA will not be treated as integrated development. An application for the minor works within the road reserve shall be submitted to Council following Development Consent. Full details of the works are provided on the civil plans at Appendix B.

4.3 Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

The proposal process will comply with *Part 2 Commissioning and decommissioning of storage systems* of the POEO Regulation including installation, use and record keeping. The new tanks have been designed by duly qualified persons, will be installed by duly qualified persons, and the system will include the mandatory pollution protection equipment. Furthermore, an equipment integrity test of the system will be carried out in accordance with the written directions of a duly qualified person, and the system will be certified, by the person by whom the test was carried out, as having satisfied the test.

The service station tanks will also comply in full with *Part 4 Use of Storage Systems* including the preparation of an environmental protection plan that complies with the Environmental Protection Authority (EPA) guidelines prior to the use of the site as a service station. It will be reviewed and updated as required and a copy will be kept on site at all times.



4.4 State Environment Planning Policies

4.4.1 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 - Development with frontage to classified road

The site has frontage to Sydney Road, which is a classified road. Clause 101 of this SEPP outlines the requirements for development with frontage to classified road. The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Whilst the site has frontage to a classified road, the proposed redevelopment of the site will not significantly or adversely impact on the operation of the classified road. A Traffic and Parking Assessment has been undertaken by Intersect Traffic Pty Ltd which addresses potential traffic related impacts from the proposal and finds the proposal acceptable (refer to Appendix D). The design of the proposed redevelopment maintains the existing access driveways ensuring that vehicles continue to have satisfactory and safe access to and from the site.

Clause 104 Traffic-generating development

The proposal also triggers traffic generating development as per Clause 104 and Schedule 3 of the SEPP and will therefore need referral to the RMS. The consent authority shall take into consideration any comments made by RMS in respect of the proposal as well as the accessibility of the site, including:

- ii)(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- iii) And any potential traffic safety, road congestion or parking implications of the development.*

In this regard, the Traffic Impact Assessment concludes that the surrounding road network is capable of accommodating the traffic flows to be generated by the proposal, with negligible increase expected compared to the existing service station volumes. Furthermore, the on-site configuration of car parking,



aisles and circulation for customer and servicing vehicles is considered satisfactory and compliant with Australian Standards.

The proposal is consistent with the objectives and intent of the relevant clauses of SEPP (Infrastructure) 2007.

4.4.2 State Environmental Planning Policy 33 – Hazardous and Offensive Development

This plan aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

In accordance with this SEPP, a Preliminary Hazard Analysis (PHA) report was conducted by accredited dangerous goods consultant, Hazkem Pty Ltd in accordance with the current circulars and guidelines (refer to Appendix F). The PHA found that for the screening quantity proposed the minimum separation distance from the remote filling and the dispenser points is required to be 7.63m. The proposed design is not capable of complying with this distance (with the closest fill point being 5.24m from the north western boundary) therefore further assessment was required. This additional assessment is also included in within the PHA and meets SEPP 33 requirements.

By plotting the frequency against consequence (accidents/year against fatalities per accident) the report found that the societal risk from the proposed development is negligible. Therefore, only a level one qualitative Risk Analysis was required. Accordingly, the design is acceptable for the site, in accordance with SEPP 33 requirements. Refer to the PHA report and attachments at Appendix F for further details.

4.4.3 State Environmental Planning Policy (SEPP) 55 Remediation of Land

This policy aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

Any necessary remediation work associated with the UPSS replacement works at the site are category 1 remediation works and therefore require consent from Council.

Specific details relating to remediation works has been addressed within the Remedial Action Plan (RAP) contained within Appendix E. The purpose of this RAP is to provide a framework for the remediation and validation of hydrocarbon impacted soil following the replacement of UPSS infrastructure. The remedial works are designed to ensure that the site is suitable for continued petroleum use.

All proposed works shall be carried out in accordance with the applicable guidelines; and appropriate notice shall be given in accordance with the SEPP.

4.4.4 State Environmental Planning Policy 64 – Advertising and Signage

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

It is considered that the proposal satisfies the relevant criteria outlined within SEPP 64. Consistency of the development with Clause 3(1)(a) is discussed further in Section 5.5 of this report. A detailed assessment of the proposal against the Schedule 1 Assessment Criteria is provided in Appendix C.



4.5 Local Environmental Plans

4.5.1 Muswellbrook Local Environmental Plan 2009

Zoning

Under the Muswellbrook Local Environmental Plan (LEP) 2009, the site is within B2 Local Centre Zone, as illustrated on the LEP zoning map extract below.

Figure 3 – Zoning Map Extract (LZN_008A)



The objectives of the B2 Local Centre Zone are as follows:

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; Child care centres; **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; 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

The proposal is considered to satisfy the objectives of the B2 Zone. The development will support the viability of the Muswellbrook Local Centre and the proposal will serve the needs of the community.

Permissibility

Under the Muswellbrook LEP, the proposed land use(s) are defined as follows:

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.

Service stations are listed as permissible with development consent within the B2 Local Centre zone.

The proposed *food and drink premises* is permissible in the B2 zone under the higher-order definition of *commercial premises*, explored below:

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of retail premises.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,



- (c) food and drink premises,
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of commercial premises

Commercial premises mean any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Therefore, the proposed land uses are consistent with the objectives of the zone and permitted with consent on the site.

Clause 2.7 Demolition requires development consent

In accordance with Clause 2.7 consent is sought as part of this DA for the demolition of existing structures on the site. Demolition details have been included on the plans at Appendix A.

Clause 4.3 Height of Buildings

The maximum height permissible on the site under the LEP is 13m as shown in Figure 4. The proposed single storey building and 8.5m high pylon sign are compliant with this clause.

Figure 4 – Height of Buildings Map Extract (HOB_008A)

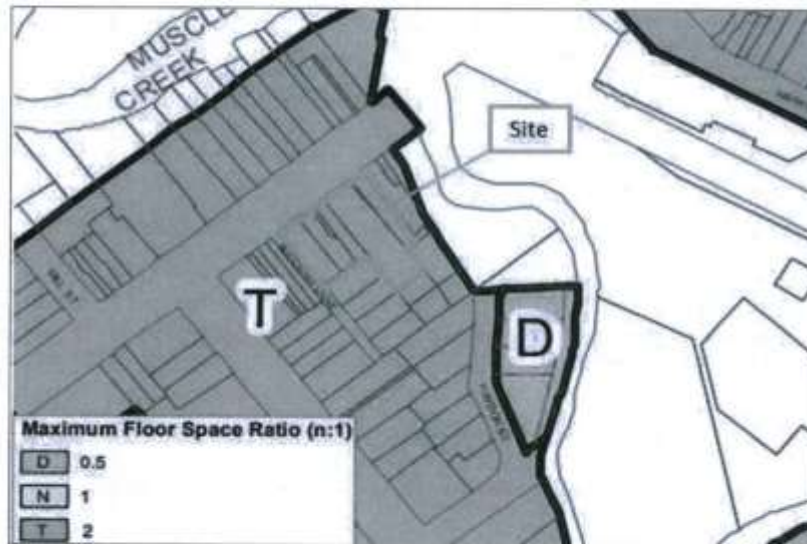




Clause 4.4 Floor Space Ratio

The subject site has a maximum floor space ratio of 2:1 as shown in Figure 5. The proposed building will have a Gross Floor Area (GFA) of 220m², well within the maximum permissible GFA pertaining to the site.

Figure 5 – Floor Space Ratio Map Extract (FSR_008A)



Clause 5.10 Heritage Conservation

The site itself does not contain any heritage items and is not identified within a heritage conservation area. However, there are a number of local heritage items located within the immediate vicinity of the site including Item 119 identified as *Sydney Street kerb and guttering* (Maitland Street to Haydon Street). Refer to Figure 6 for the location of surrounding heritage items.

Figure 6 – Heritage Map Extract (FSR_008AA)





The Statement of Significance from the NSW Office of Environment & Heritage for this item has been outlined below.

The kerbing and guttering is locally significant historically, aesthetically and scientifically. Historically it is identifiable with late 19th century road making in major towns throughout regional (and metropolitan) NSW. Aesthetically it is aligned with a period in which brick and stone were used in complementary fashion in the main street buildings of the towns and in which town design embraced the range of modern day streetscape considerations. Scientifically it is significant for its potential to reveal information about available materials and road making practices in late 19th century upper Hunter townships.

The proposed development does not include changes to the two existing crossovers on Sydney Street and therefore, the kerbing and guttering will be retained and generally unaffected by the proposed works. Significant site planning and design work was undertaken to ensure the impact on kerb and guttering was minimised. Nevertheless, it is noted the Sydney Street kerb and gutter has deteriorated given it is situated within a high-risk area, subject to road works and stormwater drainage. Thus, the conservation of this heritage item is difficult with respect to use and historic development along Sydney Street.

In summary, the proposal is expected to have minimal impact on the kerbing and gutter outside the site along Sydney Street as minimal/no works are proposed to the existing driveways. Furthermore, it will not detract from the heritage significance of nearby heritage items including The Prince of Wales Tavern (locally listed) as the built form is moderate and does not dominate the streetscape and is setback from Buddens Lane.

Clause 7.1 Terrestrial Biodiversity

The site has not been identified as containing any terrestrial biodiversity in accordance with the relevant LEP maps.

Clause 7.6 Earth Works

The proposed earthworks to be undertaken as part of this DA will not adversely impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Appropriate environmental mitigation measures will be implemented during works as detailed in the enclosed RAP at Appendix E.

4.6 Development Control Plan

4.6.1 Muswellbrook Development Control Plan 2009

The Muswellbrook Development Control Plan 2009 (DCP 2009) applies to all land within the Local Government Area (LGA) of Muswellbrook, and therefore includes the subject site.

The DCP 2009 controls relevant to the proposed development are:

- **Section 9 – Local Centre Development**
 - 9.1 - Built Form
 - 9.1.2 - Building Height
 - 9.1.3 - Building Setbacks
 - 9.2 - Urban landscape
 - 9.2.4 – Signage and Advertising
- **Section 13 – Flood Prone Land**
- **Section 14 – Outdoor Signage**
 - 14.1 - Signage design and Analysis
 - 14.2.3 – 14.2.3 Restrictions
- **Section 15 – Heritage Conservation**
- **Section 16 – Car Parking and Access**
 - 16.4 – Design Guidelines for Off-Street vehicular parking Access



- 16.4.7 – Landscaping
- 16.6 – Car Parking Schedule for Specific Land Uses
- **Section 20 – Erosion and Sediment Control Plan**
- **Section 21 – Contaminated Land**
- **Section 24- Waste Minimisation and Management**
- **Section 25 – Water Management**

A full assessment against the relevant components of the DCP is included in table format at Appendix C. The proposal generally complies with the applicable requirements of the DCP, with one exception where a partial variation occurs (as detailed below).

4.6.2 Variation

Section 14 – Outdoor Signage

Section 14.2.3 Restrictions

- (i) Do not provide any more than one large building and/or business identification sign per building to be allocated to a major tenant of the building.*
- (ii) Under awning signs must be located 2.6m above natural ground level, not exceed 2.5 m in length or 0.5 m in height.*
- (ix) Pole or pylon signs shall have a maximum advertising area of 3m² and a maximum height of 7m to the top of the sign, measured from ground level (existing).*

The signage scheme included with the proposal includes a number of variations (mostly minor) to the restrictions for outdoor signage as extracted from the DCP (see above).

There are two building identification signs proposed on the building; one above the front entrance (north east elevation) and one facing Sydney Street (north west elevation). Both signs are simple, concise and do not result in visual clutter. Although the under awning sign slightly exceeds the length and height as specified in (ii) above, it does not dominate the building elevation nor does it result in signage proliferation.

The proposal also includes one 8.5m high pylon sign, approximately 18.7m² in area fronting Sydney Street. Although the height and size of this sign exceeds the DCP maximum requirement for a pole or pylon sign, the proposal is considered reasonable for the appropriate display of fuel pricing for passing motorists. The proposed pylon sign is an essential part of service station operations and is mandated under the Australian Consumer Law and Fair Trading Act 2012 and the NSW Fair Trading Act 2012. Therefore, given the provision of this sign is a legislative requirement, it is considered acceptable that it may be larger and higher than the provisions of the DCP allow.

When considering the proposed signage within the context of the surrounding area, it is also noted the surrounding business precinct comprises commercial tenancies, in the form of takeaway food outlets, service stations and other retail operations. These premises have numerous business identification signs, including large pylons, which are visible from the street and adjacent properties. As such, the proposed signs are not considered visually dominant on the streetscape due to several pylons signs located within the Muswellbrook CBD area.

Furthermore, the proposed pylon sign compliments the scale of the development with classified road frontage and would not be visually dominant on the streetscape of Sydney Street.

An assessment of the signage scheme proposed at the site is included in Section 5.5 and SEPP 64 compliance table is provided at Appendix C.

Further to the justification for the variations provided above, amendments to the Environmental and Planning Assessment Act 1979 (EPA Act) includes requirements to interpret DCPs flexibly and to allow 'reasonable alternative solutions' to achieve the objectives of DCP standards. The new section of the EPA Act, section 74BA provides that the 'principal purpose' of DCPs is to 'provide guidance' on:



- giving effect to the aims of any applicable environmental planning instrument;
- facilitating permissible development; and
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 79C(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides;
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply; and
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

As demonstrated within the application, the use is permissible within the zone and the proposed signage maintains compliant with the maximum building height permitted. Whilst not strictly numerically compliant with the standard DCP control for signage height, the proposal does not impact on safety or heritage significance and does not detract from residential or public amenity. Additionally, the proposal is compliant with the provisions of SEPP 64 as demonstrated in the SEE.

Overall, the signage will contribute to the vitality and visual interest of the site whilst the surrounding locality, primarily consisting of retail and commercial premises will not be adversely affected by the proposal. Council, through the application of s79C(3A) are required to be flexible and allow what is considered a justifiable alternative solution.



5 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 79C (1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

Unless otherwise stated, the proposed development either complies with or is consistent with all relevant planning instruments and controls set out in Section 4 of this SEE, in that:

- The proposal complies with the requirements of the POEO (UPSS) Regulations 2014;
- Proposed signage is consistent with the criteria contained in SEPP 64 – Advertising and Signage;
- A Preliminary Hazards Analysis found that the societal risk is negligible from the proposal and it complies with SEPP 33;
- The proposal meets traffic and access requirements pursuant to SEPP Infrastructure 2007;
- The proposal achieves compliance with SEPP 55 – Remediation of Land;
- The proposed use is permissible within the B2 Local Centre zone under the Muswellbrook LEP 2009; and
- The proposal is generally consistent with the DCP 2009 controls, which has been demonstrated within this SEE and appendices.

5.2 Traffic, Access and Parking

Traffic

The anticipated rates of traffic likely to be generated from the proposed development are discussed in the Traffic and Parking Assessment included at Appendix D. The Report refers to the RMS, in its "Guide to Traffic Generating Developments", which indicates that weekday afternoon peak hour two-way traffic generation of petrol stations with convenience stores is 0.66 x floor area of convenience store. However, the proposed development will only contain a similarly sized service station (to that it is replacing) and small convenience store. It is considered that the increase in traffic generation from the site would be negligible as the services provided in the new development does not greatly change from the existing development. The only additional aspect is the small food and drink premises (22 m² GFA) which may generate some additional traffic though is also likely to be mainly passing or existing development traffic. It is therefore reasonable to conclude that the proposed redevelopment of the existing Caltex service station will be negligible and not adversely impact on the local and state road network near the site.

Access

Vehicular access to the site is to be maintained from Sydney Street, via separate entry/exit driveways. Turns at the driveway would remain left in/left out. The proposed petrol station development is laid out in a simple and clear manner, providing four double-sided fuel dispensers and a convenience store of some 220m² GFA.

Appendix A shows swept turning paths for the fuel delivery vehicles (20 metre B-Double) and the maximum size convenience store service vehicle (heavy Rigid Vehicle (HRV)) which both enter the site in a forward direction via the eastern access on Sydney Street and leave the site in a forward direction via the western exit driveway on Sydney Street. These demonstrate that the proposed access arrangements are satisfactory for the servicing of the proposed development and allow forward entry and exit from the site.

A new combined entry / exit access to Buddens Lane is proposed as part of the development works and as a minor secondary access a combined entry / exit width of 6 metres (category 2 access facility) would comply with the requirements of Australian Standard AS 2890.1 – 2004 Parking facilities – Part 1: Off-street car parking for a car park servicing 16 on-site car parks plus 8 service station fill points.



The vehicular sight distances from the entry and exit driveways were observed to be in excess of the requirements under Figure 3.2 of Australian Standard AS 2890.1 – 2004 Parking facilities – Part 1: Off-street car parking.

The traffic report concluded that the proposed access arrangements for the development are satisfactory for use within the completed development and compliant with relevant Australian Standards.

Parking

DCP 2009 Parking Rates

The DCP stipulates minimum car parking requirements for various land uses, the relevant provisions of which are detailed in the table below.

Table 1 – DCP Parking Requirements

Land Use	Parking Requirement	Comments
Service Station	6 spaces per work bay plus, 1 space per 20m ² of convenience shop plus, 1 space per 6.5m ² of restaurant OR 1 space per 3 seats, whichever is greater.	Required spaces: 10
Food and Drink Premise	1 space per 6.5 m ² service area plus 1 space per 3 employees	Required spaces: 4

The convenience store has a GFA of 198 m²; the food and drink outlet (3 employees) has a GFA of 22 m²; and there are no restaurant or work bays being provided on-site. The car parking requirement for the service station redevelopment can therefore be calculated as:

Calculations

On-site car parking = $198 / 20 + 22 / 6.5$ plus 1 = **14 spaces required.**

The site provides a total of 16 car parking spaces therefore it is compliant with the Muswellbrook DCP parking requirements.

5.3 Safety and Security

The development shall be managed to minimise and discourage criminal activity and ensure the safety of customers, staff and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles. It is understood that the proposal may be referred to the NSW Police Service under Council's CPTED protocol.

A Crime Risk Assessment has been undertaken and is included at Appendix G. The purpose of the Crime Risk Assessment is to identify and assess crime risk associated with the proposed developments which proposes to trade 24 hours a day, and to minimise opportunities for crime through design. The Crime Risk Assessment has regard for the 4 key strategies, in relation to the proposal (surveillance, access control, territorial reinforcement and activity and space management) of Crime Prevention and Public Safety.



5.4 Visual Impact

The proposed works will positively impact upon the visual amenity and built character of the area given:

- The proposed built form is of an appropriate scale and bulk suitable for the area and the sites main road location;
- Removal of existing buildings and structures and replacement with new modern equivalents will contribute to the aesthetical improvement of the area;
- The convenience store building and fuel canopy incorporate high quality design and materials and are adequately setback from the road frontage;
- A conservative amount of signage within the site is proposed in order to achieve an orderly and co-ordinated site presentation and not to create distraction to drivers; and
- New proposed landscaping elements will add to the visual interest of the site.

The design of the building and selected materials and finishes are consistent with existing development in the area and will complement the streetscape. There is no expected negative visual impact on the heritage of the area from the redevelopment of the site.

5.5 Signage

An integrated and low-key approach has been adopted for signage within the site, which primarily consists of flush signage on the north east and north-west elevations of the convenience store as well as on the fascia of the fuel canopy. An 8.5m high pylon sign is also proposed on Sydney Street. The location and dimension of signage proposed is illustrated on the signage plans provided at Appendix A.

It is considered that the proposed signage is compatible with the existing and desired character of the area and will be of an appropriate height, scale and proportion given the sites location along a highway and the nature of neighbouring development.

The proposed signage will be of a high quality and finish and will be illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of vehicles or pedestrians, nor will the illuminated signage detract from the amenity of neighbouring (predominantly commercial) development. Signs are not directed towards adjoining residential development and there are no building signs on the south west elevation.

It is noted the proposed signage scheme is considered to be of a modest size and scale, consistent with the architectural elements of the site and sympathetic to the heritage context of the area. The signage scheme remains compatible with the scale of the building and is consistent with other comparable developments with no safety implications for motorists or pedestrians.

Overall, the proposed signage is appropriate for the use and setting of the site and will contribute to the visual interest of the area. The proposed signage meets the objectives and provisions of SEPP 64 as detailed in the compliance table at Appendix C. Whilst it is acknowledged that the sign exceeds the height and area limitations under the DCP, a variation is considered acceptable in this instance due to the nature of the use and site conditions. Further detail is provided in Section 4.6.2 and a full DCP compliance table is provided at Appendix C.



5.6 Amenity

5.6.1 Noise

Muller Acoustic Consulting Pty Ltd (MAC) was commissioned by KDC Pty Ltd (KDC) to prepare a Noise Assessment (NA) to quantify emissions from the proposed service station redevelopment. Refer to Appendix I for a copy of the NA.

This assessment has quantified operational noise levels at the nearest residential and commercial and receivers combining simultaneous occurrence of all the following sources:

- customer car noise (driving around site or petrol bowlers) and tyre inflation;
- truck idle/drive off, customers, passbys and deliveries/collections; and
- mechanical plant.

It is noted that the potential for maximum noise level events to occur simultaneously is unlikely for this project as the majority of vehicles in any fifteen-minute period would be parked and not operational.

Construction Noise

The results of the NA demonstrate that levels during standard construction hours may impact the nearest receivers to the project during construction/demolition activities, with exceedances above the noise management level. It was recommended within the NA that noise management and mitigation measures be adopted during noise intensive construction/demolition activities. Recommendations for consideration during construction/demolition activities for this project may include:

- Boundary fences/retaining walls as early as possible to maximise their attenuation benefits to surrounding receivers;
- Toolbox and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
- where possible use mobile screens or construction hoarding to act as barriers between construction works and receivers;
- All plant should be shut down when not in use;
- Plant to be parked/started at farthest point from relevant assessment locations;
- Operating plant in a conservative manner (no over-revving);
- Selection of the quietest suitable machinery available for each activity;
- Avoidance of noisy plant/machinery working simultaneously where practicable;
- Minimisation of metallic impact noise;
- All plants are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and
- Undertake letter box drops to notify receivers of potential works.

The above-mentioned measures and procedures can be incorporated into the Construction Management Plan to be prepared at the Construction Certificate stage.

Ongoing Noise Impacts

The NA provides an assessment of the ongoing noise impacts associated with the redevelopment of the service station, operating 24 hours a day. As part of this assessment 8 residential noise receivers and 8 commercial noise receivers were identified. The assessment considered operational noise generators including vehicle noise and service station customer, noise generated from fuel and produce deliveries as well as waste collection and mechanical plant. These generators were assessed against day, evening and night time noise criterion.



The noise model adopted the following noise controls:

- The mechanical plant is to be located on the southern side of the convenience store building and will be installed between the building and the acoustic barrier; and
An impervious acoustic screen 3.3m in height that surrounds the site running along the southern, rear and along the north boundary of the site and surrounding the mechanical plant.

Based on the outcome of this assessment, it has been determined that the predicted noise levels demonstrate that the lowest allowable INP noise criteria for operational and sleep disturbance emissions will be satisfied at the nearest potentially affected receiver. Therefore, there will be no unreasonable impact on neighbouring amenity from the proposed service station.

5.6.2 Odour

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site.

Stage 1 vapour recovery (VR1) equipment will be installed at the petrol tanks which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel. In accordance with Protection of the Environment Operations (Clean Air) Regulation 2010, the systems will be tested for vapour system recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed and replaced, for example, during maintenance.

During construction and earthworks, the following measures shall be implemented to minimise odours:

- Covering of any stockpiles during excavation; and
- Adequate maintenance of equipment and machinery to minimise exhaust emissions.

5.6.3 Overshadowing

Due to the orientation of the site, the sitting and height of proposed elements, the buildings and structures proposal will not have any unreasonable impact as a result of overshadowing. The acoustic fencing 3.3m located at the rear of the property will be of materials suitable for its purpose as an acoustic fence, with 1.8m lapped and capped timber or equivalent for the bottom section and perspex on the top 1.8m to 3.3m.

5.6.4 Lighting

Appropriate lighting will be installed on the proposed premises, including lighting for car parking and outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras. Lighting shall be selected and directed to minimise impact on adjoining land uses.

5.7 Multi-Level Risk Assessment

A SEPP 33 analysis was conducted by accredited dangerous goods consultant, Hazkem PTY LTD on behalf of the applicant (refer to Appendix F). By plotting the frequency against consequence the report found that the societal risk from the proposed development is negligible. And therefore, only a level one qualitative Risk Analysis was required. This, in the form of a Preliminary Hazard Analysis, found the design acceptable for the site.

All equipment will be installed to manufacturer's recommendations and will comply with all the relevant standards listed within. Specific safety features of the site have been included in the Preliminary Hazards Analysis, including all monitoring procedures.



5.8 Landscaping

The proposed landscape works aim to improve the amenity of the development and the surrounding area. The landscape design meet Council's planning objectives through the consideration of environmental, ecological concerns and public amenity. The existing site characteristics have been considered and have been realised in the built form through a number of landscape related elements, these include:

- Boundary planting that defines and enhances the site;
- Tree planting to soften the hardstand areas and provide shade;
- Planting that complements the existing character of the surrounding development;
- Plant selection of native species with low maintenance requirements; and
- Retention of all existing street trees immediately outside the site.

In summary, new landscaping will help integrate the built form and hardstand areas on the site and provide a positive contribution to the overall landscape character of the area.

5.9 Flood Prone Land

The Hunter River Flood Study 2014 noted the site is located within a flood fringe and storage area (low hazard). The FFL for the building is 145.38 AHD which is marginally lower than the maximum flood level for the site (145.45 AHD). Although it is noted the maximum flood level for the front of the site near the location of the proposed building is 145.32 AHD.

It is considered the proposal, being non-residential or habitable will not:

- Increase risk to human life;
- Intensify the use within the floodway;
- Detrimentially affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- Adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties; or
- Result in any adverse impacts on flood behaviour.

The construction method and materials used in the building will conform to the flood proofing code and will be further detailed in design plans to be provided for Construction Certificate.

5.10 Water Management

In accordance with the plans and Stormwater Drainage Plan prepared by Lindsay Dynan, attached at Appendix B and discussed within Section 3.9 of this report, water management proposed for the site is consistent with Council's requirements and relevant legislation and Australian Standards.

All stormwater discharging from the operational apron/forecourt area and fill point area will be treated through the SPEL purceptor before being directed into the proposed stormwater network. This is a compulsory environmental requirement under the Office of Water Guideline for discharges from premises with refuelling points in Non-Metropolitan NSW and the Protection of the Environment Operations Act 1997 (PEO Act). The oil water coalescing plate separator collects polluted stormwater from the area under the canopy/fill area and adequately separates pollutants from water before discharging into the stormwater system.

5.11 Sediment and Erosion Control

All earthworks will be undertaken in accordance with the relevant Australian Standards and Council DCP requirements (refer to sediment and erosion control plan and details at Appendix B).

Suitable erosion and sediment control measures are to be implemented throughout the construction phase including kerb inlet protection, suitable construction entry/exit points and sediment fencing. All sediment



control devices will be constructed, placed and maintained in accordance with respective Council specifications and Landcom "soil and construction" manual.

5.12 Waste Management

The types of waste generated during operation of the site will include food wastes, paper and cardboard, plastics, containers, residual waste, potential hazardous waste (e.g. fuel spills) and miscellaneous customer waste. Waste is to be stored in the designated area in a minimum of two separate skip bins (recycling and general waste), accessible to service vehicles for collection.

A Waste Management Plan has been prepared for the proposed development, addressing each stage of the development from construction through to the ongoing management of waste when the premises are operational. This Waste Management Plan has been prepared in accordance with the Council controls and is provided at Appendix H.

5.13 Social and Economic Impacts

An analysis of the social and economic impacts associated with the development of the site is detailed in this section to ensure that, where relevant, social and economic considerations are an integral part of the development assessment process.

The proposed establishment of a service station including ancillary food and drink premises on the site is anticipated to have an ongoing positive social and economic impact on the local area and the broader Muswellbrook community.

The identified positive impacts are summarised below:

- The proposal will generate direct employment opportunities with flow on employment multipliers benefitting the local community;
- The development will be compliant with relevant disability standards, and will meet the needs of people with physical disabilities, sensory disabilities and intellectual disabilities;
- The proposal will provide a valuable service to the area meeting the daily needs of surrounding residents and workers;
- The proposal will result in economic benefits associated with the construction works;
- The proposal is consistent with current planning legislation for the area;
- The proposed land use has been assessed against relevant environmental planning legislation and the site has been found to be suitable for the use without causing environmental damage;
- Specific safety and security measures will be incorporated into the operational procedures of the development to ensure a safe and secure environment for patrons and staff; and
- The development will result in improved environmental site conditions.

The potential adverse impacts arising from the development include:

- Dust, traffic, noise etc. from construction activities.

Comment – Impacts on surrounding premises from construction activities will be temporary in nature and will be addressed in the Construction Management Plan (CMP) at CC stage. Mitigation measures will be included in the CMP and consistent with the erosion and sediment control techniques and practices to be implemented for this site, to ensure construction impacts on surrounding premises are kept to a minimum.

- Increased traffic and vehicle movements

Comment – A very large proportion of vehicles which will access the site will be passing trade, i.e. people already using the surrounding road network. As such the proposed development will not generate significant "additional" traffic movements. Notwithstanding this the Traffic Report has assessed the proposal and found



that the design of the development in terms of vehicle access, circulation, parking and servicing is appropriate and that there will not be any adverse traffic impacts on the road system serving the site.

- Odour

Comment – In accordance with relevant legislation, the site will be installed with VR1 equipment which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel. Odour is therefore not expected to be noticed at the site boundaries.

- Antisocial behaviour

Comment – Potential antisocial behaviour at the site should be considered given the 24-hour nature of the proposed operation. Specific security measures will be used such as CCTV cameras, external lighting and appropriate landscaping to deter would-be-offenders. A Crime Risk Assessment has been undertaken and is included at Appendix G.

- Noise

Comment – The acoustic impact of the proposal has been assessed as complying with relevant legislation, refer to Appendix I for further details.

Given the overall positive impacts associated with the proposal and the implementation of mitigation measures as mentioned within this report, the proposal will provide a net community benefit to the local and wider community.

5.14 Ecologically Sustainable Development

The proposal demonstrates sustainability and efficiency, given that an addition retail offering that serves the needs of the community will be consolidated into an existing land use on the site. The proposal represents an opportunity to evolve the notion of convenience through an energy efficient and resourceful manner. Furthermore, both the service station and ancillary food and drink premises will operate to best practice standards with regard to efficiency in energy use.

The following principles have been used to ensure sustainable building and operation:

- 3000L underground stormwater tank for water reuse;
- Building insulation;
- Building orientation;
- Maximise use of natural lighting;
- Energy efficient lighting;
- Paper, cardboard, plastic and glass recycling program in place;
- Use of environmentally friendly cleaning products and discarding of packaging accordingly; and
- Use of native landscaping suitable to the local climate.

The proposal complies with the Building Code of Australia and Council's DCP requirements in this regard.

5.15 Building Access

Access to the building will be compliant with the relevant legislation and criteria including The Building Code of Australia (BCA), The Disability Discrimination Act 1992 and AS1428 – Design for Access and Mobility to ensure that adequate pedestrian and disabled access is provided for the development. As illustrated on the plans, access for the disabled is made available throughout the site, carpark, building entrances and within the building.



5.16 Services and Utilities

The new building will be connected to essential services in accordance with the appropriate authority's requirements.

It is noted that the existing sewer line transects the site (refer to Figure 7). Redirection of the sewer line is not technically possible given the gradient of the site, therefore there is no reasonable alternative other than to build over the main sewer line as discussed with Council engineers. The design of the building will coincide with council's policies and procedures relating to building over sewer mains as outlined in council's policy register.

Figure 7 – Sewer Map Extract



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6 Conclusion

The proposed redevelopment of the Caltex service station, located at 12 – 26 Sydney Street, Muswellbrook will provide an improved service and facility for motorists using Sydney Street, employees within the surrounding locality, residents of the area, and the broader community.

The redevelopment will provide a worthwhile upgrade to the infrastructure on site and the provision of services; as well as new modern built form that delivers improved and integrated retail services. The proposed food and drink premises integrated into the convenience store for the service station is an example of an efficient use of an existing site, enhancing the service provided to the community in a sustainable manner.

The proposal is generally compliant with relevant legislative requirements, Environmental Planning Instruments and Council's Development Control Plan 2009. The proposal is consistent with the objectives for the B2 Local Centre zone and is compliant with the applicable LEP development standards.

The proposed development incorporates a high quality building presentation and signage with an integrated overall approach to site development, including a land use that is permissible and desirable in the location. The design of the development incorporates appropriate stormwater management, respects the natural environment, and minimises potential impacts on neighbouring properties.

This SEE has assessed the potential impacts arising from the proposal on surrounding properties including traffic and access, noise, odour, visual amenity and waste and water management. Furthermore, the building occupants will employ strict management procedures for the premises to ensure that the site remains a safe, efficient and pleasant environment in which to work and visit.

Given the merit of the design; continued suitability of the site for a service station; and the absence of any significant adverse environmental impacts; the DA is considered to be in the public's interest and worthy of Council's support.

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Appendix A – Architectural Plans

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Appendix B – Engineering Plans

Lindsay Dynan

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Appendix C – Compliance Table

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Table 2 – Muswellbrook DCP 2009

Control	Requirement	Comment	Compliance
Section 9 - built form			
9.1 – Built Form	<p><i>For any future development within the local centre, the development must adhere to the following objectives:</i></p> <p><i>a) To provide for the integration of new development into local centres.</i></p> <p><i>b) To ensure the design of buildings complements and enhances existing local centres.</i></p> <p><i>c) To maintain the heritage character/value and streetscape of the business centre of Muswellbrook.</i></p>	<p>The proposal is essentially a redevelopment of the existing service station. The design of the building and structures (fuel canopy) is modern and not only complements but enhances the existing local centre.</p>	Y
9.1.2 Building Height	<p><i>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</i></p> <p><i>(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.</i></p>	<p>The proposed height of the building and structure on site comply with the limits of the Muswellbrook LEP 2009 and are consistent with the character of the area.</p>	Y
9.1.3 Setbacks	<p><i>(i) The front of buildings should be aligned to provide a continuous street frontage.</i></p> <p><i>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</i></p> <p><i>(iii) New development should respect the setbacks of other buildings along the streetscape.</i></p>	<p>The setback is consistent with surrounding development on the southern side of Sydney Street and is considered appropriate for the design of the site.</p>	Y
9.2 Urban Landscape	9.2.1 Landscaping	<p>The proposed onsite landscaping is designed to enhance the character and amenity of the development. It has been designed to soften the hard surfaces of the proposal.</p> <p>A landscape plan is attached with the development application</p>	Y



	<p>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>	(refer to Appendix A).	
9.2.2 Car Parking	Car parking and loading facilities is to be provided in accordance with the parking rates prescribed by Section 17 – Car Parking.	Noted. Refer to Section 17 below.	Y
9.2.4 Signage and Advertising	<p>(i) Proposed signage to be in accordance with Section 15 – Outdoor Advertising.</p> <p>(ii) Signage should be compatible with the scale and character of development in the area and the number and size of signs should be limited to avoid clutter and unnecessary repetition.</p> <p>(iii) Signage should form an integrated part of the building façade, architectural design and scale of the building.</p> <p>(iv) No signage is permitted on a building wall abutting or facing a residential area.</p>	<p>The proposed signage is generally in accordance with section 15. Further details are provided in section 15 below.</p> <p>The proposed signage scheme is concise and uncluttered. It has been designed to be compatible with the scale and character of the development.</p> <p>Signage is designed to integrate into the building design and is of a scale that is proportionate to the building.</p>	Y & N Refer to section 4.6.2
Section 13 – Flood Prone Land			
13.1 Development and Building Principles	<p>The following principles must be considered in Council's determination of development proposals on flood land to which this plan applies. Applicants shall be advised of these principles prior to submitting development applications. These principles require that:</p> <ul style="list-style-type: none"> Proposed development will not result in increased flood hazard or flood damage to other properties; Proposed development should be of a type, height and scale that is compatible with the existing urban and historic fabric of the area; Construction methods and materials for that part of the development below the 1% AEP flood levels (as determined by Council) should 	<p>The proposed development is not expected to increase flood hazard or damage to other properties.</p> <p>The proposal is compatible with the existing urban and historic fabric of the area.</p> <p>The construction method and materials used in the building will conform to the flood proofing code</p>	Y



	<p>conform with the flood proofing code as detailed in Section 12.</p> <ul style="list-style-type: none"> Proposed development shall be able to withstand the force of flowing floodwaters, including debris and buoyancy forces. 	<p>and will be further detailed in design plans to be provided for Construction Certificate.</p>	
Section 14 – Outdoor Signage			
14.1 Signage Design Analysis	<p><u>Muswellbrook (B2 – Local Centre)</u></p> <p>These areas consist mainly of one and two storey buildings with shops at ground floor level that serve the local needs of the community and some shop top accommodation above. Existing signage is limited to small scale business identification signs such as fascia, under awning (some illuminated), top hamper and window signs. There are no large scale advertisements given the limited scale of the built form. There are limited examples of signage located above awning height that are not characteristic, or have been integrated into the design of the building. The existing character of these areas should be retained by limiting signage to small scale business and building identification signs in the forms previously described.</p>	<p>Proposed signage is generally consistent with existing signage in the B2 zone</p>	Y
14.2.1 Design, Scale, Size	<p>(i) Provide outdoor signage that is visually interesting and integrated with architecture of the building.</p> <p>(ii) Use lettering, materials and colours that complement the existing building or place.</p> <p>(iii) Avoid signage that dominates the building.</p> <p>(v) Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.</p> <p>(vi) Provide outdoor signage which does not dominate the building or protrude above any parapet or eaves.</p> <p>(ix) Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometer.</p>	<p>The general design, scale and size of the signage proposed on the building and within the site is appropriate for the use at the site and does not dominate the built elements.</p> <p>The lettering, materials and colours complement the proposal and the proposed signage on site will not obstruct views, vistas or cause significant overshadowing.</p>	Y



14.2.3 Restrictions	<p>(i) Do not provide any more than one large building and/or business identification sign per building to be allocated to a major tenant of the building.</p> <p>(ii) Under awning signs must be located 2.6m above natural ground level, not exceed 2.5 m in length or 0.5 m in height.</p> <p>(iii) Avoid advertising products that are not sold on the premises.</p> <p>(v) Provide signs that respect the viewing rights of other advertisers. No advertising structure shall be erected closer than 3 metres in a horizontal plane to any other advertising structure.</p> <p>(vii) Proposed signage greater than 20 square metres and within 250 metres of and visible from a classified road will be referred to the RTA for agreement.</p> <p>(ix) Pole or pylon signs shall have a maximum advertising area of 3m² and a maximum height of 7m to the top of the sign, measured from ground level (existing).</p>	<p>There is one business identification sign above the entrance to the building as well as one facing Sydney Street, resulting in technical non-compliance with the DCP.</p> <p>The under awning sign is located above 2.6m but slightly exceeds 2.5m in length (2.56) and 0.5m in height (.8m).</p> <p>No signage is located closer than three metres to any other advertising structure.</p> <p>There is no proposed signage on site that is larger than .20 square metres.</p> <p>The proposed pylon sign at 8.5m is non compliant with the DCP as outlined in section 4.6.2.</p>	Y & N refer to section 4.6.2
Section 16 – Car Parking and Access			
16.3 Non-Residential development	<p>i) Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP.</p> <p>(ii) On site parking facilities are designed and constructed to comply with the provisions of AS2890.1/AS2890.2.</p> <p>(iii) To ensure that traffic movements into and out of a site are made, whenever possible, in a forward direction. If a site layout does not permit forward movement for delivery vehicles, then the developer, owner or occupier must provide a risk management plan, to the satisfaction of Council, detailing the measures required to ensure that traffic movements are carried out in an adequate and safe manner.</p>	<p>The proposed parking on site meets the requirements in full of the Muswellbrook DCP 2009.</p> <p>The proposed design of the onsite parking facilities are designed and constructed to meet the DCP provisions.</p> <p>The proposed design of the forecourt enables all traffic movements on site to enter and exit the site in a forward direction.</p>	Y



	<p><u>Number of car parking spaces</u></p> <p>Service Station 6 spaces per work bay plus, 5 spaces per 100m² of shop plus, 15 spaces per 100m² of restaurant OR 1 space per 3 seats, whichever is greater</p> <p>Food and Drink premise 1 space per 6.5 m² service area plus 1 space per 3 employees</p>	A total of 16 spaces are proposed (including 2 air and water and 1 accessible) meeting the required number of spaces.	
16.4.4 Loading/unloading facilities	<p>i) In the case of all commercial, retail and industrial development, adequate provision must be made on the development site for the loading and unloading of service vehicles.</p> <p>(ii) The number and dimensions of loading bays required in any particular case will be assessed by Council having regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved. Details regarding the estimated size and frequency of goods delivery vehicles visiting the premises are required to be submitted with the development application.</p> <p>(iii) Loading/unloading bays must be designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of vehicle and pedestrian traffic on site or in the adjacent streets.</p>	<p>The proposed development includes an appropriately sized loading bay for the loading and unloading of service vehicles.</p> <p>Noted. The size and frequency and type of delivery vehicle have been outlined in this application.</p> <p>The proposed delivery bay is designed to ensure vehicles can manoeuvre on site and avoid conflicting with the movement of other vehicles and pedestrians on site or in adjacent streets.</p>	Y
16.4.7 Landscaping	<p>(i) A minimum of 10% of the total area of the car park shall be appropriately landscaped.</p>	<p>While it is hard to define exactly where the car parking extends to, approximately 12% of the total site area is appropriately landscaped.</p>	Y



Section 20 - Erosion and Sediment Control

	(iv) Areas of disturbance greater than 2500 m2 must submit Erosion and Sediment Control Plan, a Soil and Water Management Plan and a Landscape Plan with a schedule of works	An Erosion and Sediment Control plan is included at Appendix B.	Y
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Section 21 – Contaminated Land

21 Contaminated Land	(i) Identification of previous land uses which may have caused potential contamination risks to land. (iv) Investigation and assessment of contamination in accordance with appropriate legislation, regulations, guidelines and standards.	A RAP has been included with this Development Application (refer to Appendix E).	Y
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Section 24 Waste Minimisation and Management

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.	A WMP is included at Appendix H and details demolition, Construction and ongoing waste management.	Y
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Section 25 - Water Management

25.4 Non-Residential Development	(i) Stormwater drainage complies with AS 3500.3;	The proposed development includes stormwater management consistent with the DCP. Stormwater design details are attached in Appendix B.	Y
	(ii) Development proposals for this type of development are to demonstrate compliance with AUSPEC D5 and the Muswellbrook Shire Council Drainage Design Criteria.		Y
	(iv) Gutters and down pipes are installed to collect roof water;		Y
	(v) Pits are installed to collect water from the low points in yards;		
	(vi) Down pipes and pits are to be connected to the 'discharge controls' for the site;		Y
	(vii) The site discharge indicator for the development is at least 0.5 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and		



	<p><i>preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application;</i></p> <p><i>(viii) Soil and erosion control plans are to be submitted in accordance with the provisions of section 20 of this DCP;</i></p>		Y
25.5.1 Stormwater Collection	<p><i>(i) Surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity;</i></p> <p><i>(ii) Drainage pits are to be installed so that nuisance water does not collect at low points;</i></p> <p><i>(iii) Gutters, down pipes and pits are to be connected to the stormwater management system for the site. Australian Standard 3500.3 sets appropriate standards for stormwater collection and is to be followed when constructing new development. AUS-SPEC provides more guidance on stormwater collection and is to be used in subdivision design;</i></p> <p><i>(iv) Public use areas satisfy relevant flood safety criteria as assessed with reference to the NSW Floodplain Development Manual;</i></p>	The civil engineering plans within Appendix B include details of water management on site.	Y



Table 3 – SEPP 64 Schedule 1 Assessment Criteria

Assessment Criteria		Comment	Compliance
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?	The proposed signage is compatible with the character of the locality, being located on a main road with similar service station signage existing further along Sydney Street.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No, there is no theme for outdoor advertising in the area.	N/A
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?	The proposed signage does not detract from any areas of environmental or cultural importance. Specifically it will not affect the heritage significance of nearby items.	Y
3) Views and vistas	Does the proposal obscure or compromise important views?	No, site signage does not obscure or compromise any important views.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	Most of the external signage is located on the building or fuel canopy and does not protrude above the structure on which it is located. An 8.5m high free standing pylon sign is proposed adjacent to Sydney Street however it does not dominate the skyline given the location of two storey buildings nearby.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure any other advertising.	Y
4) Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of signage is appropriate for the streetscape given it addresses a classified road and is setback from the carriageway.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the area and appropriately identify the user(s) of the site.	Y
	Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	The signage proposed is rational in updating existing service station signage in conjunction with the redevelopment of the site.	Y
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage will not significantly protrude above other buildings, trees or signs within the	Y



		locality.	
	Does the proposal require ongoing vegetation management?	No, vegetation management for landscaping within the site will be undertaken by the operator.	N/A
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?	The signage has been designed to integrate with the proposed built form and site characteristics.	Y
	Does the proposal respect important features of the site or building, or both?	The proposed signage compliments the important features of the site and proposed building and structures.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The placement of signage is considered the most appropriate given the building siting, access points, car parking and landscape elements.	Y
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?	The proposed signage includes elements of appropriately illuminated signage.	Y
7) Illumination	Would illumination result in unacceptable glare?	Signage will be illuminated at appropriate LUX levels so to not result in unacceptable glare.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The illuminated signage will not provide a safety concern for pedestrians, vehicles or aircraft.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illuminated signage is not directed towards residential properties.	Y
	Can the intensity of the illumination be adjusted, if necessary?	No, however the illumination is not expected to create any negative visual impacts or unacceptable glare.	N/A
	Is the illumination subject to a curfew?	The signs would be illuminated at night during operational hours.	N/A
8) Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not reduce road safety. Sightlines to and from the site will be maintained and there will be no cause of distraction for drivers.	Y
	Would the proposal reduce the safety for pedestrians or cyclists?	The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not within the road or footpath.	Y
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.	Y

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Appendix D – Traffic Report

Intersect Traffic Pty Ltd



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Appendix E – SEPP 55

WSP / Parsons Brinckerhoff



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Appendix F – SEPP 33

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Appendix G – Crime Risk Assessment

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Appendix H – Waste Management Plan

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Appendix I – Acoustic Report

Muller Acoustic Consulting



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Appendix J – Survey Plan

Delfs Lascelles Consulting Surveyors

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Appendix K – Landscape Plan

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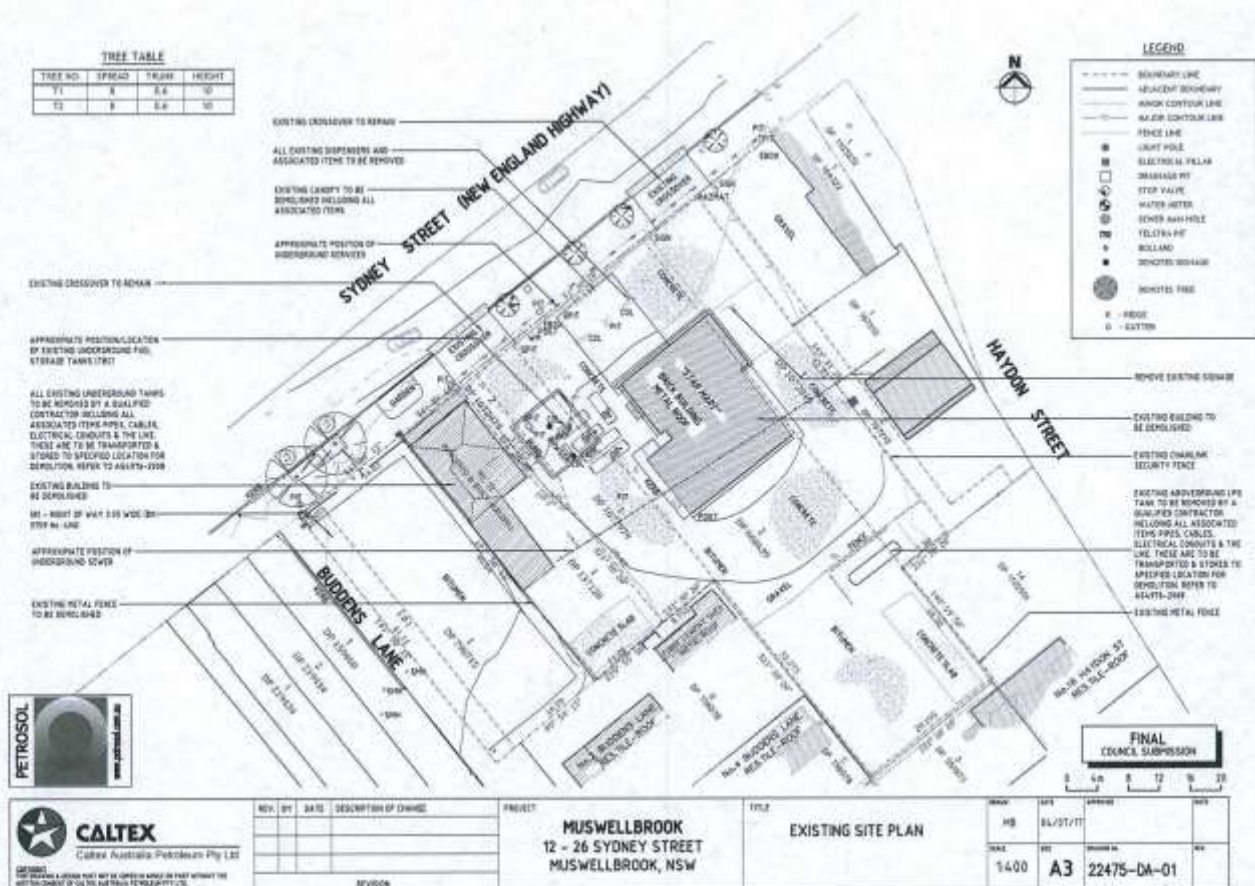
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**CALTEX**

Caltex Australia Petroleum Pty Ltd

**DEVELOPMENT APPLICATION
'CALTEX FOODARY'****MUSWELLBROOK - NSW
12-22 SYDNEY STREET
MUSWELLBROOK, NSW****DRAWING SCHEDULE**

DWG NO.	TITLE	DWG NO.	TITLE
22475-DA01	DEMOLITION PLAN	22475-DA09	PROPOSED LANDSCAPING EXTENT PLAN
22475-DA02	EXISTING SITE VIEWS	22475-DA10	PROPOSED REFUSE TRUCK TURNING PATH
22475-DA03	PROPOSED SITE PLAN	22475-DA11	PROPOSED SITE SIGNAGE LAYOUT
22475-DA04	PROPOSED BUILDING FLOOR PLAN	22475-DA12	PROPOSED SITE SIGNAGE SHEET 1 OF 2
22475-DA05	PROPOSED BUILDING ELEVATIONS SHEET 1 OF 2	22475-DA13	PROPOSED SITE SIGNAGE SHEET 2 OF 2
22475-DA06	PROPOSED BUILDING ELEVATIONS SHEET 2 OF 2	22475-DA14	EROSION & SEDIMENT CONTROL PLAN
22475-DA07	PROPOSED CAR CANYON ELEVATIONS SHEET 1 OF 2	22475-DA15	EROSION & SEDIMENT CONTROL DETAILS
22475-DA08	PROPOSED CAR CANYON ELEVATIONS SHEET 2 OF 2		





SITE LOCATION



SITE VIEW 1



SITE VIEW 2



SITE VIEW 3



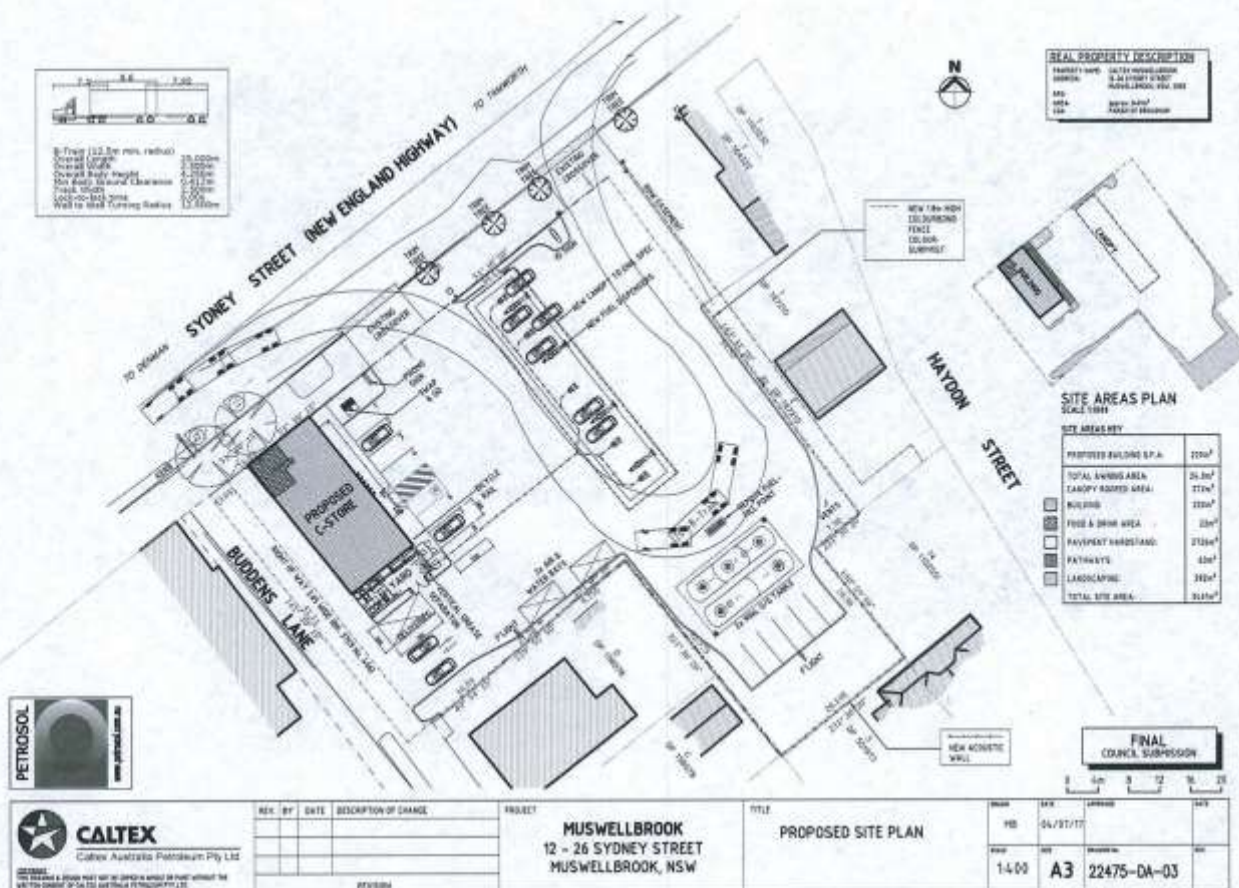
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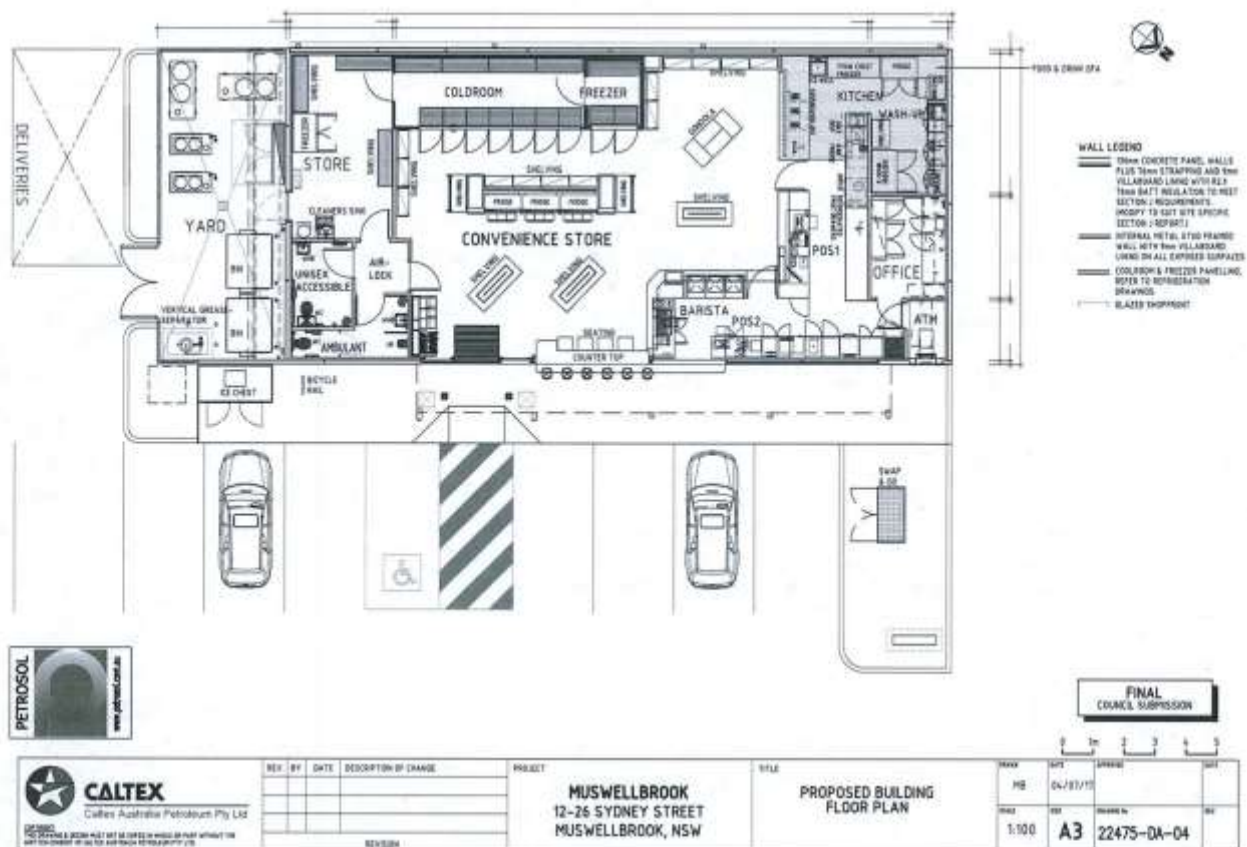
PROJECT
MUSWELLBROOK
 12 - 26 SYDNEY STREET
 MUSWELLBROOK, NSW

TITLE
 EXISTING SITE VIEWS


DESIGN	DATE	APPROVED	DATE
DESIGN	04/07/17		
NTS	A3	22475-DA-02	

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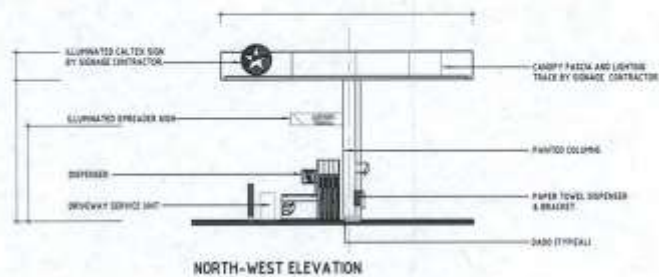
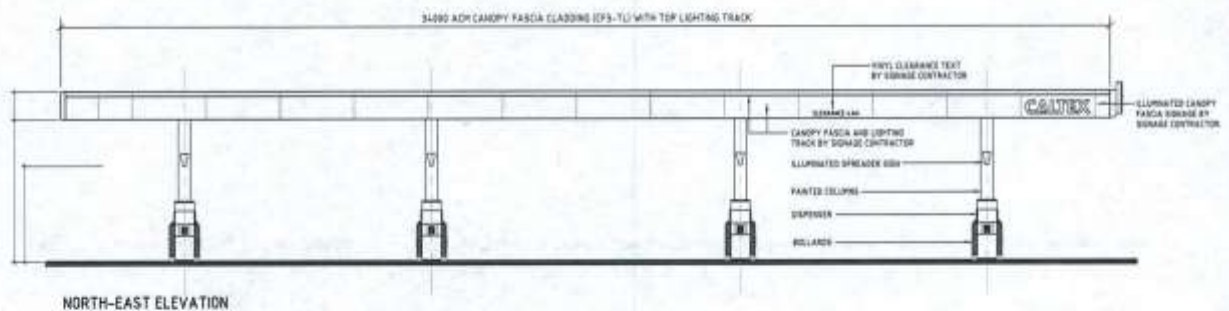




 CALTEX Caltex Australia Petroleum Pty Ltd	REV. BY	DATE	DESCRIPTION OF CHANGE	PROJECT MUSWELLBROOK 12-26 SYDNEY STREET MUSWELLBROOK, NSW	TITLE PROPOSED BUILDING ELEVATIONS (SHEET 1 OF 2)	No.	DATE	VERSION	DATE
						M9	04/07/11		
<small>WARNING: This drawing is a preliminary design and is not to be used for construction. It is the responsibility of the client to ensure that the design is suitable for the intended purpose.</small>						SCALE	1:100	A3	22475-DA-05



 CALTEX Caltex Australia Petroleum Pty Ltd	REV	BY	DATE	DESCRIPTION OF CHANGE	PROJECT	TITLE	DATE	DATE	DATE	DATE
<small>COUNCIL This document is a public asset and all rights are reserved. It is not to be used for any purpose other than that for which it was prepared. It is not to be used for any other purpose without the written consent of the Council.</small>					MUSWELLBROOK 12-26 SYDNEY STREET MUSWELLBROOK, NSW	PROPOSED BUILDING ELEVATIONS (SHEET 2 OF 2)	1:100	A3	22475-DA-06	



REV.	BY	DATE	DESCRIPTION OF CHANGE

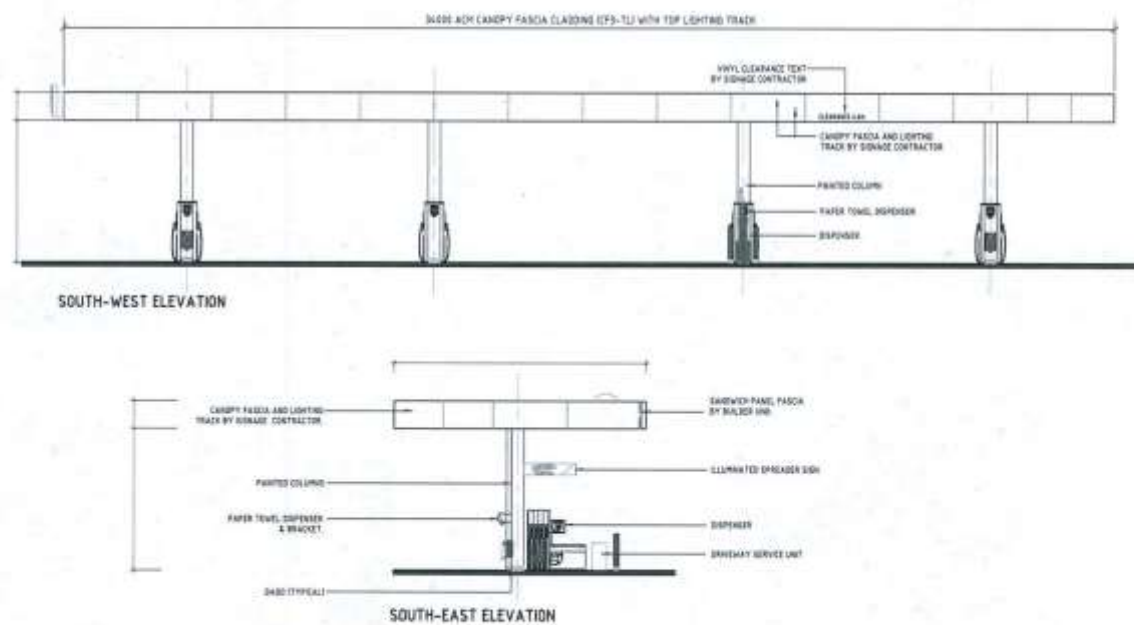
PROJECT
MUSWELLBROOK
12-26 SYDNEY STREET
MUSWELLBROOK, NSW

TITLE
**PROPOSED CANOPY
ELEVATIONS (SHEET 1 OF 2)**

SCALE	DATE	APPROVED	SHEET
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A3	22475-0A-07		

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COUNCIL SUBMISSION**

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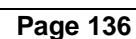
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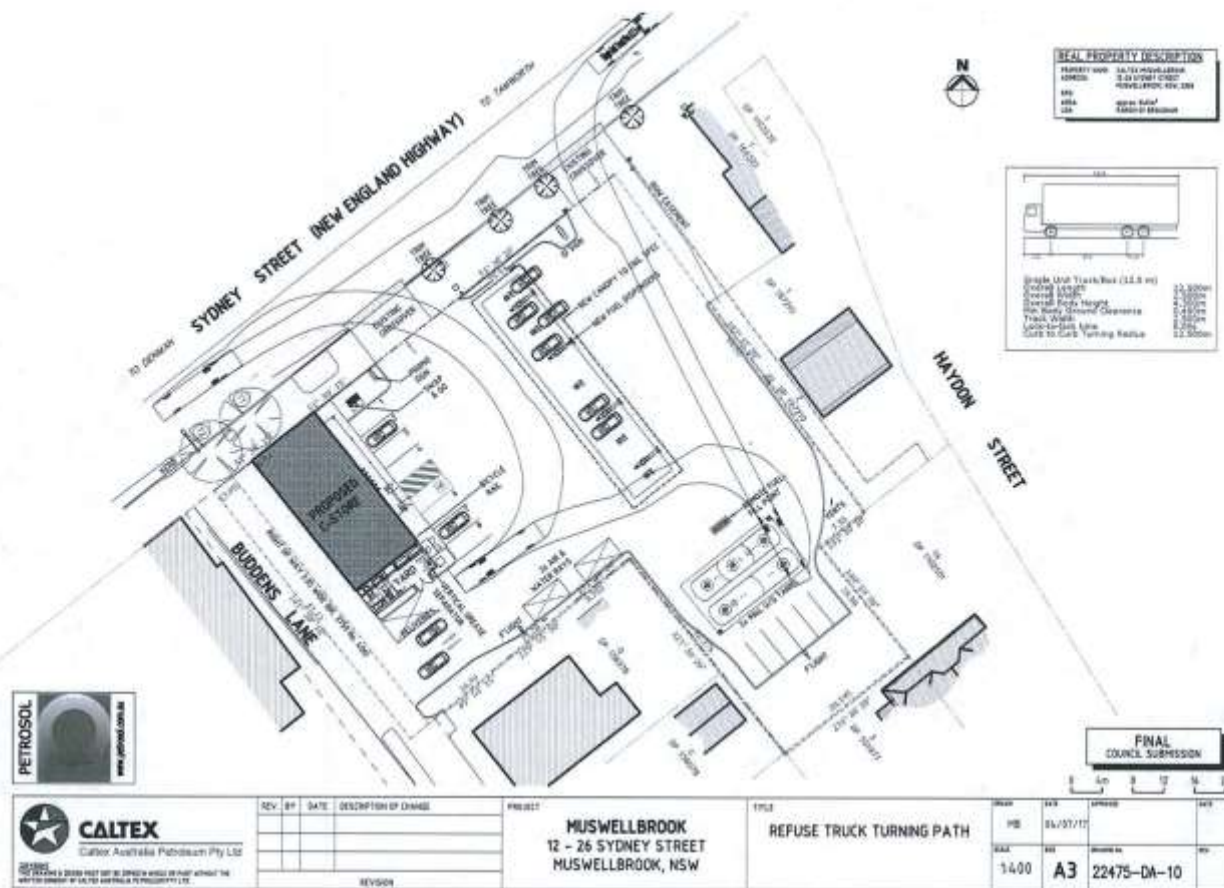
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 12-26 SYDNEY STREET
 MUSWELLBROOK, NSW

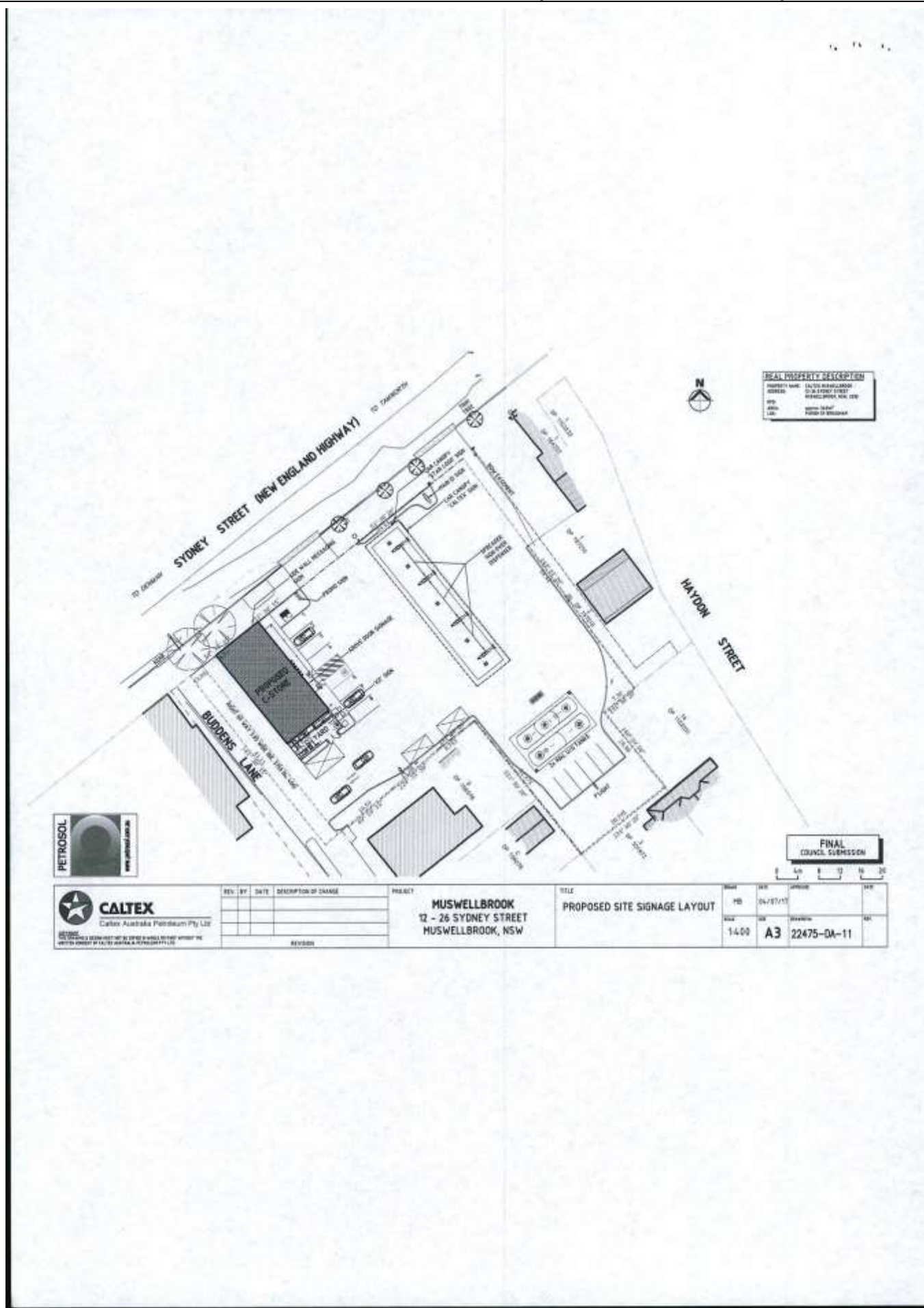
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 ELEVATIONS (SHEET 2 OF 2)

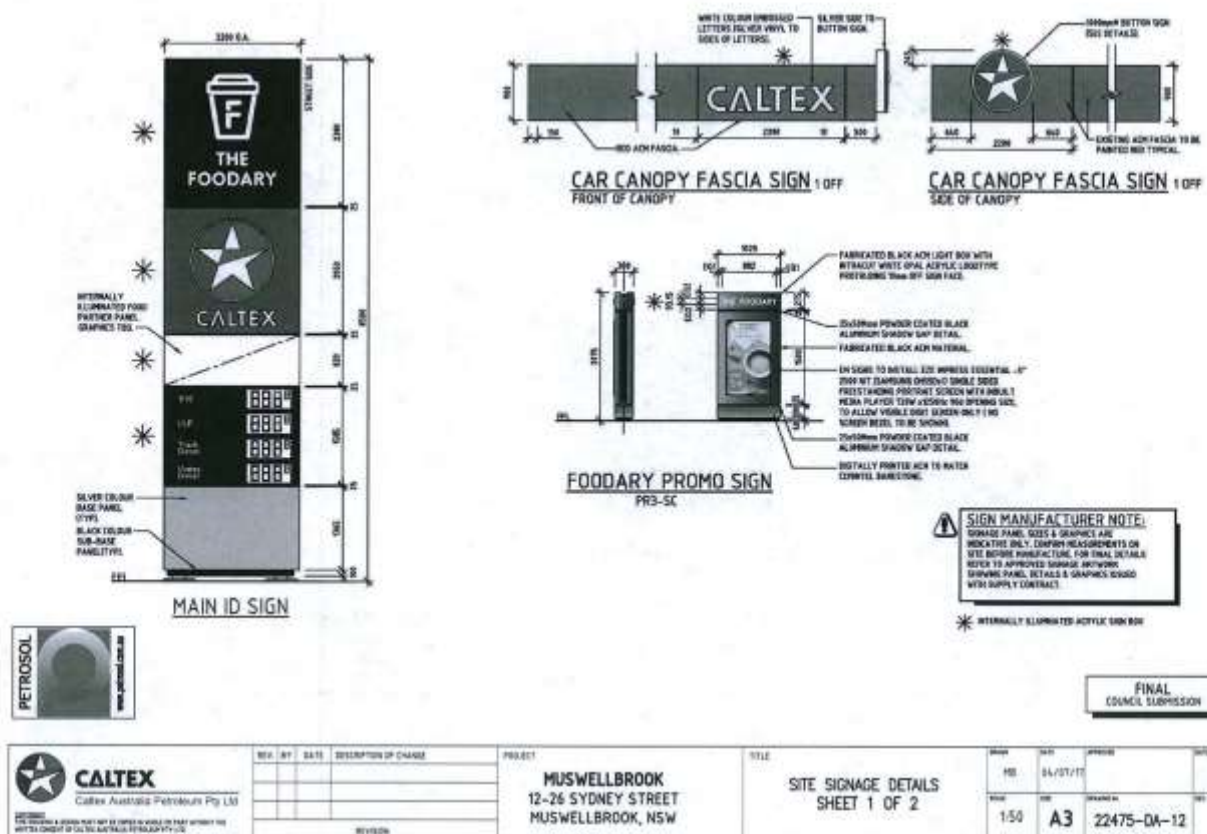
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 COUNCIL SUBMISSION



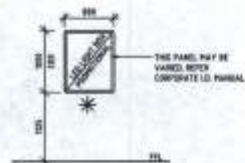




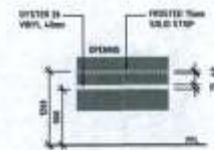




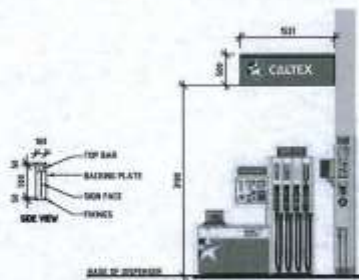
"THE FOODARY" PANEL
ABOVE DOOR SIGNAGE



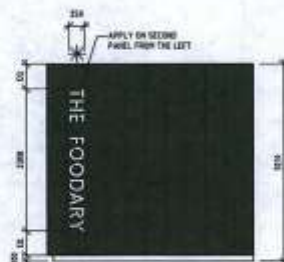
INTERNAL LED SHOP WINDOW
PROMO LIGHT BOX



SHOPFRONT SAFETY DECAL



SPREADER SIGN OVER DISPENSER



SIDE WALL MESSAGING SIGN



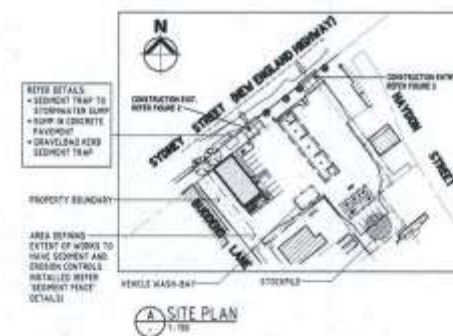
REFERENCE:
SYNERGY SIGNAGE PACK

* INTERNALLY ILLUMINATED ACRYLIC SIGN BOX

SIGN MANUFACTURER NOTE:
SIGNAGE PANEL, SIZES & GRAPHICS ARE INDICATIVE
ONLY. CONFIRM MEASUREMENTS ON SITE BEFORE
MANUFACTURE. FOR FINAL DETAILS REFER TO
APPROVED SIGNAGE AUTHORITY SHOWING PANEL
DETAILS & GRAPHICS ISSUED WITH SUPPLY CONTRACT.

FINAL
COUNCIL SUBMISSION

<p>CALTEX Caltex Australia Petroleum Pty Ltd</p>	REV.	BY	DATE	DESCRIPTION OF CHANGE	PROJECT	TITLE	DATE	BY	APPROVED	DATE
					MUSWELLBROOK 12-26 SYDNEY STREET MUSWELLBROOK, NSW	SITE SIGNAGE DETAILS SHEET 2 OF 2				
							150	A3	22475-0A-13	



NOTES:

1. BUILDING TO BE PORTHOLED AS PERMITTED TO GUT WORKS & COUNCIL REQUIREMENTS SO AS NOT TO CAUSE OBSTACLES & POLLUTION TO COUNCIL FOOTPATHS & ASSOCIATED AREAS.
2. SECURE & CLEAN ALL WORK AREAS AT COMPLETION OF EACH DAY.
3. SITE ACCESS POINTS ARE TO BE CONTROLLED BY THE BUILDER WHO IS TO ENSURE TEMPORARY REMOVAL & REPLACEMENT OF SITUATION CONTROL METHODS AREA. BARRIERS TO ENSURE COMPLIANCE WITH THESE CONTROLS.
4. SILT FENCE SHALL NOT BE REMOVED UNTIL SITE HAS BEEN PAVED & SURFACES BOUNDARIES SHALL BE LOCATED AROUND ALL PITS & MAINTAINED UNTIL THE CATCHMENT AREA HAS BEEN PAVED.
5. KERR DRAIN EXCLUSION SHALL INCORPORATE TRAFFIC CONTROL BARRIERS IN ACCORDANCE WITH AESTHETICS & SHALL NOT BE PLACED UNTIL WORKS ARE COMPLETED OUT ON THE FOOTPATH AREA. OR AS OTHERWISE DIRECTED BY COUNCIL.
6. ALL SEDIMENT TRAPS, EXCLUSIONS, BARRIERS SHALL BE INSPECTED & CLEANED AFTER EACH STORM EVENT. SURFACES OF CLOSING BUILDING ARE TO BE REMOVED AND REPLACED.
7. THE BUILDER SHALL CARRY OUT ANY ADDITIONAL WORKS DEEMED NECESSARY AND DIRECTED BY COUNCIL TO BE CARRIED OUT.
8. THE SEDIMENT CONTROL PLAN SHALL BE IMPLEMENTED PRIOR TO ANY WORKS BEING CARRIED OUT ON SITE.



REV	BY	DATE	DESCRIPTION OF CHANGE

PROJECT	MUSWELLBROOK 12 - 26 SYDNEY STREET MUSWELLBROOK, NSW
TITLE	EROSION & SEDIMENT CONTROL PLAN

DATE	APPROVED	DATE
15/01/17		
1.750	A3	22475-DA-14

SEDIMENT AND EROSION CONTROL NOTES

GENERAL

1. ALL SEDIMENT & EROSION CONTROL MEASURES TO BE IN ACCORDANCE WITH LOCAL COUNCIL'S GUIDE LINES.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

1. AVOID STOPPING & EXCAVATING UNTIL READY TO BUILD.
2. INSTALL SEDIMENT FENCES.

DRAINAGE PATHWAYS

1. AVOID STOPPING & EXCAVATING UNTIL READY TO BUILD.
2. CONSTRUCTION OF AN ENTRY/EXIT POINT TO THE SITE SHALL BE MAINTAINED SO THAT SEDIMENT IS NOT TRACKED OFF THE SITE.
3. TOPSOIL SHALL BE STOCKPILED ON SITE FOR LATER USE.
4. WHERE PRACTICALLY MAINTAIN VEGETATION IN A HEALTHY STATE DURING THE CONSTRUCTION PROCESS.
5. WHEN UP LOOSE MATERIAL IS OVERTURNED AROUND A WORK SITE IT SHALL BE DISCHARGED AS DIRECT FLOW THROUGH AN UNDISTURBED AREA BEHIND THE WORKS.

SERVICE TRENCHES

1. TO AVOID UNNECESSARY SOIL EROSION, SERVICE TRENCHES SHOULD BE BACK FILLED, LAPPELLED AND COMPACTED TO A LEVEL AT LEAST 75-100mm ABOVE THE ADJACENT GRADING LEVELS.

BUILDING OPERATIONS

1. PRECIPITABLE MATERIALS PLACED WITHIN THE ROAD RESERVE INCLUDING ACCIDENTAL SPILLS AND TRACKING OF SUCH MATERIALS ONTO THE ROAD THAT CANNOT BE PREVENTED THROUGH REASONABLE MEANS, MUST BE:
 - a) REMOVED IMMEDIATELY BY RAINFALL & WIND OR COLLAPSE;
 - b) REMOVED PRIOR TO THE END OF THE DAY'S WORK IF RAINFALL IS NOT EXPECTED;
 - c) MATERIALS SHOULD BE SWEEPED FROM THE ROAD, NOT WASHED DOWN THE GUTTER.
2. ALL SOIL WASTE SHALL BE STORED ON SITE IN SUCH A MANNER THAT IT IS PREVENTED FROM LEAVING THE SITE EITHER BY THE ACTION OF WIND OR WATER.
3. SMALLER MATERIALS, SUCH AS LITTER, SHOULD BE CONTAINED IN LEAKED BAGS OR LITTER TRAPS PLACED ON THREE SIDES BY A GEOTEXTILE WIND BREAK.
4. CONCRETE WASTE WRAPPED FROM TRUCKS AND PAVED UNITS SHALL BE CONTAINED ON SITE AND SHALL NOT BE PLACED IN A POSITION WHERE IF COULD REASONABLY BE EXPECTED TO WASH FROM THE SITE AND HARM THE ENVIRONMENT.

SITE REHABILITATION

1. ALL AREAS DISTURBED BY THE CONSTRUCTION ACTIVITY SHOULD BE PROMPTLY AND PROGRESSIVELY STABILISED SO IT CAN NO LONGER ACT AS A SOURCE OF SEDIMENT.

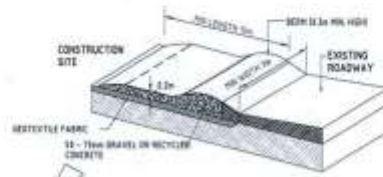


FIG. 2 - CONSTRUCTION EXIT/ENTRY

1. THE SEDIMENT FENCE SHOULD BE MAINTAINED SO THAT IT PREVENTS TYRES FROM TRACKING.
2. DRESSING WITH ADDITIONAL AGGREGATE IF REQUIRED.
3. REGULARLY REMOVE SEDIMENT FROM ROADWAY.

STOCKPILES

1. STOCKPILES ARE NOT TO BE STORED ON THE FOOTPATH OR THE ROAD RESERVE, UNLESS APPROVED BY COUNCIL.
2. WHERE NECESSARY STOCKPILE LOADERS CAN BE MAINTAINED WITH THE USE OF COVERS.

ALL STOCKPILES AND BUILDING MATERIAL SHALL BE LOCATED WITHIN THE SEDIMENT CONTROL ZONE.

3. TO PREVENT EROSION AND THE LOSS OF SAND AND SOIL, STOCKPILES SHALL NOT BE LOCATED WITHIN AN OVERLAND FLOW PATH. IF IT IS IMPRACTICAL, TO AVOID STORMWATER RUNOFF BEING DIRECTED TO A STOCKPILE, THEN A PERIMETER BARRIERS SHALL BE CONSTRUCTED UP ALONG THE STOCKPILE TO DIRECT RUNOFF IN A CONTROLLED MANNER AROUND THE STOCKPILE.

SEDIMENT BARRIERS

SEDIMENT FENCES

1. INSTALL SEDIMENT FENCES ALONG THE LOW SIDE OF THE SITE, AND IDEALLY ALONG A LINE OF CONSTANT LAND LEVEL, TO PREVENT THE CONCENTRATION OF STORMWATER RUNOFF IN AREAS WHERE IT IS EITHER UNDESIRABLE OR IMPRACTICAL TO BURY THE LOWER EDGE OF THE SEDIMENT FENCE. THE LOWER DRAINING PORTION OF THE FENCE SHOULD BE PLACED ON THE GROUND UP ALONG OF THE FENCE AND BURIED UNDER A 150mm 3000 LAYER OF AGGREGATE.
2. SEDIMENT FENCES ON BUILDING SITES CAN BE STAPLED TO APPROXIMATELY 4mm SQUARE HARDWOOD POSTS OR WIRE TIES TO STEEL POSTS.

PITS & INLET COLLARS

1. SEDIMENT CONTROLS FOR STORMWATER INLETS LOCATED WITHIN THE PROPERTY BOUNDARIES MAY CONSIST OF GEOTEXTILE FABRIC PLACED EITHER DIRECTLY OVER THE GRATED INLET OR AROUND THE INLET SUPPORTED BY A THREE FRAME. FIELD INLET PROTECTION IS NECESSARY WHERE INLET DRAIN AREAS OF BARE AND UNPROTECTED SOIL. DURING A STORM, PONDING SHALL BE ALLOWED TO OCCUR AROUND THE STORMWATER INLET TO AVOID IN THE SETTLING OUT OF SEDIMENTS.

PAVEMENT INLET SALLY

1. A ROADSIDE INLET BARRIER IS TO BE INSTALLED, SO THAT IT SHALL NOT BE ALLOWED TO FULLY BLOCK THE INLET STRUCTURE.
2. ON A HILLSIDE, SEDIMENT BARRIERS MAY CONSIST OF A TEMPORARY DIRT CONSTRUCTED FROM SAND AND GRAVEL BAGS AT LEAST 1 METRE UP & DOWN FROM THE GULLY INLET.

MAINTENANCE

1. SEDIMENT FENCES SHOULD BE REPLACED IF THE FABRIC IS RIPPED OR OTHERWISE DAMAGED. THE MAINTENANCE OF THE SEDIMENT FENCES INCLUDES THE REMOVAL OF SEDIMENT DEPOSITED UP ALONG OF THE FENCE AND RETRACTING THE FABRIC WHEN THE FENCE IS 20% FULL.
2. FOLLOWING STORM EVENTS, THE ROAD RESERVE AND ALL SEDIMENT BARRIERS SHALL BE INSPECTED AND ANY EXCESSIVE SEDIMENT SHOULD BE APPROPRIATELY REMOVED.

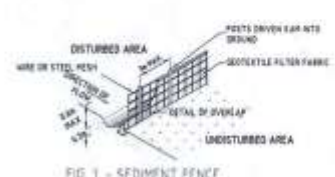
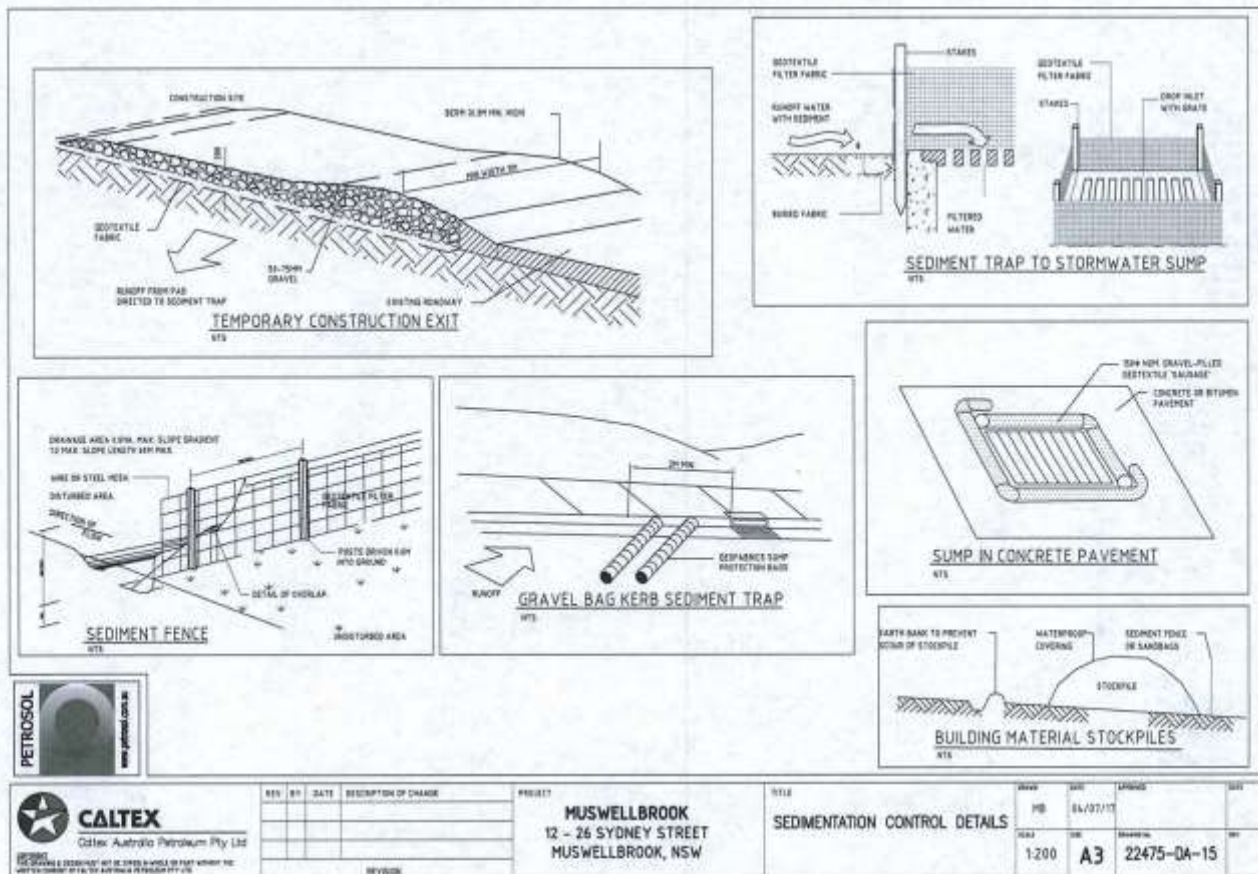


FIG. 1 - SEDIMENT FENCE

FINAL
FOR COUNCIL SUBMISSION



05 July 2017

The General Manager
Muswellbrook City Council
PO Box 122
Muswellbrook NSW 2333



CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Introduction

The purpose of this report is to identify and assess crime risk associated with the construction of a proposed 24-hour service station including convenience store and on-site parking at the existing diesel fuel stop located at 12 – 26 Sydney street, Muswellbrook NSW 2333 (Lot 1 in DP 1072849, Lot 2 in DP 668639, Lot 1 and Lot 2 in DP 1072979 and Lot 1 in DP 137128).

Site Analysis

The site is located along Sydney Street in the local business centre zone. An existing fuel canopy occupies the site with a convenience store for the sale of fuel and goods. Developments surrounding the site are predominantly commercial land uses. Residential properties exist to the north along Buddens Lane.

Crime Opportunity

Given the proposed operational hours of the development are 24 hours, 7 days a week, there is an increased opportunity for crimes or anti-social behavior (e.g. vandalism, graffiti, litter, excessive noise) at the site, particularly during night time hours.

Crime Prevention through Environmental Design

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.

CPTED aims to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended;
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and
- Removing conditions that create confusion about required norms of behaviour.

Source: Department of Planning and Environment formerly the Department of Urban Affairs and Planning, 2001.



CPTED employs 4 key strategies. These include surveillance, access control, territorial reinforcement and space/activity management.

In accordance with the 4 key strategies, the principals of Crime Prevention and Public Safety are addressed in relation to the Muswellbrook Caltex proposal:

1. Surveillance

Natural surveillance limits the opportunity for crime by increasing awareness that people can be seen. Potential offenders therefore feel increased scrutiny and limitations on their escape routes.

Good surveillance is achieved by:

- (a) Clear sightlines between private and public spaces;
- (b) Effective lighting of public places; and
- (c) Landscaping that makes places attractive, but not a place to hide.

The design of the development includes natural surveillance by the strategic placement of physical features to maximise visibility. The specific design elements include:

- Clear sight lines are provided along the Sydney Street frontage, allowing maximum surveillance of the vehicular entry and exit point for the site;
- The maintenance levels for paths of travel will comply with AS1680;
- Installation of 24/7 video surveillance (CCTV) within the development;
- Fire exit doors will be alarmed (where required);
- Appropriate day and night lighting installed to eliminate any potential problem areas and to ensure security cameras operate effectively (i.e. easy facial recognition at 15m);
- 'Hidden spots' avoided within the site where possible, by siting the buildings around the perimeter of the site allowing optimal surveillance over the remaining internal areas of the site. Where 'hidden spots' are unavoidable, particularly around the northern parking area due to boundary characteristics, CCTV cameras and appropriate lighting will be installed; and
- The design of the car park encourages passive surveillance and will incorporate active measures such as CCTV cameras and lighting.

2. Natural Access Control

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space.

Good access control for the movement of people is achieved by:

- (a) Landscapes and physical locations that channel and group pedestrians into target areas;
- (b) Public spaces that attract rather than discourage people from gathering; and
- (c) Restricted access to internal or high risk areas (e.g. car parks).

The site has been designed to encourage natural access and control flow of people by:

- Appropriate signage for both customer and delivery/service vehicles;
- Lighting of pedestrian pathways and access routes to Australian Standard (AS 1158); and
- Clear movement for pedestrians throughout the car park and between the elements of the development to minimise conflict with vehicles.

3. Territorial Reinforcement (Community Ownership)

Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern, i.e. it makes the normal user feel safe and makes the potential offender aware of a substantial risk of apprehension or scrutiny. By using buildings, fences, pavement, signs, lighting and



landscape to express ownership and define public, semi-public and private space, natural territorial reinforcement occurs.

Community ownership (territorial reinforcement) makes people feel comfortable in a place and is achieved by:

- (a) A design that encourages people to gather in public spaces;
- (b) Having a clear transition between boundaries of public and private spaces; and
- (c) Having clear design cues as to who is to use the space and what it is to be used for.

The proposed development has been designed to clearly delineate public space. This will ensure that any potential intruders will stand out and be easily identified. Elements of territorial reinforcement included into the design and management of the proposal include:

- The premises and landscaping will be maintained such that it communicates an alert and active presence occupying the space;
- Clearly defined boundaries of the site through new fencing and barriers;
- Provision of signage that will assist in controlling activities and movements throughout the premises (knowing how and where to enter/exit and find assistance can impact perceptions of safety, victim vulnerability and crime opportunity);
- Providing appropriate landscaping treatments within the development; and
- Display of security system signage at access points.

4. Space Management

Space management strategies such as site maintenance, target hardening and target removal are proposed for the development proposal.

Site Maintenance

Management and maintenance are closely linked to a sense of ownership. Good management and maintenance of a place, or property, is often the difference between it seeming safe or unsafe and it being cared for or uncared for. Deterioration indicates less control by the users of a site and indicates a greater tolerance of disorder.

It is in the interest of the future operators of the buildings to maintain the site to a high standard so that the business can operate at its optimal level and attract as much usage as possible. Routine maintenance checks and reporting will be carried out by personnel employed at the development to ensure the property is maintained and to reduce the likelihood of crime or vandalism. Furthermore, robust materials are proposed to be used where possible including graffiti resistant materials and fixed rubbish bins to mitigate against potential malicious damage. Any vandalism or graffiti will be repaired and removed promptly by staff or contractors.

As stated above, the proposed landscaping is designed not to create pockets or enclosures whereby victims could be entrapped but to help integrate the built form into the site and surrounds. The proposed landscaping scheme avoids vegetation that impedes the effectiveness of outdoor lighting and allows for good sightlines without areas for concealment.

Target Hardening and Removal

Target hardening and removal is the use of 'design out crime' strategies to make it harder for a crime to be committed and reduces the gains of crime. While this is the most long-established and traditional approach to crime prevention, it can create a 'fortress mentality' and imagery whereby users of the development withdraw behind physical barriers and the self-policing capacity of the built environment is damaged. This is



effectively working against CPTED strategies that rely on surveillance, territoriality and positive image management.

The proposal includes the use of some physical barriers associated with target hardening such as security cameras, boundary fencing and landscaping in key locations. However, the site allows opportunities for natural surveillance from within the site, with clearly defined boundaries, and allows opportunities for natural access control. The development aims to ensure a safe environment for all users of the facility.

Conclusion

The development of the site for the purposes of a 24-hour service station has been designed with CPTED principles in mind and incorporates appropriate night lighting, car park design, site and building layout and landscaping as well as security devices such as CCTV cameras to assist in crime deterrence and prevention.

Implementation of the above mentioned measures into the design of the proposal will create an environment that will dissuade offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.

The design is considered to be consistent with the Department of Planning and Environment (former Department of Urban Affairs and Planning) Crime Prevention and the Assessment of Development Applications, 2001.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Quinlan'.

Patrick Quinlan (BURP) (NSW Police Safer by Design Course)
Senior Planner
KDC Pty Ltd

Reference: DOC17/375946-03, EF14/560, DA 67/2017

The General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Attention: Ms Donna Watson

**DA 67/2017 – Demolition of Existing Service Station and Construction of New Service Station
at 12 – 22 Sydney Street, Muswellbrook**

Dear Ms Watson,

I refer to your letter to the Environment Protection Authority (EPA), dated 13 July 2017, seeking the EPA's comments in relation to the proposed demolition of an existing service station at 12 – 22 Sydney Street, Muswellbrook, and the construction of a new service station at that location. The application reference for this proposal is DA 67/2017. Provided with your letter is the report titled 'Statement of Environmental Effects – Proposed Demolition and Reconstruction of a Service Station' (SEE), dated July 2017 and prepared by KDC Pty Ltd.

The EPA has reviewed the SEE and has identified a number of recommended conditions in relation to the proposal. These recommended conditions are provided at **Attachment 1** to this email.

The EPA notes that the SEE states that works will be carried out in accordance with a Remediation Action Plan (RAP) at Appendix E, however this appendix does not appear to have been provided with the document. Council should ensure that the RAP adequately addresses potential odour, noise and dust emissions that may be generated during the demolition and construction process. The EPA also recommends that the RAP include an unexpected finds protocol and that the work method statement includes provisions for working with asbestos, as this may be found during the works.

Council may also wish to consider applying conditions ensuring the site is operated in accordance with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014. This involves matters such as ensuring that the site has an Environment Protection Plan, which is an operational site management plan, a secondary leak detection system (i.e. groundwater wells) and that these are documented and available for inspection. A copy of the POEO(UPSS) Regulation can be accessed at:
<https://www.legislation.nsw.gov.au/#/view/regulation/2014/565/full>

If you require any further information on this matter please contact me on the number below or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely

Michael Howat

Operations Officer - Hunter
NSW Environment Protection Authority
Ph: (02) 4908 6819

michael.howat@epa.nsw.gov.au www.epa.nsw.gov.au

Formal electronic correspondence to the EPA should be sent to hunter.region@epa.nsw.gov.au
Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555

ATTACHMENT 1

EPA's Recommended Conditions of Approval for DA 67/2017

Demolition of a Service Station and Construction of a New Service Station

DEMOLITION

Decommissioning and removal of existing underground storage system

A1. The Applicant shall prepare a Validation Report for the decommissioning and removal of the underground petroleum storage system in accordance with clause 15 of the Underground Petroleum Storage System (UPSS) Regulation 2014. The Validation Report shall:

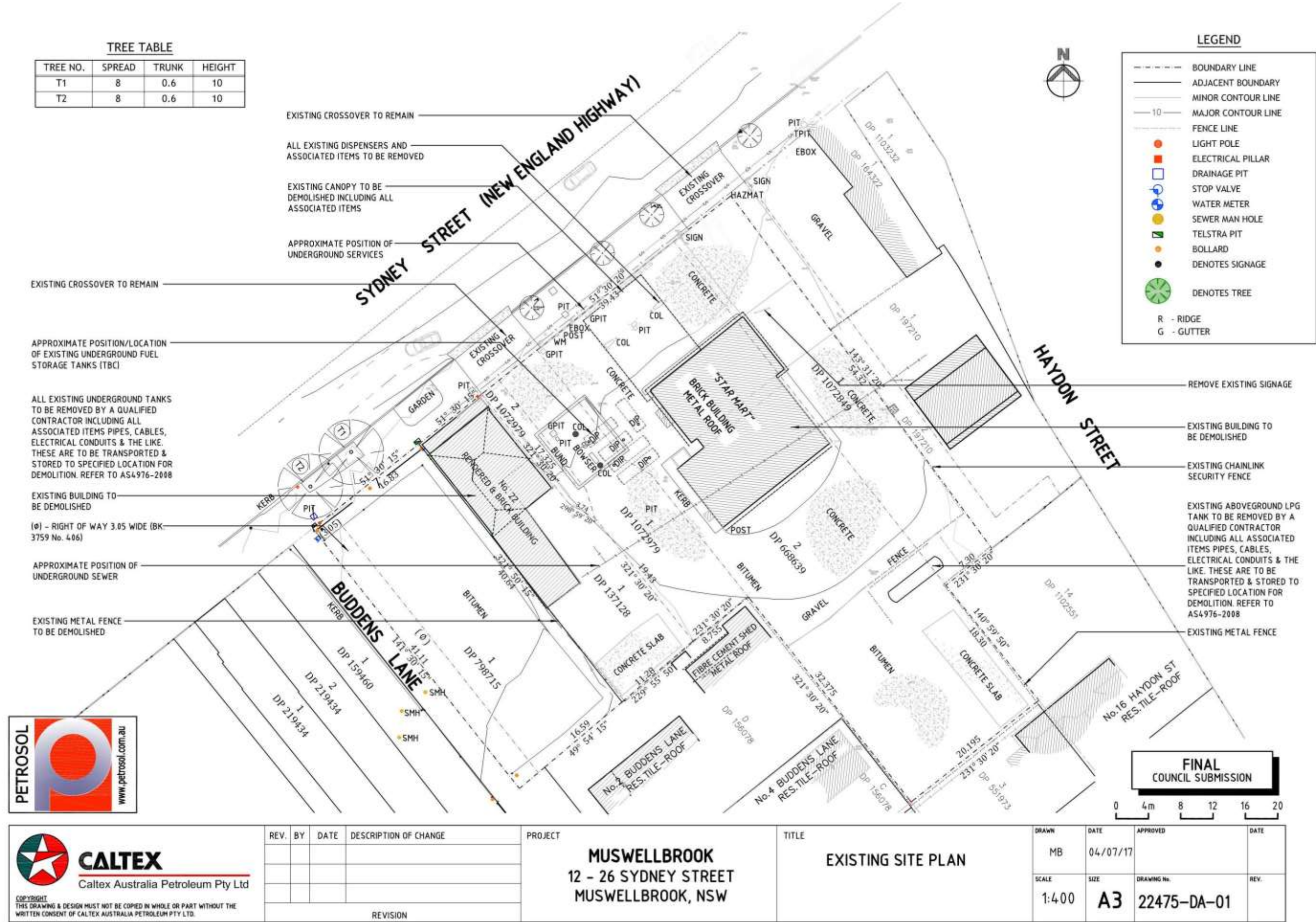
- (a) be prepared by a duly qualified person in accordance with the EPA guidelines;
- (b) be submitted to council, no later than 60 days after the system is decommissioned or if remediation of the site is required, no later than 60 days of remediation is completed;
- (c) be prepared in accordance with the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEHS 2011); and
- (d) describe the processes used to decommission the storage system and assess contamination at the storage site.

PROPOSED DEVELOPMENT

Installation of a new Underground Petroleum Storage System

A2. 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.





SITE LOCATION



SITE VIEW 1




SITE VIEW 2

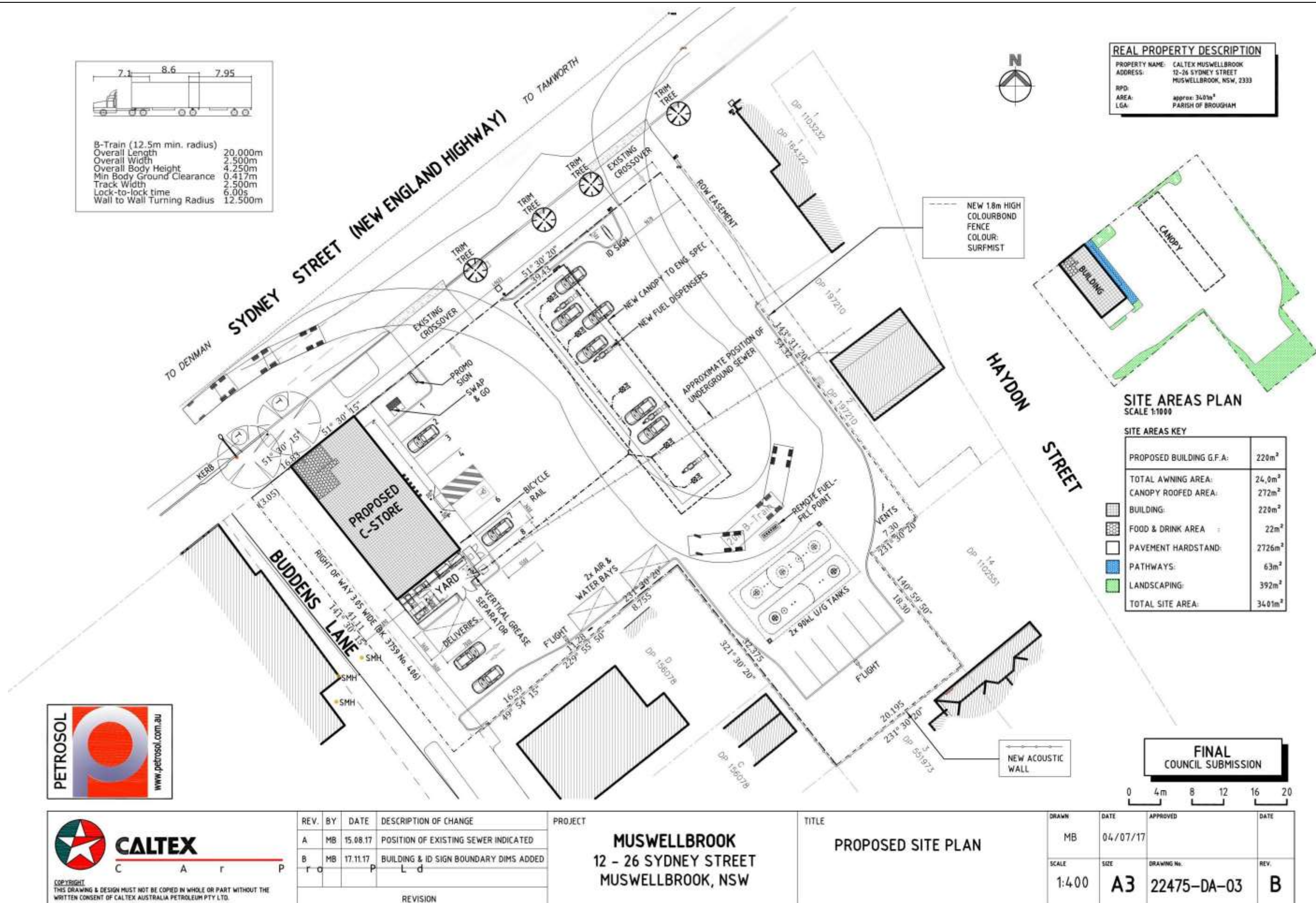


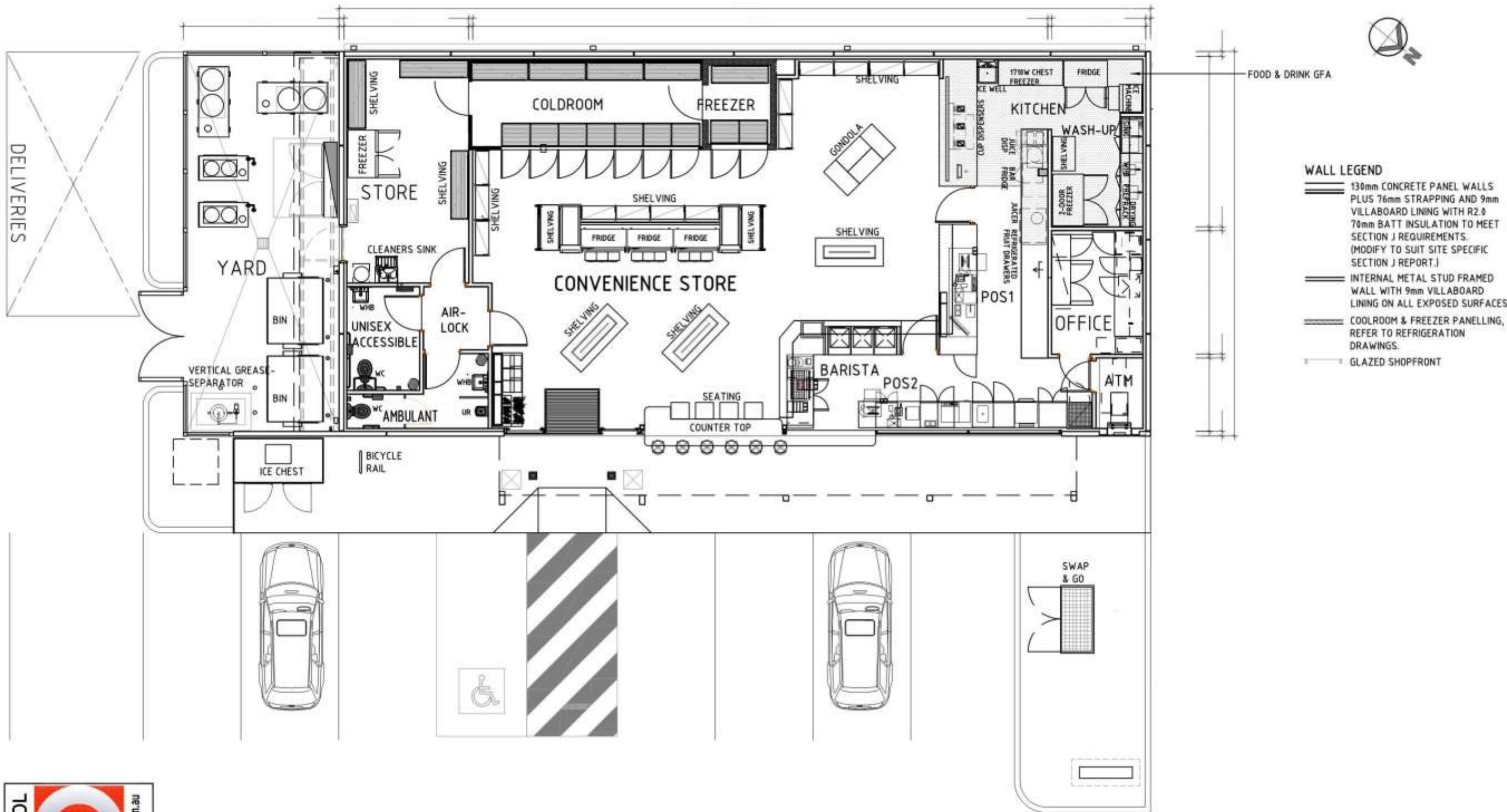
SITE VIEW 3



**FINAL
COUNCIL SUBMISSION**

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					MUSWELLBROOK 12 - 26 SYDNEY STREET MUSWELLBROOK, NSW	EXISTING SITE VIEWS	MB	04/07/17		
							SCALE	SIZE	DRAWING No.	REV.
							NTS	A3	22475-DA-02	
REVISION										





REV.	BY	DATE	DESCRIPTION OF CHANGE
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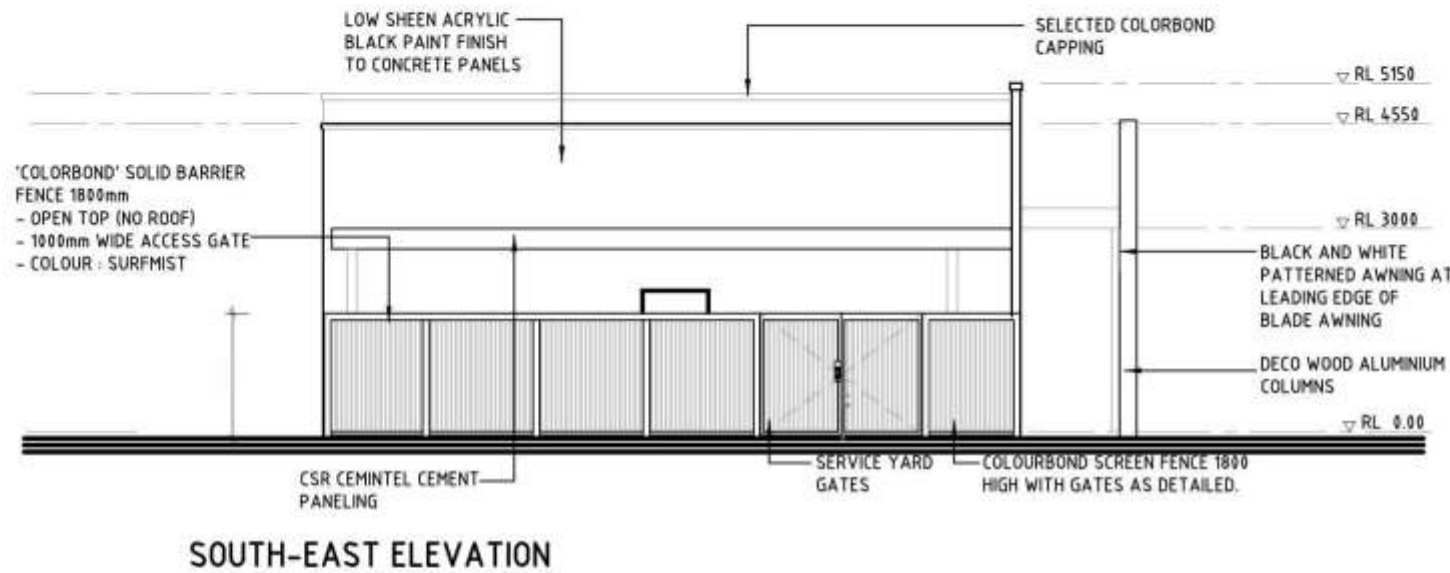
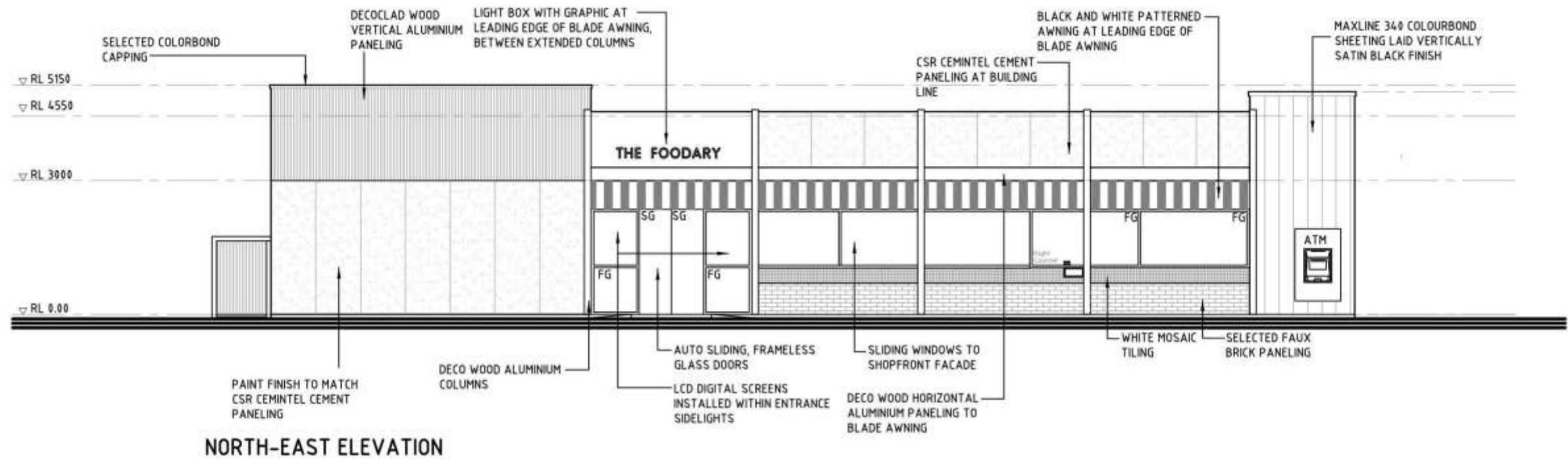
PROJECT
MUSWELLBROOK 12-26 SYDNEY STREET MUSWELLBROOK, NSW

TITLE
PROPOSED BUILDING FLOOR PLAN

DRAWN	DATE	APPROVED	DATE
MB	04/07/17		
SCALE	SIZE	DRAWING No.	REV.
1:100	A3	22475-DA-04	


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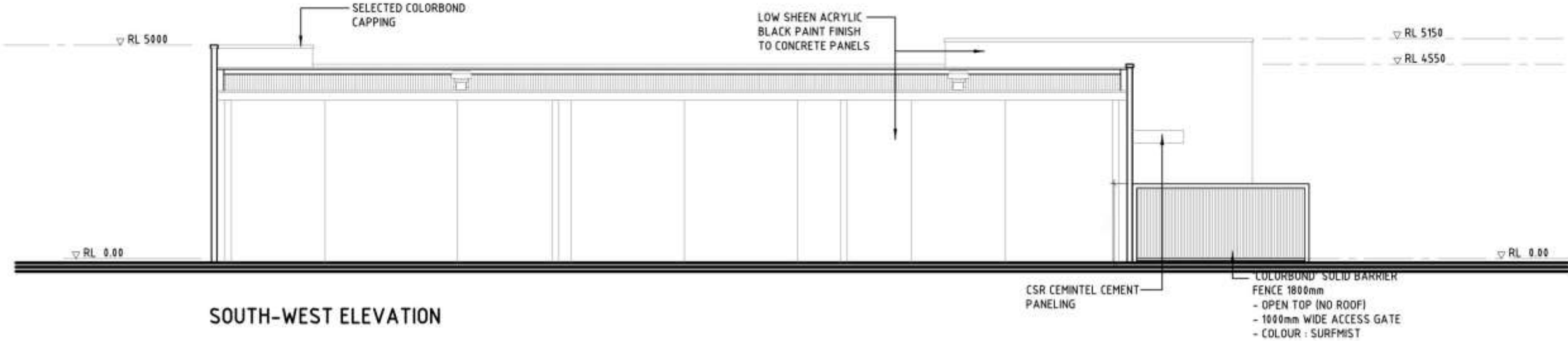




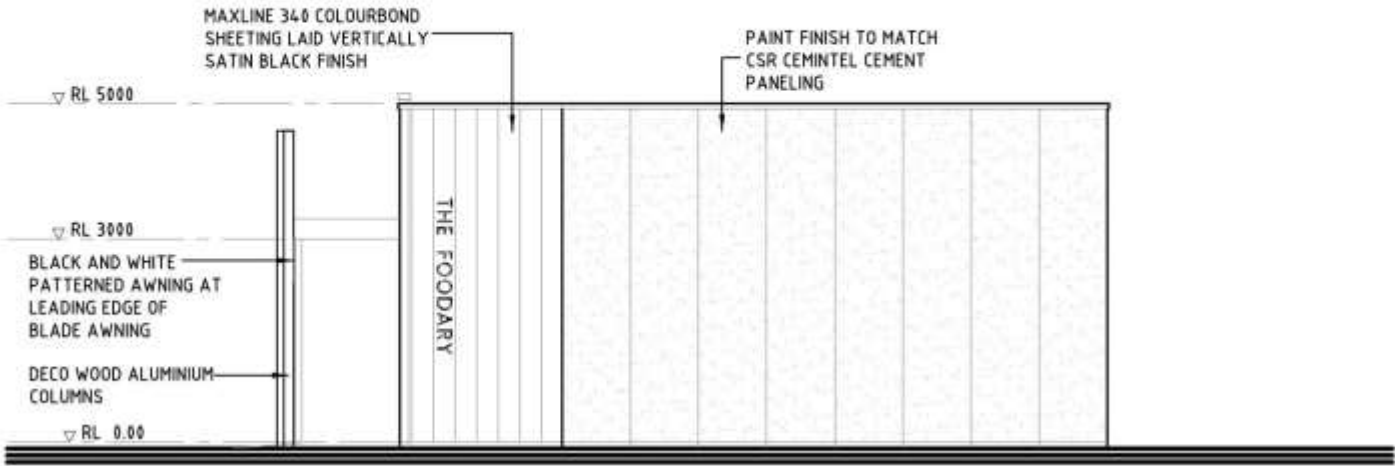
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SOUTH-WEST ELEVATION



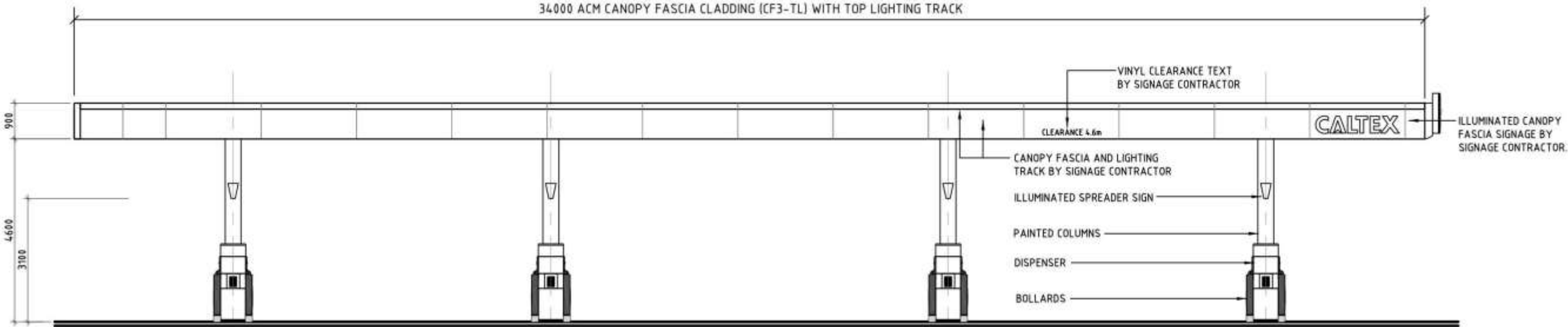
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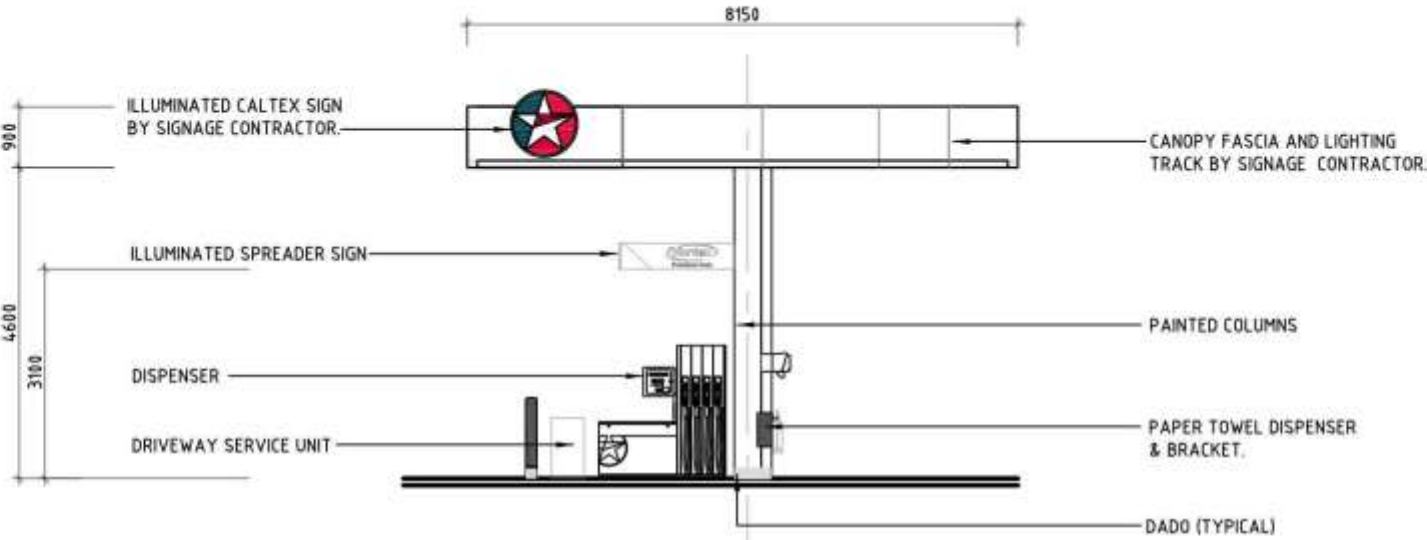
FINAL
COUNCIL SUBMISSION



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				REVISION						



NORTH-EAST ELEVATION




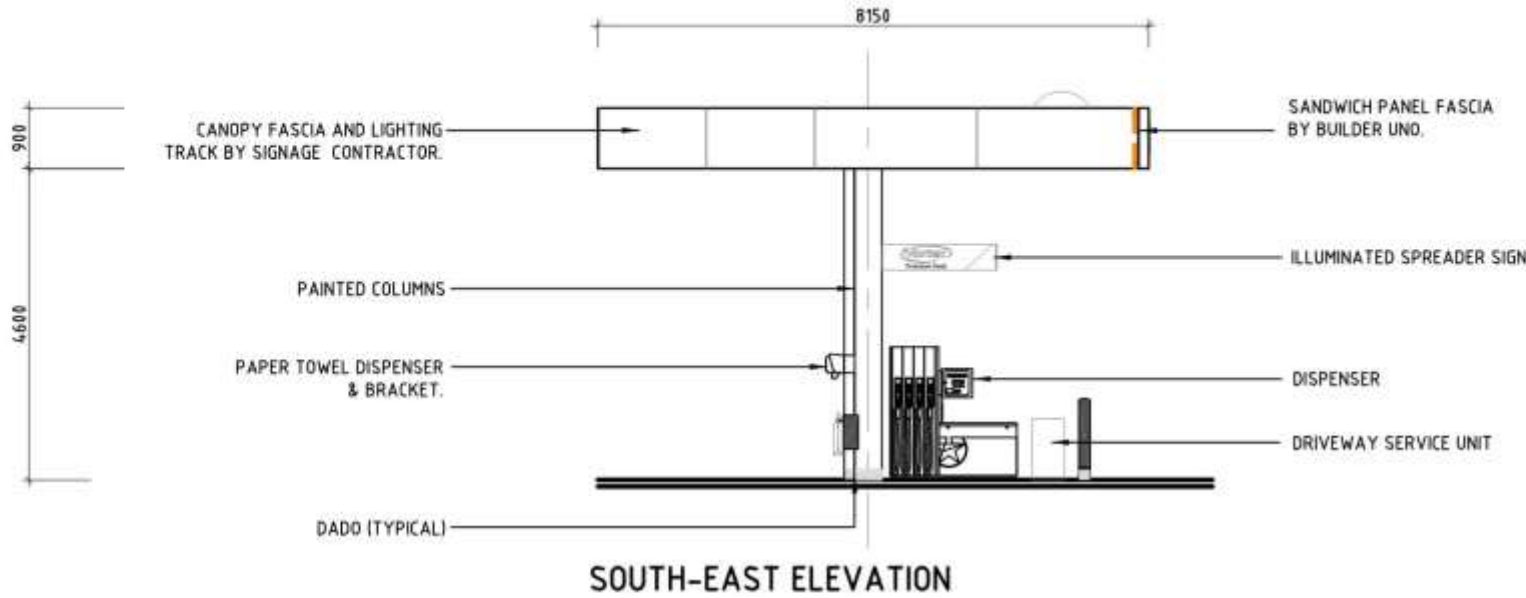
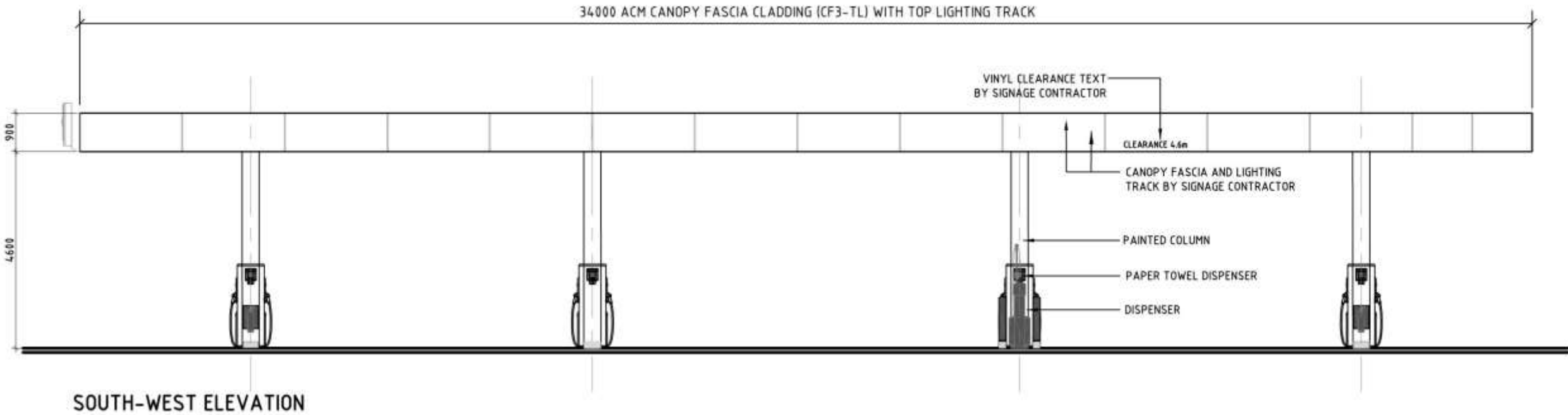
NORTH-WEST ELEVATION



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REVISION										

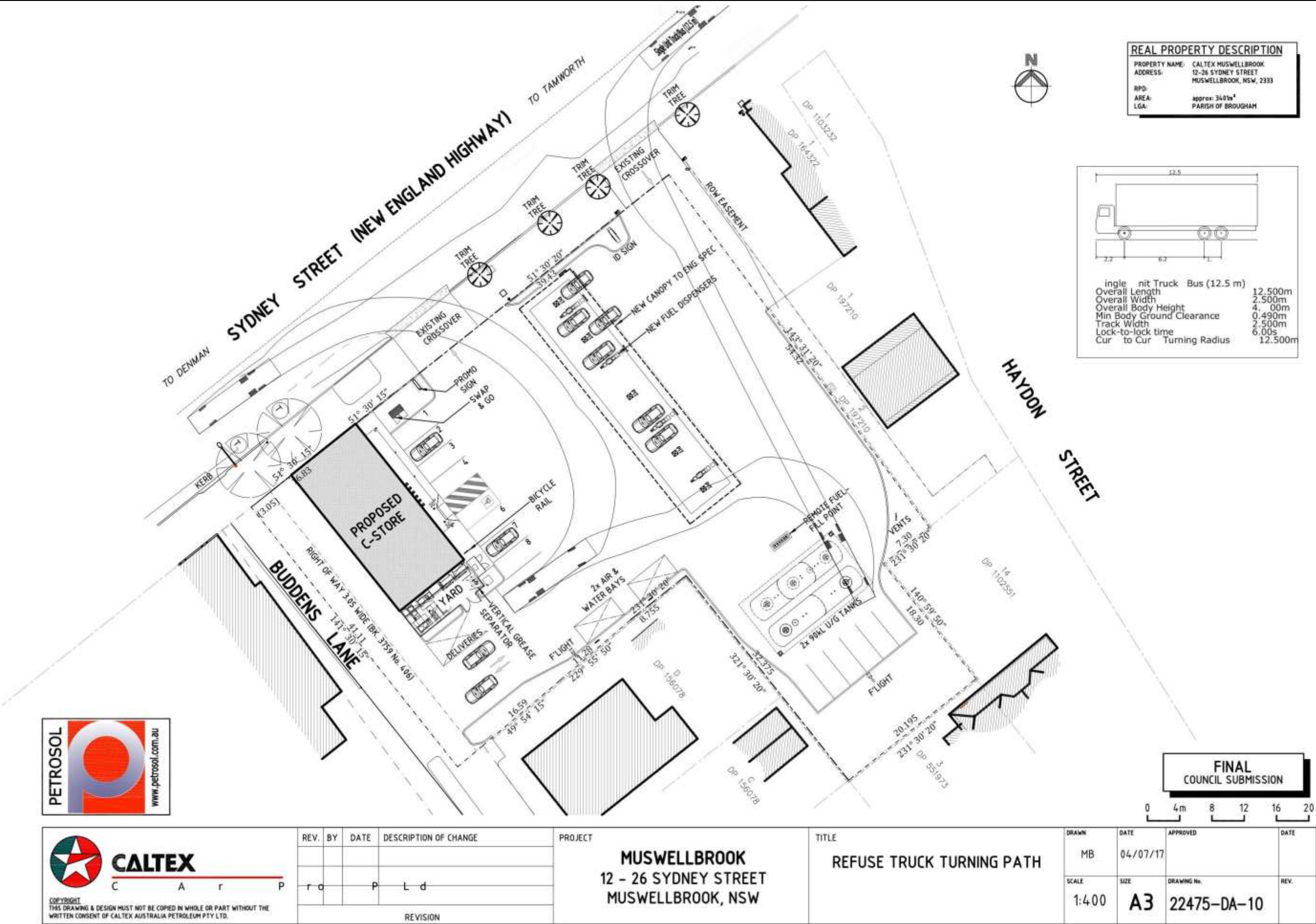


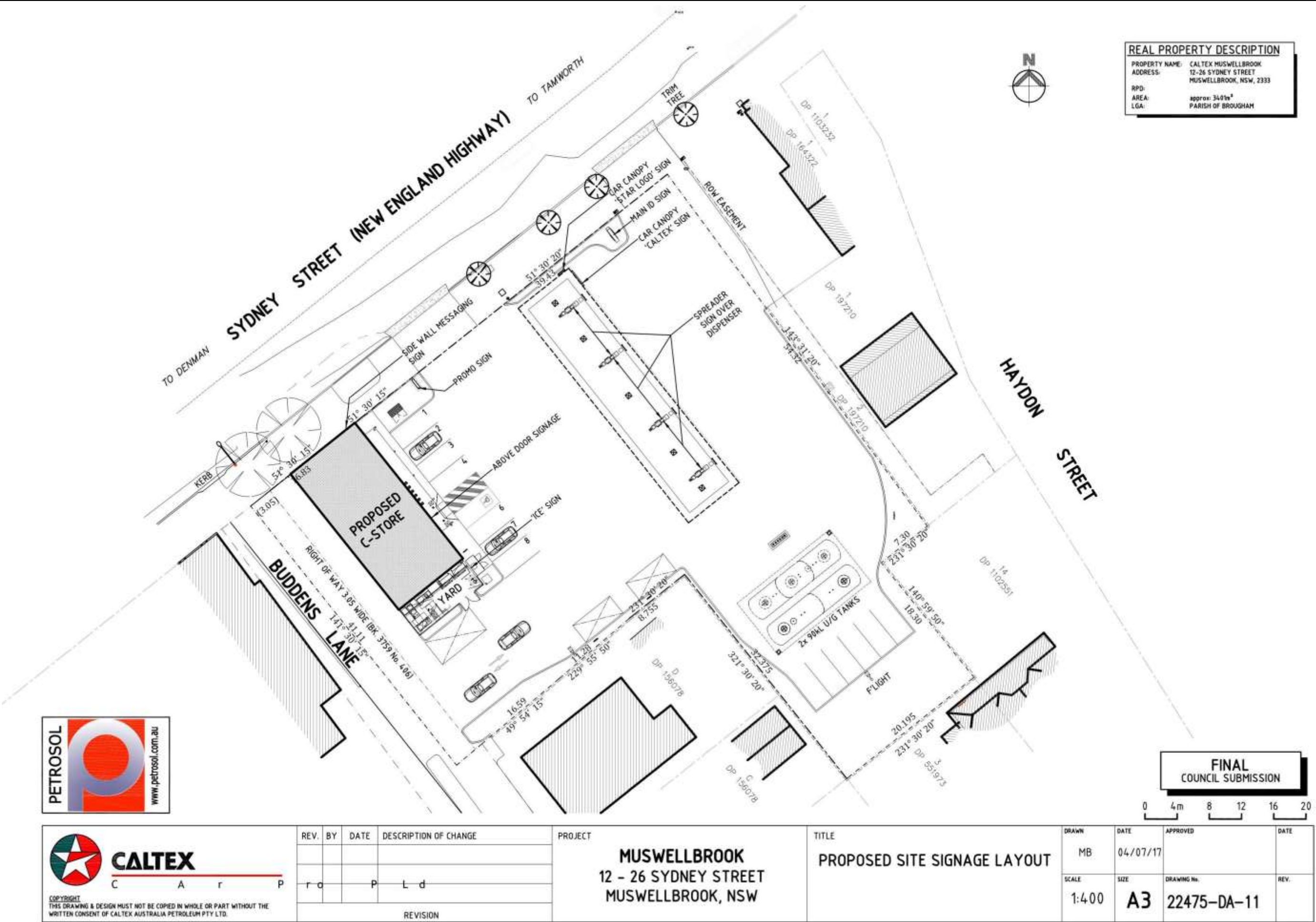
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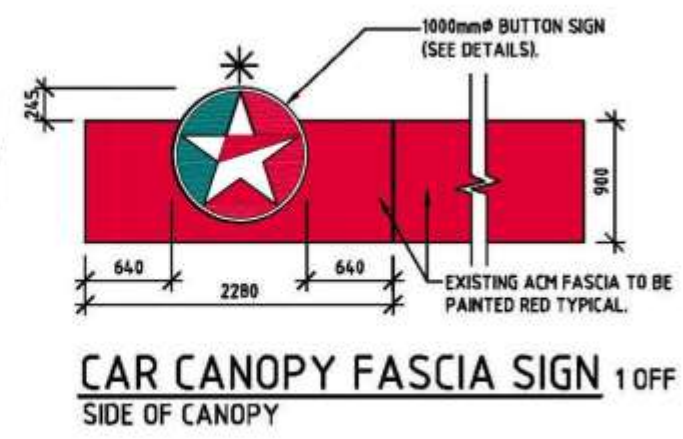
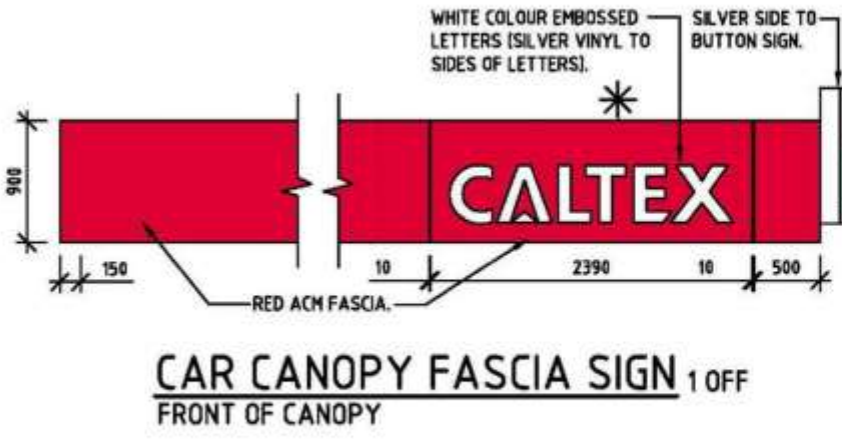
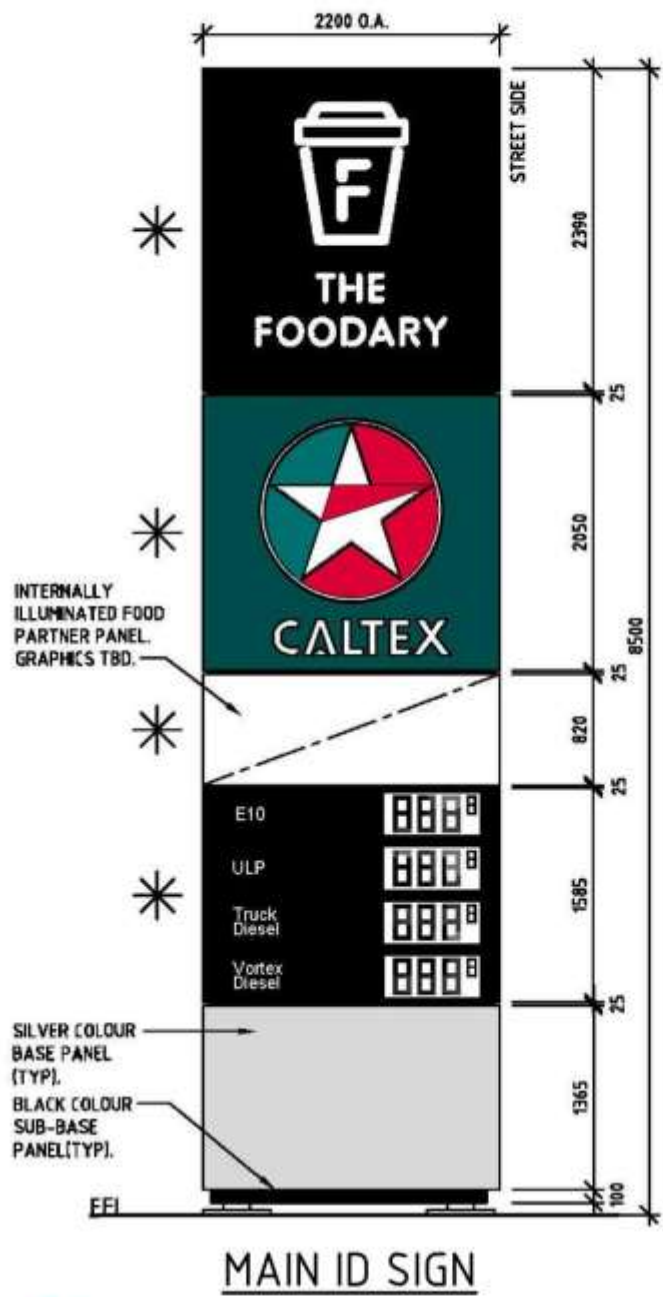


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							SCALE 1:100	SIZE A3	DRAWING No. 22475-DA-08	REV.
REVISION										









SIGN MANUFACTURER NOTE:
SIGNAGE PANEL SIZES & GRAPHICS ARE INDICATIVE ONLY. CONFIRM MEASUREMENTS ON SITE BEFORE MANUFACTURE. FOR FINAL DETAILS REFER TO APPROVED SIGNAGE ARTWORK SHOWING PANEL DETAILS & GRAPHICS ISSUED WITH SUPPLY CONTRACT.

* INTERNALLY ILLUMINATED ACRYLIC SIGN BOX

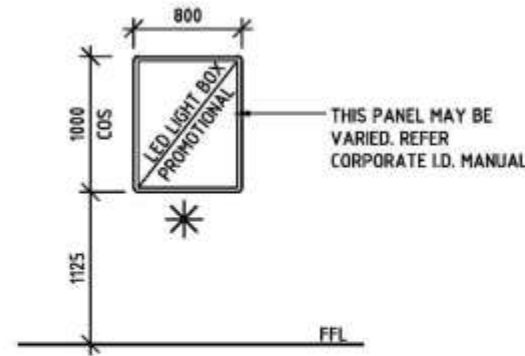


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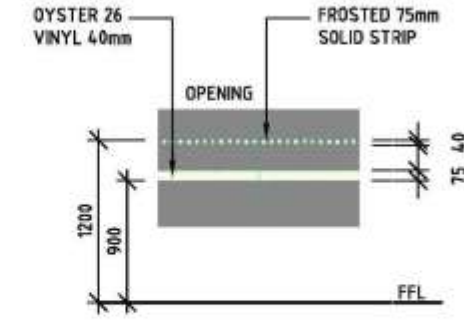
 COPYRIGHT THIS DRAWING & DESIGN MUST NOT BE COPIED IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF CALTEX AUSTRALIA PETROLEUM PTY LTD.	REV.	BY	DATE	DESCRIPTION OF CHANGE	PROJECT MUSWELLBROOK 12-26 SYDNEY STREET MUSWELLBROOK, NSW	TITLE SITE SIGNAGE DETAILS SHEET 1 OF 2	DRAWN	DATE	APPROVED	DATE
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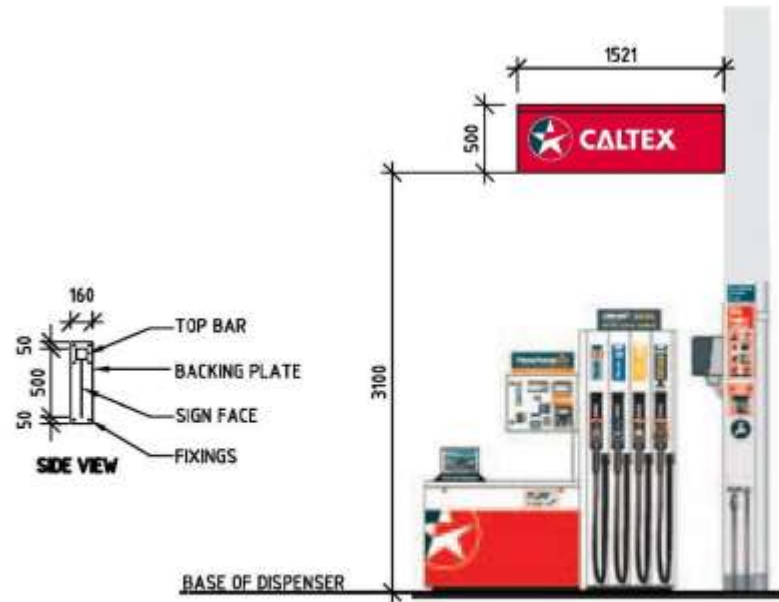
"THE FOODARY" PANEL
ABOVE DOOR SIGNAGE



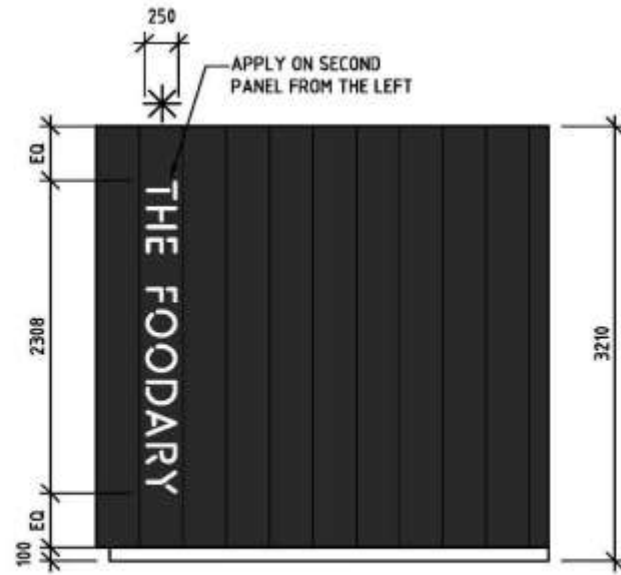
INTERNAL LED SHOP WINDOW
PROMO LIGHT BOX



SHOPFRONT SAFETY DECAL



SPREADER SIGN OVER DISPENSER



SIDE WALL MESSAGING SIGN



REFERENCE:

OYSTER SIGNAGE PACK

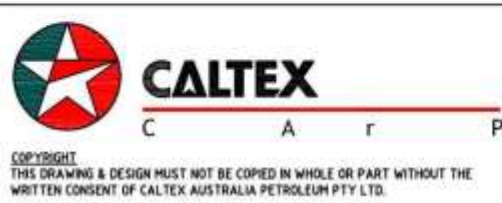
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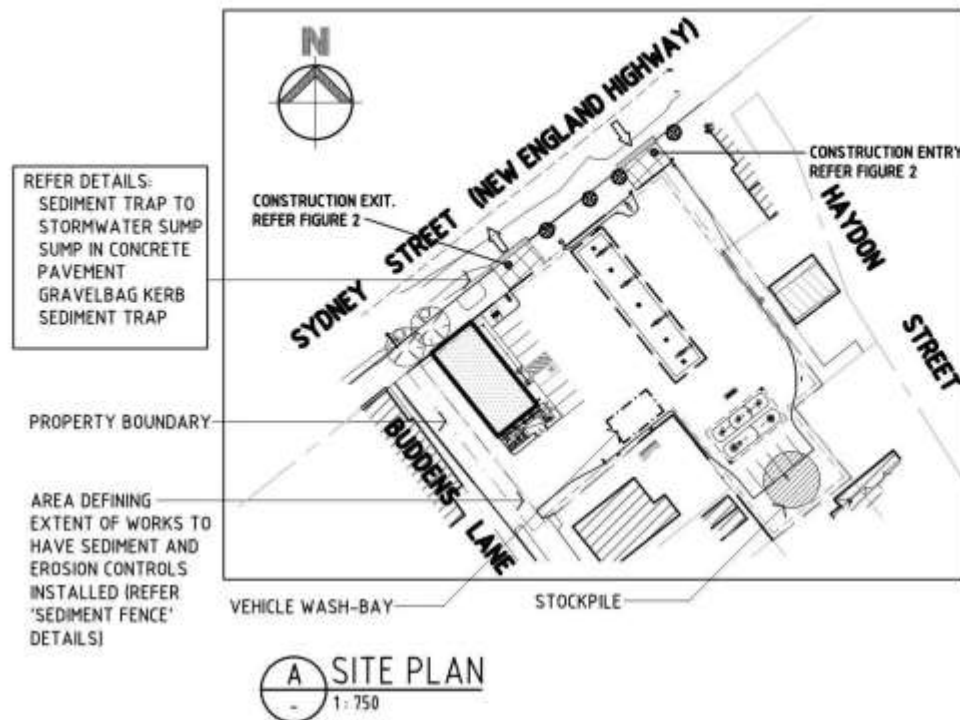


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REVISION			

PROJECT
MUSWELLBROOK 12-26 SYDNEY STREET MUSWELLBROOK, NSW

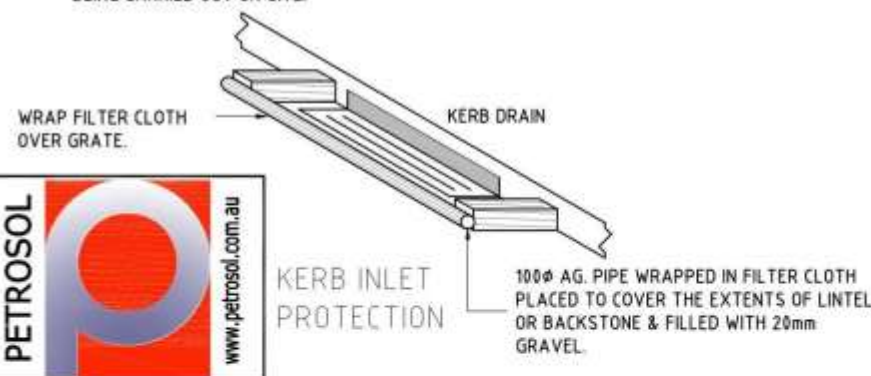
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SITE SIGNAGE DETAILS SHEET 2 OF 2

DRAWN	DATE	APPROVED	DATE
MB	04/07/17		
SCALE	SIZE	DRAWING No.	REV.
1:50	A3	22475-DA-13	



NOTES:

1. BUNDING TO BE POSITIONED AS REQUIRED TO SUIT WORKING & COUNCIL REQUIREMENTS SO AS NOT TO CAUSE NUISANCE & POLLUTION TO COUNCIL FOOTWAYS & ASSOCIATED AREAS.
2. SECURE & CLEAN ALL WORK AREAS AT COMPLETION OF EACH DAY.
3. SITE ACCESS POINTS ARE TO BE CONTROLLED BY THE BUILDER WHO IS TO ENSURE TEMPORARY REMOVAL & REPLACEMENT OF SILTATION CONTROL METHODS AREA SUFFICIENT TO ENSURE COMPLIANCE WITH THESE CONTROLS.
4. SILT FENCE SHALL NOT BE REMOVED UNTIL SITE HAS BEEN PAVED & SURFACED. BUNDWALLS SHALL BE LOCATED AROUND ALL PITS & MAINTAINED UNTIL THE CATCHMENT AREA HAS BEEN PAVED.
5. KERB DRAIN EXCLUDER SHALL INCORPORATE TRAFFIC CONTROL BARRICADES IN ACCORDANCE WITH AS1742.3, & SHALL NOT BE PLACED UNTIL WORKS ARE BEING CARRIED OUT ON THE FOOTPATH AREA, OR AS OTHERWISE DIRECTED BY COUNCIL.
6. ALL SEDIMENT TRAPS, EXCLUDERS, BUNDWALLS SHALL BE INSPECTED & CLEANED AFTER EACH STORM EVENT. DAMAGED OR CLOGGED BUNDING ARE TO BE REMOVED AND REPLACED.
7. THE BUILDER SHALL CARRY OUT ANY ADDITIONAL WORKS DEEMED NECESSARY AND DIRECTED BY COUNCIL TO BE CARRIED OUT.
8. THE SEDIMENT CONTROL PLAN SHALL BE IMPLEMENTED PRIOR TO ANY WORKS BEING CARRIED OUT ON SITE.



SEDIMENT AND EROSION CONTROL NOTES:

GENERAL

1. ALL SEDIMENT & EROSION CONTROL MEASURES TO BE IN ACCORDANCE WITH LOCAL COUNCIL'S GUIDE LINES.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

1. AVOID STRIPPING & EXCAVATING UNTIL READY TO BUILD.
2. INSTALL SEDIMENT FENCES.

BULK EARTHWORKS

1. AVOID STRIPPING & EXCAVATING UNTIL READY TO BUILD.
2. CONSTRUCTION OF AN ENTRY/EXIT POINT TO THE SITE SHALL BE MANAGED SO THAT SEDIMENT IS NOT TRACKED OFF THE SITE.
3. TOPSOIL SHALL BE STOCKPILED ON SITE FOR LATER USE.
4. WHERE PRACTICABLE MAINTAIN KERB VEGETATION IN A HEALTHY STATE DURING THE CONSTRUCTION PROCESS.
5. WHEN UP SLOPE WATER IS DIVERTED AROUND A WORK SITE IT SHALL BE DISCHARGED AS SHEET FLOW THROUGH AN UNDISTURBED AREA BESIDE THE WORKS.

SERVICES TRENCHES

1. TO AVOID UNNECESSARY SOIL EROSION, SERVICE TRENCHES SHOULD BE BACK FILLED, CAPPED AND COMPACTED TO A LEVEL AT LEAST 75-100mm ABOVE THE ADJOINING GROUND LEVEL.

BUILDING OPERATIONS

1. ERODABLE MATERIAL MISTAKENLY PLACED WITHIN THE ROAD RESERVE (INCLUDING ACCIDENTAL SPILLAGE AND TRACKING OF SUCH MATERIALS ONTO THE ROAD) THAT CANNOT BE PREVENTED THROUGH REASONABLE MEANS, MUST BE:
(a) REMOVED IMMEDIATELY IF RAINFALL IS IMMINENT OR OCCURRING.
(b) REMOVED PRIOR TO THE END OF THE DAY'S WORK IF RAINFALL IS NOT EXPECTED.
2. MATERIALS SHOULD BE SWEEPED FROM THE ROAD, NOT WASHED DOWN THE GUTTER.
3. ALL SOLID WASTE SHALL BE STORED ON SITE IN SUCH A MANNER THAT IT IS PREVENTED FROM LEAVING THE SITE EITHER BY THE ACTION OF WIND OR WATER.
4. SMALLER MATERIALS, SUCH AS LITTER, SHOULD BE CONTAINED IN COVERED BINS OR LITTER TRAPS FORMED ON THREE SIDES BY A GEOTEXTILE WIND BREAK.
5. CONCRETE WASTE WASHED FROM TRUCKS AND MIXERS UNITS SHALL BE CONTAINED ON SITE AND SHALL NOT BE PLACED IN A POSITION WHERE IT COULD REASONABLY BE EXPECTED TO WASH FROM THE SITE AND HARM THE ENVIRONMENT.

SITE REHABILITATION

1. ALL GROUND DISTURBED BY THE CONSTRUCTION ACTIVITY SHOULD BE PROMPTLY AND PROGRESSIVELY STABILISED SO IT CAN NO LONGER ACT AS A SOURCE OF SEDIMENT.

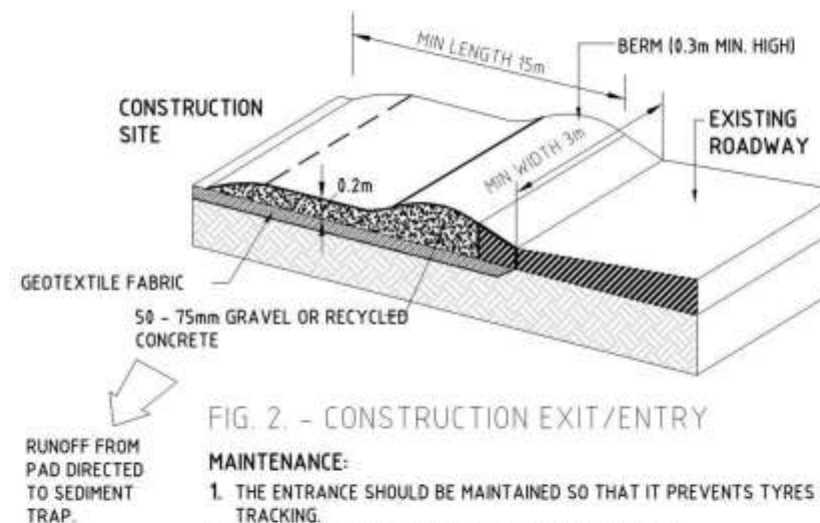


FIG. 2 - CONSTRUCTION EXIT/ENTRY

MAINTENANCE:

1. THE ENTRANCE SHOULD BE MAINTAINED SO THAT IT PREVENTS TYRES FROM TRACKING.
2. DRESSING WITH ADDITIONAL AGGREGATE IF REQUIRED.
3. REGULARLY REMOVE SEDIMENT FROM ROADWAY.

STOCKPILES

1. STOCKPILES ARE NOT TO BE STORED ON THE FOOTPATH OR THE ROAD RESERVE, UNLESS APPROVED BY COUNCIL.
2. WHERE NECESSARY STOCKPILE LOSSES CAN BE MINIMISED WITH THE USE OF COVERS.
3. ALL STOCKPILES AND BUILDING MATERIAL SHOULD BE LOCATED WITHIN THE SEDIMENT CONTROL ZONE.
4. TO MINIMISE EROSION AND THE LOSS OF SAND AND SOIL, STOCKPILES SHALL NOT BE LOCATED WITHIN AN OVERLAND FLOW PATH. IF IT IS IMPRACTICAL TO AVOID STORMWATER RUNOFF BEING DIRECTED TO A STOCKPILE, THEN A PERIMETER BANK SHALL BE CONSTRUCTED UP SLOPE OF THE STOCKPILE TO DIRECT RUNOFF IN A CONTROLLED MANNER AROUND THE STOCKPILE.

SEDIMENT BARRIERS

SEDIMENT FENCE

INSTALL SEDIMENT FENCE(S) ALONG THE LOW SIDE OF THE SITE, AND IDEALLY ALONG A LINE OF CONSTANT LAND LEVEL TO PREVENT THE CONCENTRATION OF STORMWATER RUNOFF. IN AREAS WHERE IT IS EITHER UNDESIRABLE OR IMPRACTICAL TO BURY THE LOWER EDGE OF THE SEDIMENT FENCE, THE LOWER 200mm (MIN) PORTION OF THE FABRIC SHOULD BE PLACED ON THE GROUND UP SLOPE OF THE FENCE AND BURIED UNDER A 100mm (MIN) LAYER OF AGGREGATE. SEDIMENT FENCES ON BUILDING SITES CAN BE STAPLED TO APPROXIMATELY 40mm SQUARE HARDWOOD POSTS OR WIRE TIED TO STEEL POSTS.

FIELD INLET GULLIES

SEDIMENT CONTROLS FOR STORMWATER INLETS LOCATED WITHIN THE PROPERTY BOUNDARIES MAY CONSIST OF GEOTEXTILE FABRIC PLACED EITHER DIRECTLY OVER THE GRATED INLET OR AROUND THE INLET SUPPORTED BY A TIMBER FRAME. FIELD INLET PROTECTION IS NECESSARY WHERE INLETS DRAIN AREAS OF BARE AND UNPROTECTED SOIL. DURING STORMS, PONDING SHALL BE ALLOWED TO OCCUR AROUND THE STORMWATER INLET TO ASSIST IN THE SETTLING OUT OF SEDIMENTS.

PAVEMENT INLET GULLY

A ROADSIDE INLET BARRIER IS TO BE INSTALLED, SO THAT IT SHALL NOT BE ALLOWED TO FULLY BLOCK THE INLET STRUCTURE. ON A HILLSIDE, SEDIMENT BARRIERS MAY CONSIST OF A TEMPORARY DAM CONSTRUCTED FROM SAND AND GRAVEL BAGS AT LEAST 4 METRES UP SLOPE FROM THE GULLY INLET.

MAINTENANCE

1. SEDIMENT FENCES SHOULD BE REPLACED IF THE FABRIC IS RIPPED OR OTHERWISE DAMAGED. THE MAINTENANCE OF THE SEDIMENT FENCES INCLUDES THE REMOVAL OF SEDIMENT DEPOSITED UP SLOPE OF THE FENCE AND RETRENCHING THE FABRIC WHEN THE FENCE IS 25% FULL.
2. FOLLOWING STORM EVENTS, THE ROAD RESERVE AND ALL SEDIMENT BARRIERS SHALL BE INSPECTED AND ANY EXCESSIVE SEDIMENT RESIDUE SHALL BE APPROPRIATELY REMOVED.

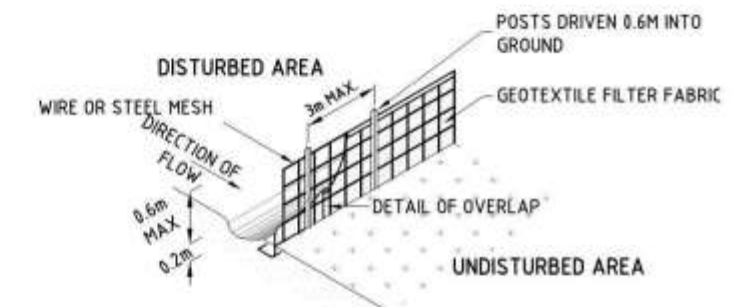
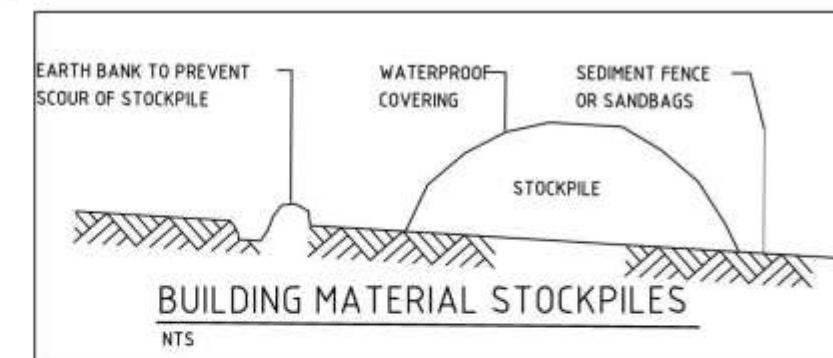
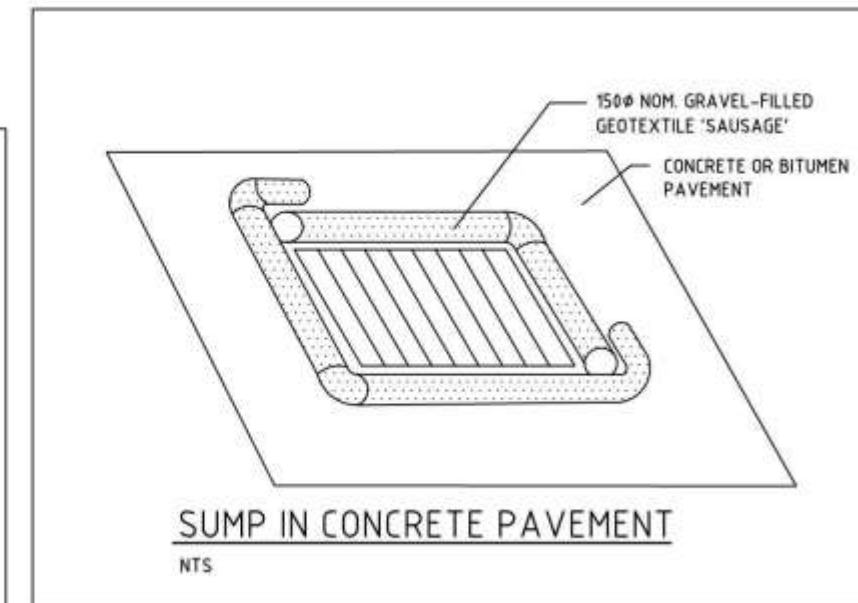
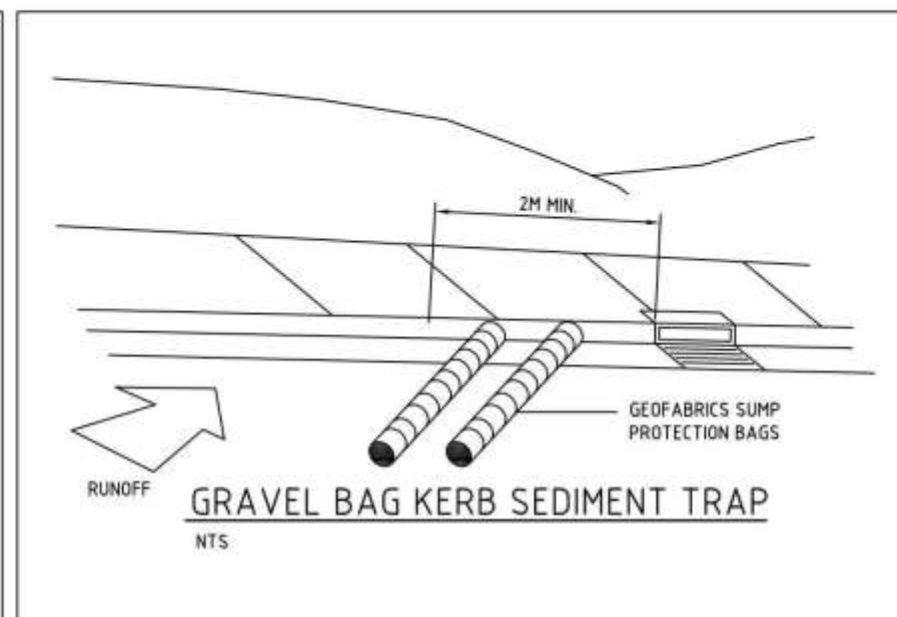
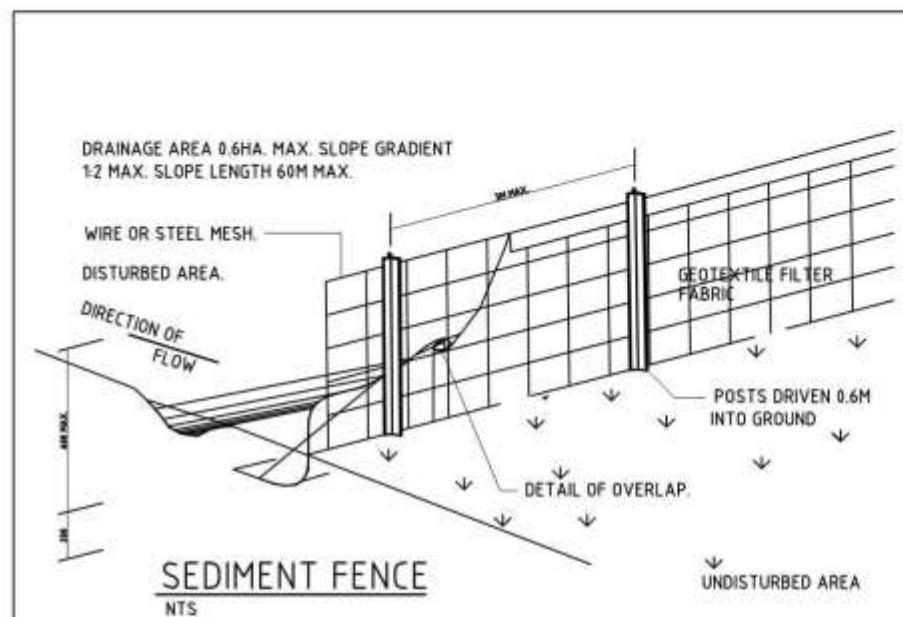
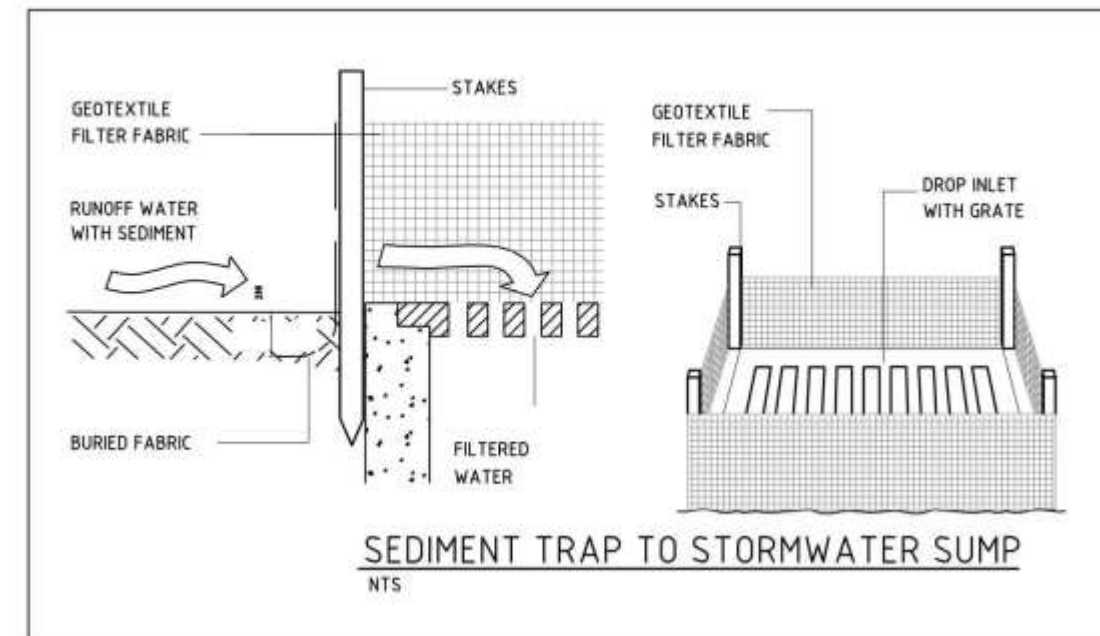
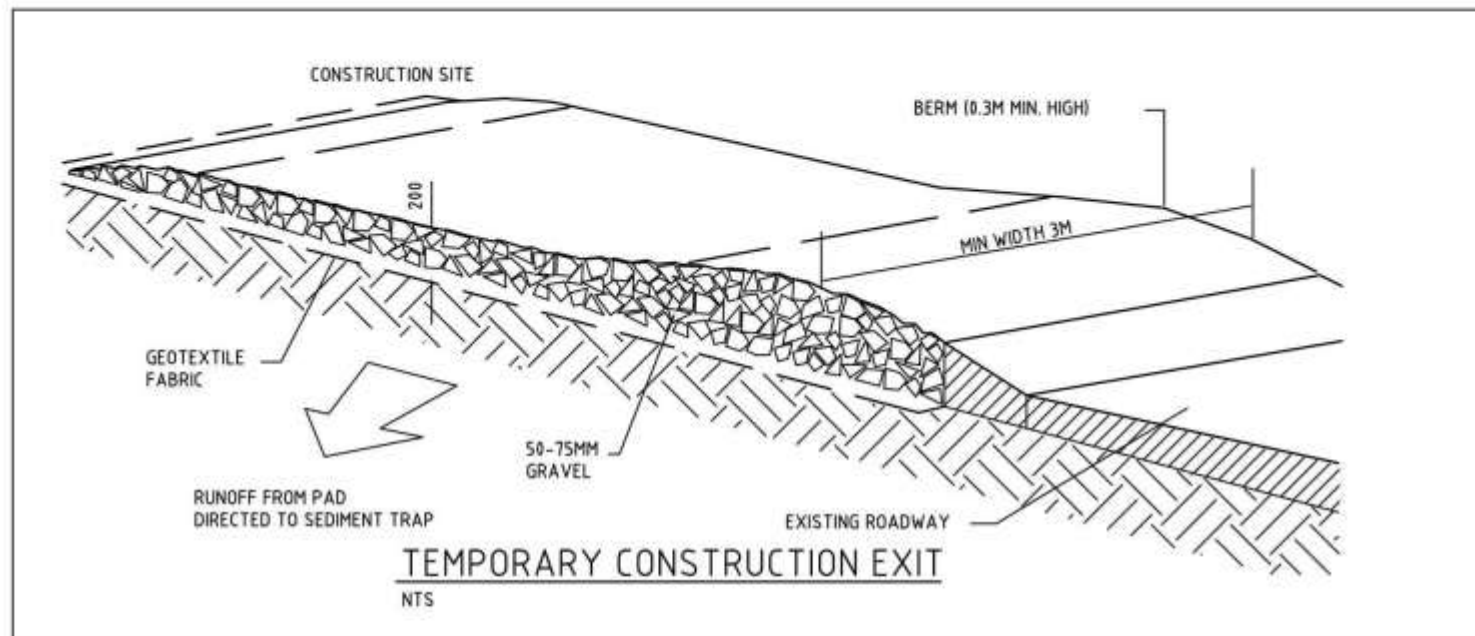


FIG. 1 - SEDIMENT FENCE

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FOR COUNCIL SUBMISSION

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							MB	04/07/17		
							SCALE 1:750	SIZE A3	DRAWING No. 22475-DA-14	REV.



REV.	BY	DATE	DESCRIPTION OF CHANGE
REVISION			

PROJECT

MUSWELLBROOK
12 - 26 SYDNEY STREET
MUSWELLBROOK, NSW

TITLE

SEDIMENTATION CONTROL DETAILS

DRAWN	DATE	APPROVED	DATE
MB	04/07/17		
SCALE	SIZE	DRAWING No.	REV.
1:200	A3	22475-DA-15	

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 WATER REFILL STATIONS

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Nelson Burand-Hicks - Sustainability Officer - Water
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Provide Council with a list of proposed and alternative projects prior to construction.</i>

PURPOSE

This report provides Council with details of the proposed design and location of water refill stations in Muswellbrook Shire.

OFFICER'S RECOMMENDATION

Council

1. Choose the 'Meet PAT' model water refill station; and
2. Choose 3 locations for installation of water refill stations.

Moved: _____ Seconded: _____

BACKGROUND

Water refill stations are permanently installed features which serve as a bubbler and a water bottle refilling station. Water refill stations are increasingly common throughout Australia, and can be utilised by residents and visitors. The installation of water refill stations in Muswellbrook Shire would provide social and environmental benefits, demonstrating Council's commitment to sustainability and promote "Muswellbrook Water".

These stations provide a number of benefits to the community and the environment including:

- Reducing the environmental impact of drinking bottled water by decreasing litter and the number of plastic bottles going to landfill;
- Help local families and visitors budgets by providing free drinking water, avoiding the purchase of bottled water;
- Encouraging active use of pedestrian areas by providing a freely available essential resource;
- Having changeable signage panels which can refer to sustainable practises such as waste minimisation, the health benefit of drinking water rather than soft drink, the importance of keeping our water catchment clean, etc.; and
- Wheelchair accessibility.

CONSULTATION

- Coordinator Sustainability
- Executive Manager Water and Waste
- Manager Waste Reuse & Environment Operations
- Senior Technical Officer – Waste
- Sustainability Officer – Waste
- Project Manager – Roads and Drainage
- Operations Manager
- Web & Publications Officer
- External [City of Ryde]
- External [Northern Beaches Council]
- External [Tamworth Regional Council]

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Scholes has been consulted in the preparation of this document.

REPORT

It is proposed that Council commence a program to install a number of water refill stations in select locations across Muswellbrook Shire. The water refill stations will be branded as “Muswellbrook Water” and consultation will occur for signage panel designs. The following models are available;

COMPARISONS OF DIFFERENT EXAMPLE WATER REFILL STATION MODELS

	OPTION 1 Meet PAT	OPTION 2 Aquafill	OPTION 3 aquaBUBBLER
OUTDOOR MODEL EXAMPLE			
	<u>MP-TQ-01-L</u> 1500mm high \$6200	<u>Type C</u> 2100mm high \$6230	<u>ABS14/15</u> 1500mm high \$3100
INDOOR MODEL EXAMPLE			
	<u>MP-TQ-01-C</u> 1300mm high \$5500	<u>Pulse</u> 1405mm high \$4140	<u>AB12MC7</u> 870mm high \$2100

Meet PAT is considered the preferred supplier as they have a modern and attractive design, built to have a degree of vandal resistance and are easily branded with messages and design. A summary of the pros and cons of each option is as follows;

	Option 1: Meet PAT	Option 2: Aquafil	Option 3: aquaBUBBLER
Positive	<ul style="list-style-type: none"> • Modern and attractive design • Robustly designed and built to have a degree of vandal resistance • Uniformity in design between all models • Easily branded with messages and design 	<ul style="list-style-type: none"> • Modern and attractive design • Robustly designed and built to have a degree of vandal resistance • Easily branded with messages and design 	<ul style="list-style-type: none"> • Lower price
Negative	<ul style="list-style-type: none"> • Higher price 	<ul style="list-style-type: none"> • Higher price • Lack of uniformity between all models 	<ul style="list-style-type: none"> • Aesthetic more suited to primary schools, etc. • Less robust design • More expensive and difficult to brand

This report recommends initially placing water refill stations in three highly frequented locations. This will allow Council to evaluate the process, and depending upon its success, promote and potentially implement water refill stations in other locations. Potential locations are shown in **Attachment A**.

OPTIONS

The following options assume that only one company is chosen so products have a uniform feel and look.

PRODUCT SELECTION: Council to choose one option

- **Option 1: (Preferred Option)** Install the 'Meet PAT' product. This is the preferred option as the units are more easily branded, offer a greater level of vandal resistance, have a similar design across all units and have an aesthetic that would fit well in public areas of the Shire. Additionally, if Council wishes to include indoor models Meet PAT has a more uniform design than the other two brands.
- **Option 2:** Install the 'Aquafil' product;
- **Option 3:** Install the 'aquaBUBBLER' product; or
- **Option 4:** Council does not proceed with installation of water refill stations.

LOCATION SELECTION: Council to decide location.

- It is recommended that the **3 locations** are chosen by Council for the installation of these units. Please refer to **Appendix A** for possible locations at Muswellbrook and Denman.
- There is current funding available for three water refill stations. Further purchases can be considered following evaluation of these stations and their community uptake.

CONCLUSION

It is recommended that Meet PAT be chosen as the preferred supplier of water refill stations and that units are installed at 3 locations chosen by Council.

SOCIAL IMPLICATIONS

This project is beneficial for public health and well-being by providing accessible publically available water.

FINANCIAL IMPLICATIONS

The funding for this project has been secured from a \$30,000 Better Waste and Recycling (NSW Environment Protection Authority) Grant.

Costs per unit		OPTION 1	OPTION 2	OPTION 3
		Meet PAT	Aquafil	aquaBUBBLER
Initial costs	Unit construction	\$6200	\$6230	\$3200
	Delivery	\$165	\$132	\$132
	Installation	\$2000	\$2000	\$2000
Subtotal		\$8365	\$8362	\$5332
Yearly costs	Annual cleaning & maintenance	\$250	\$250	\$250
	Water usage	\$7	\$7	\$7
Subtotal		\$257	\$257	\$257
TOTAL COSTS PER UNIT		\$8622	\$8619	\$5589
COST FOR THREE UNITS		\$25866	\$25857	\$16767
WITH 10% CONTINGENCY		\$28453	\$28443	\$18443

Notes:

1. Costs are GST exclusive
2. Where exact data unknown, best estimates were calculated
3. Ongoing yearly costs are expected to be in the order of \$257

POLICY IMPLICATIONS

This project has taken into consideration the Muswellbrook CBD Master Plan and Sustainability Action Plan.

STATUTORY IMPLICATIONS

This project does not have any statutory implications under the Local Government Act 1993.

LEGAL IMPLICATIONS

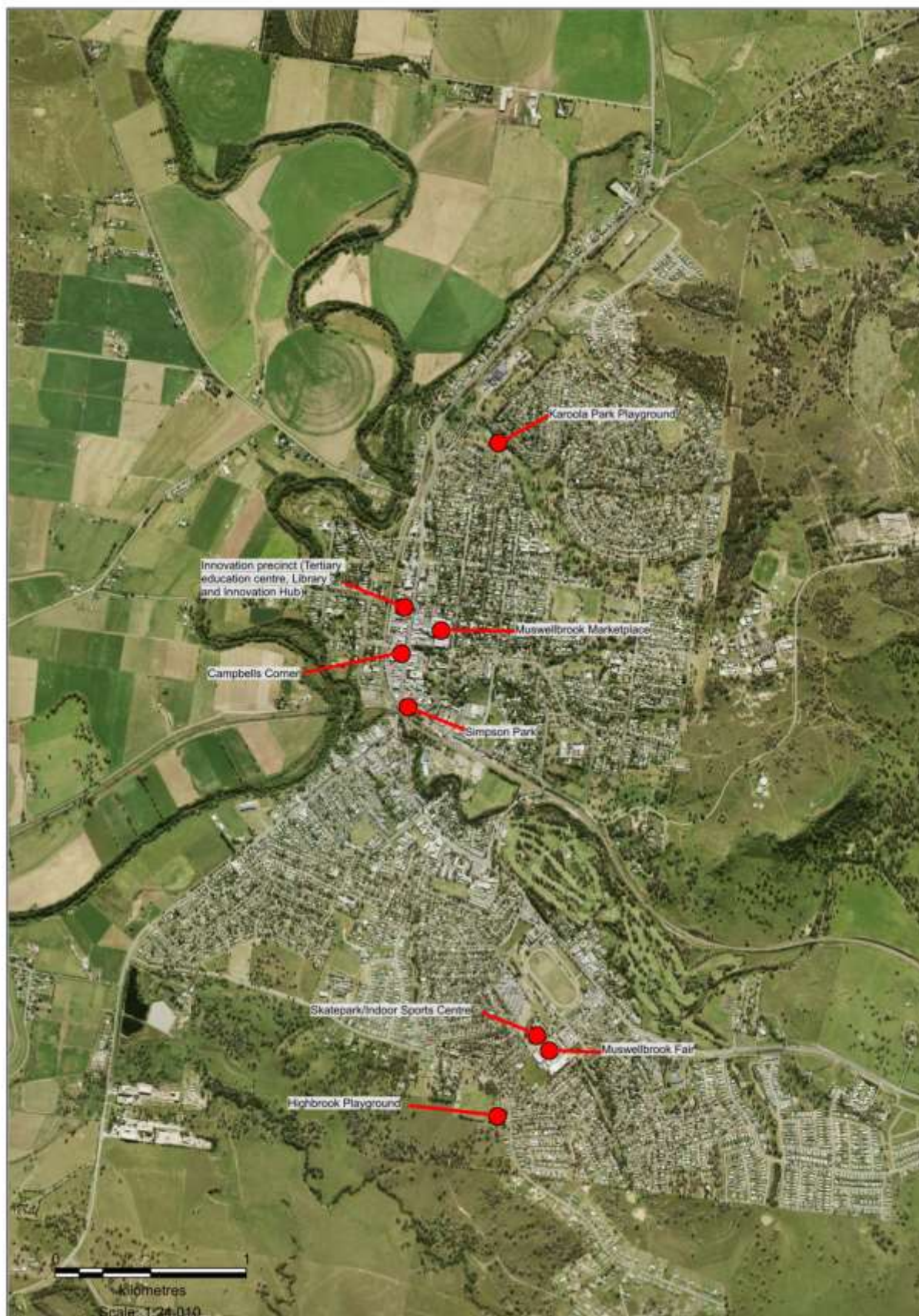
This project does not have any legal implications.

OPERATIONAL PLAN IMPLICATIONS

This project links to Delivery Program Objective 20.1, “*Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements*”.

RISK MANAGEMENT IMPLICATIONS

- *Vandalism*: The Meet PAT and Aquafil units have been robustly designed and built to have a degree of vandal resistance.
- *Hygiene and cleanliness*: Hygiene and cleaning schedules are incorporated into the costings of this report.
- *Slip hazard*: Location choice and appropriate installation considerations will address this risk.

**ATTACHMENT A:
POTENTIAL LOCATIONS****Muswellbrook**

Denman



12.2 ANNUAL REPORT

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
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>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To receive Council's endorsement of the 2016/2017 Annual Report prior to submission to the Office of Local Government.

OFFICER'S RECOMMENDATION

Council endorse the 2016/2017 Annual Report including the audited Financial Statements prior to their submission to the Office of Local Government.

Moved: _____ **Seconded:** _____

BACKGROUND

Under section 428 of the NSW Local Government Act, Council is required to report against the Principal Activities from the preceding financial year's Operational Plan. The Annual Report is required to be submitted to the Office of Local Government within 5 months of the end of the financial year (30th November), it must include a copy of the audited financial reports and be posted on the Council's website.

CONSULTATION

Director Planning Community and Corporate Services

Director Community Infrastructure

Chief Financial Officer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

The Annual Report is a requirement under the NSW Local Government Act and the Integrated Planning and Reporting Framework. Council must submit the Annual Report by the close of business on the 30th November 2017. The Annual Report is a public document providing an overview of the work of Council. It is one of the key points of accountability between a council and its community. The 2016/2017 Annual Report is designed to be easy to read, informative and of interest to the community; the Annual Report is required to focus on delivery of the Operational Plan and Delivery Program and help the community understand how Council performs both as a service provider and community leader.

The Annual Report does not need to be presented as one document; due to its size it is common for the Annual Report to be presented as a set of documents.

Copies of the Annual Report will be tabled at the Council meeting.

A copy of the Annual Report must be posted on Council's website and provided to the Minister by 30th November.

OPTIONS

It is a requirement under the NSW Local Government Act to submit an Annual Report by 30th November, including the audited Financial Statements.

CONCLUSION

The Annual Report and audited Financial Statements are provided for Council's endorsement prior to forwarding to the Office of Local Government.

SOCIAL IMPLICATIONS

The Annual Report not only meets Council's legislative requirements under the NSW Local Government Act but provides an opportunity to provide information about Council to the community.

FINANCIAL IMPLICATIONS

The Annual Report includes the audited financial report for the 2016/2017 financial year.

POLICY IMPLICATIONS

The Annual Report complies with the Integrated Planning Framework and associated policies.

STATUTORY IMPLICATIONS

The Annual Report must comply with statutory requirements under the NSW Local Government Act.

LEGAL IMPLICATIONS

The Annual Report needs to meet requirements under the NSW Local Government Act.

OPERATIONAL PLAN IMPLICATIONS

The Annual Report must report against the Principal Actions in the Operational Plan

RISK MANAGEMENT IMPLICATIONS

The Annual Report needs to be prepared in a timely manner to ensure it is approved by Council and lodged on time as required.

12.3 ENTERTAINMENT CENTRE DESIGN COMPETITION

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, Property & Building
Community Plan Issue:	<i>Develop Muswellbrook as a Regional Centre</i>
Community Plan Goal:	<i>Construct and maintain regionally significant infrastructure that facilitates regional service provision.</i>
Community Plan Strategy:	<i>Apply Shire Town Centre Masterplans, Development Control Plans and Regional Economic Development Strategies to support development of Muswellbrook as a Regional Centre.</i>

PURPOSE

To provide for Council's consideration the next stage of design for the proposed Entertainment Centre.

OFFICER'S RECOMMENDATION

Council endorse the proposed design competition for the Entertainment Centre subject to funding being recommended to Council by the Mt Pleasant Community Funding Investment Committee.

Moved: _____ **Seconded:** _____

BACKGROUND

Council at the Extra Ordinary Council Meeting held Wednesday 25 October 2017 considered a report on the proposed Entertainment Centre as a Special Rate Variation (SRV) project. It was resolved on the motion of Crs Foy and Bailey that:

1. Council endorse the proposed Entertainment Centre as project for funding under a Special Rate Variation application to the Independent Pricing and Regulatory Tribunal.
2. Council adjust the Long Term Financial Plan to include the budget for the construction of the Entertainment Centre in line with the preliminary business case and CAPEX review.
3. Council exhibit Stage 1 of the Entertainment Centre Concept Plan for a minimum period of 28 days;
4. Following public exhibition a report be submitted to Council; and
5. A Capital Expenditure Review be completed for the project.

Architects Design World Partnership (DWP) who prepared the Muswellbrook Town Centre Strategy and precinct plans prepared the concept plans for the Entertainment Centre. Council has placed Stage 1 of these concept plans on public exhibition. These concept plans provide parameters for functionality and footprint but leave the architectural features open. The next step in the design process is to progress the architectural elements including the appearance of the exterior.

CONSULTATION

dwp | design worldwide partnership

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Cr Rush, Councillor Spokesperson for Innovation, Land Use Planning and Heritage
Cr Foy, Councillor Spokesperson for Arts

REPORT

On the 2 November 2017 the Mt Pleasant Community Funding Investment Committee considered the concept of a contribution towards the design of this project. A further report is now being prepared for the committee's 16 November 2017 for a funding allocation. It is anticipated that a Voluntary Planning Agreement (VPA) funding contribution of \$500K could be available.

As reported at the October Extra Ordinary Council Meeting architectural and detailed design costs are estimated to be approximately \$1M. This due to the complexity of the project and the number of specialists consultants required. However, a funding allocation from the Mt Pleasant Community Funding Investment Committee of \$500K would meet the architectural design costs component of the Entertainment Centre.

The Entertainment Centre is proposed to be constructed in the Civic Precinct identified in both the Muswellbrook Town Centre Strategy and precinct plans. It is critical to the successful development of this precinct and the Entertainment Centre itself that the final design is respectful of Muswellbrook's heritage while being a landmark building for the town centre. Therefore it is proposed with the assistance of NSW Public Works Advisory (PWA) that Council conduct a design competition to achieve the best design outcome.

It is proposed it would be a two-stage competition with an initial open call for Expressions of Interest (EOI) open to local, regional and national architects. Following the stage-two process would select architects to develop designs. A small honorarium would be paid to each selected architect.

A steering committee would be formed to assist with deliberations of submissions with a recommendation to Council which would include public exhibition of designs.

OPTIONS

Council could choose to delay progressing the architectural design elements.

CONCLUSION

The final architectural elements of the Entertainment Centre are critical to the success of the project and the development of the Civic Precinct. If the Mt Pleasant Investment Community Funding Investment Committee are supportive of the project then the progression of design is recommended.

SOCIAL IMPLICATIONS

The provision of cultural infrastructure provides public amenity and the construction of an Entertainment and Convention Centre would further establish Muswellbrook as a regional centre.

FINANCIAL IMPLICATIONS

Consideration of \$500K as an allocation towards the architectural design of the Entertainment Centre.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Goals 2,4,17 and 19 of Council's *Delivery Program 2017-21* and *Operational Plan 2017-2018*

RISK MANAGEMENT IMPLICATIONS

The risk implications of proposed projects will be considered as part of the Capital Expenditure Review process.

12.4 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

Attachments: Nil

Responsible Officer: Fiona Plesman - Director - Planning, Community & Corporate Services

Author: Chloe Wuiske - Administration Officer
 Jade Richardson - Co-Ordinator, Customer Service & Administration
 Carolyn O'Brien - Manager, Community Services
 Pathum Gunasekara - Acting Manager, Planning & Regulatory Services

Community Plan Issue: *Progressive leadership*
Community Plan Goal: *That Muswellbrook Shire is well led and managed*
Community Plan Strategy: *Operational efficiency*

PURPOSE

Monthly report to Council.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING & REGULATORY SERVICES

1. Statistical Information

Note: Statistics for Section 149 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

Schedule 1: Development Applications Approved (22 September 2017 – 26 October 2017)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2017/65/2	S96(1a) Modification - Signage	15-17 Rutherford Road Muswellbrook	-
2004/408/3	S96(1a) Modification - Convert Storeroom into Retail Tenancy Shop 20A	19-29 Rutherford Road Muswellbrook	-
2017/80	Deck at Rear of House	54 Cook Street Muswellbrook	11,165

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2017/79	Swimming Pool & Associated Safety Barriers	612 Rosemount Road Denman	74,000
2017/78	Farm Shed	Bureen Road Denman	67,000
2017/69	New Rural Fire Station next to Existing Fire Station	Virginia Street Denman	468,000
2017/53	Extension to Existing Commercial Building	6 Wilkins Street Muswellbrook	76,000
2017/33	Converting a Shed to a Granny Flat	93 Queen Street Muswellbrook	30,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2017/94	Five (5) Rural Workers Dwellings	3367 Golden Highway Jerrys Plains	25/10/2017	1,400,000
2017/93	Two (2) Carports	17 Wilson Street Muswellbrook	25/10/2017	18,000
2017/92	Demolition of Existing Garage and Erection of New Garage	4 Wilder Street Muswellbrook	24/10/2017	24,600
2017/91	Signage	15-17 Rutherford Road Muswellbrook	23/10/2017	30,000
2017/90	Deck at Rear of House	7 Malbec Street Muswellbrook	23/10/2017	17,344
2017/89	Construction of a New 3/4 Effluent Drain Sump to Replace Existing Sump	Savoy Parish County Durham	19/10/2017	215,000
2017/88	Internal Alterations to Existing Car Dealership and Replace Existing Signage with New Illuminated Signage	116 Bridge Street Muswellbrook	18/10/2017	40,000
2017/87	Internal Commercial Shop Fitout and Installation of Business Sign	19-29 Rutherford Road Muswellbrook	18/10/2017	7,500
2017/86	Garage with Awning	26 Lexia Street Muswellbrook	13/10/2017	15,100
2017/85	Install Manufactured Home	80 Wollombi Road Muswellbrook	10/10/2017	130,000
2017/84	Steel Carport	71 Humphries Street Muswellbrook	09/10/2017	6,200
2017/83	Swimming Pool & Associated Safety Barrier	162 Almond Street Denman	29/09/2017	19,000
2017/82	Two (2) Factory Units and Two (2) Commercial Offices	14 Glen Munro Road Muswellbrook	27/09/2017	600,000
2017/81	Change of Use - Function Facility - Bed & Breakfast - Tea Room	310 Denman Road Muswellbrook	19/09/2017	6,000
2017/77	New Dwelling	50 Ogilvie Street Denman	25/08/2017	198,000
2017/76	Renovations and Additions to Racing and Function Centre	16 Sheppard Avenue Muswellbrook	24/08/2017	4,000,000
2017/73	Caravan Park - Continuation of Use	1618 Merriwa Road Sandy	28/07/2017	-

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
		Hollow		
2017/70	Boarding House	14 Haydon Street Muswellbrook	26/07/2017	1,150,000
2017/67	Demolition of Existing Service Station & Construction of New Service Station	12-20 Sydney Street Muswellbrook	10/07/2017	1,998,653
2017/66	Refurbishment and Extension of Existing RSL Building	2-4 Isobel Street Denman	10/07/2017	3,666,099
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	-
2017/59	Deconstruction and Rebuilding of Heritage Belfry	20 Brook Street Muswellbrook	20/06/2017	75,000
2017/57	Construction of Ford and Isuzu Showroom, Vehicle Display and Signage	113 Maitland Street Muswellbrook	14/06/2017	445,459
2000/212/6	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017	-
2003/72/2	S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 Maitland Street Muswellbrook	21/04/2017	-
2017/38	Garage, Awning & Driveway	45 Sowerby Street Muswellbrook	19/04/2017	30,000
2017/25	Mobile Crushing Plant	11 Glen Munro Road Muswellbrook	21/03/2017	40,000
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	10/03/2017	-
1995/10098/3	S96(2) Modification - Additional Small Irrigation Area & Amend Conditions	Savoy Parish County Durham	30/01/2017	-
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016	5,000

4.07.01.1 - On-site sewage management systems meet regulatory standards. Ensure all on site sewage management systems have necessary approvals and inspections are to be carried out.

On-site Wastewater Statistics - 13 Month Analysis (2016/2017)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications Received (new installation)	1	1	2	3	0	1	0	1	1	0	0	1	2
Applications Approved (new installation)	2	0	3	3	0	4	0	1	0	1	1	2	4
Inspections (new system)	1	0	1	0	0	0	0	0	0	0	0	2	1
Inspections (existing system)	33	51	61	83	4	31	8	6	31	14	26	1	11

4.01.01.1 - Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2016/2017)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Sites Inspected	3	2	1	0	0	0	0	0	0	0	0	0	2
Total non-compliant and educated	2	0	1	0	0	0	0	0	0	0	0	0	0
Total compliance after education	1	0	1	0	0	0	0	0	0	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

4.06.01.1 - Increase surveillance and regulation of illegal dumping.

Illegal Dumping Statistics – 13 Month Analysis (2016/2017)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Investigations	1	4	3	5	1	3	2	3	5	2	5	4	3
Total Clean up by Council - insufficient evidence	1	3	2	3	1	2	2	3	3	2	1	2	3
Total Clean Up by individual	0	0	0	2	0	0	0	0	0	0	3	2	0
Total Penalty Notices Issued	0	0	1	0	0	0	0	0	0	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	0	1	0	0	0	0	0	0	2	0	0	0	0

4.04.04.4 - Enhance public safety and wellbeing of the community by undertaking an inspection program for swimming pools within the Local Government Area

Swimming Pool Compliance Statistics – 13 Month Analysis (2016/2017)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications for Compliance Certs.	2	0	2	1	3	2	3	2	1	0	1	2	1

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	23	18	25	17	20	19	42	25	19	8	19	29	27
Initial Inspections	21	14	19	17	15	16	27	19	1	4	17	23	21
Re-inspections	2	4	6	0	5	3	15	6	18	4	2	6	6

Compliance Certs / Occ. Certs issued	11	12	16	8	9	22	26	18	27	7	15	21	21
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Total Pools in Council's Swimming Pool Register = 857

Compliance as at 30 June 2017 = 63.7%

Current Compliance = 70.6%

(i.e. 605 out of 857 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

Percentage of pools inspected during Financial Year 2017/2018 = 7.1%

(i.e. 61 out of 857 pools have had at least one inspection carried out during FY 2017/2018. Council's program outlines that we will inspect 10% of pools per year).

COMMUNITY SERVICES

Aquatic Centres

Learn to Swim

In August there were 402 people enrolled in learn to swim. There has been a significant increase in the number of patrons enrolled in the learn to swim program over September and October with a current total of 502 patrons. During October this equated to 872 pool visits.

Muswellbrook Gym

Staff are working on further promotion of the Gym through both the Summer newsletter, which is in production, and personal visits to potential user groups and businesses. In August there were 683 individual visits to the Muswellbrook Gym this increased to 867 during October, 2017.

General Entry – Muswellbrook

August, 2017 – 3652 individual visits

September, 2017 – 4972 individual visits

October, 2017 – 7466 individual visits

Programs

Aqua Aerobics – Muswellbrook

August, 2017 – 85 individual visits

September, 2017 – 140 individual visits

October, 174 individual visits

Community Partnerships

Monthly update to Manager

5.3.3 Identify a new location for Upper Hunter Youth Services and provide support to the organisation regarding their relocation

Staff continue to work with the Upper Hunter Youth Services on the relocation of their operations.

5.6.1 Seek funding that supports the delivery of leadership training in local sporting groups that raises awareness of providing sporting opportunities for people with disabilities.

Ability Links will be delivering an event that raises awareness of options and opportunities for people with disabilities on 2 December at the Stan Thies Centre. Staff have been assisting in the preparation of the centre for this event.

10.1.1 Facilitate and support the Aboriginal Culture and Heritage working group

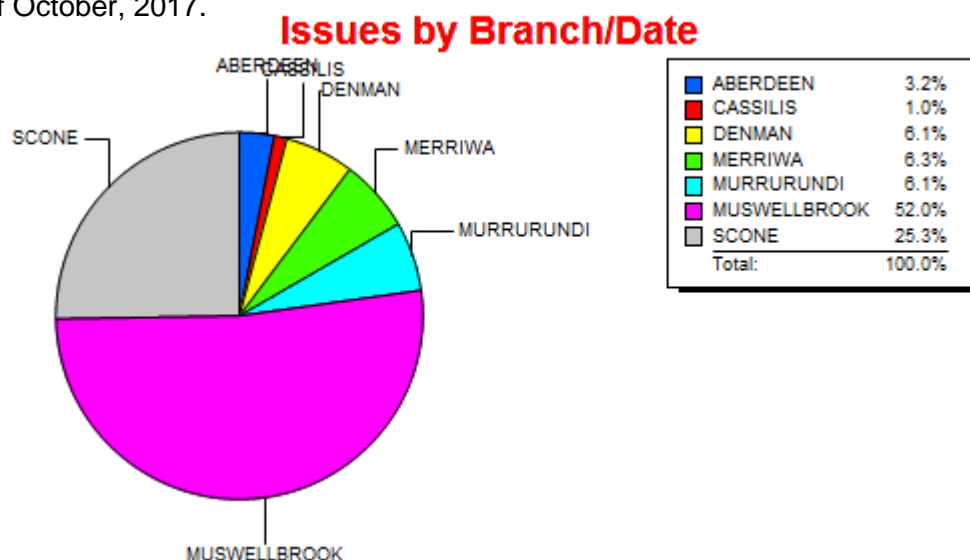
Meetings of the Aboriginal Culture and Heritage working group are convened as required.

10.1.2 At least two events are held annually to celebrate and promote Aboriginal Art and Culture

A section of the current Local Art Prize Exhibition is representative of the Aboriginal Community. In addition the Muswellbrook High School's enrichment group, Polly Farmer, are also currently exhibiting at the Muswellbrook Regional Arts Centre. This exhibition will close on 22 December, 2017.

Upper Hunter Regional Library**Borrowing**

The following graphic provides details of the percentage of issues by Branch across the Upper Hunter for the period of October, 2017.



This equates to the following number of physical items loaned (this excludes digital lending);

Aberdeen – 186 items

Cassilis – 57 items

Denman – 355 items

Merriwa – 371 items

Murrurundi – 357 items

Muswellbrook – 3045 items

Scone – 1481 items

New Members by Branch

Denman – 4

Muswellbrook – 57

Programs**Brain Training**

The feedback from the current cohort of “brain training” participants has been extremely positive. This group has met with great enthusiasm each week to improve their cognitive function via the use of puzzles and memory games. During the eight week program, each individual scores the relevant tests and sets improvement goals in particular areas such as memory, right/left brain function, puzzle solving etc. This very popular program will continue with a new group of participants in coming weeks.

Local Studies

During October there were a variety of themes associated with ancestry research and local historical information. This included;

- Research assistance using Ancestry
- Research assistance Muswellbrook Cemeteries
- Research help with Curran family history
- Research on Henry John Jeans and Loxton House
- Assistance with a Danish Birth, Deaths and Marriages certificate transcription.

This month's group meeting was cancelled due to conflicting staffing needs during the Library Management System implementation.

Library Management System

A shared library management system between Singleton Library and the Upper Hunter Library Network has been initiated at all eight libraries across the Upper Hunter. This project was led by the Upper Hunter Library Network's Technical Services librarian. The system is cloud technology based and will allow a number of innovative functions and shared digital resourcing.

Muswellbrook Regional Arts Centre

MUSWELLBROOK REGIONAL ARTS CENTRE

18.2.1 Deliver a minimum of five exhibitions each year.

The following exhibitions opened 6pm Saturday 29 October 2017 and remain on exhibition until 22 December 2017:

- Muswellbrook Local Art Awards 2017
- Graham (Polly) Farmer Foundation – Muswellbrook Student Works

The following exhibitions open 6pm Friday 5 January 2018 and remain on exhibition until 4 March 2018:

- Stencil Art Prize 2017
- Coming in Waves – Sue Beiboer
- Reflecting on Nature: Birdlife studies in oil and through the lens – Bernice, Mark and Mitchell O'Mahoney
- Max Watters – the Contemporary Collector

18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize.

The Muswellbrook Art Prize opened for entries on 1 November 2017. Entries close 19 January. An exhibition of finalist works will take place from 11 March to 6 May 2018.

18.2.4 Partner with local education providers on enhancing the MRAC's work with local education providers.

Goodstart Early Learning Muswellbrook exhibited work in the Wollemi Gallery between 3 September and 22 October 2017. The exhibition was well received by the visiting public. Three group visits from Goodstart Early Learning were hosted during the exhibition period.

Students from Muswellbrook High School exhibited photographs in the Ramp Gallery between 3 September and 22 October 2017. A people's choice prize was included as part of the exhibition with good participation from the visiting public. Three out of fourteen works available for purchase were sold from the student exhibition.

Year 2 classes from Muswellbrook South Public School visited on 31 October, and 1, 2, 3 November. The groups toured the exhibitions and links were made between the artworks on exhibition with their current unit of learning –places and people’s connections to them. Students also participated in drawing activity. Discussions about possible future collaborations with Muswellbrook South Public School have been initiated, including student exhibition.

18.2.5 At least one Artist in Residence (AiR) Program is delivered each year.

AiR proposal submissions have been invited and close 1 December 2017. The successful applicant will be notified 15 December 2017 and the budget negotiated with them.

18.2.6 Investigate opportunities to improve regional support and recognition of the Muswellbrook Regional Arts Centre.

Two More Trains for Singleton visit to Arts Centre published in Hunter Valley News Wednesday 18th October 2017.

The Arts Centre’s Instagram account has increased from 213 to 340 followers over the past quarter.

18.4.1 Provide ongoing financial membership and management support to Arts Upper Hunter.

The following initiatives are currently being delivered, supported or prepared by Arts Upper Hunter;



The Upper Hunter Arts Trail Weekend will be held on 18-19 November 2017; some 50 galleries, studios, pop up exhibitions, museums and wineries across the Upper Hunter will be open over this weekend. The trail will include painting, ceramics, fabric art, sculpture, photography, local history, great food, great wine, great accommodation and the Great Arts Trivia Quiz. There’s no set route. Depending on where you’re coming from, the trail can be modified to suit individual itineraries. On Saturday night, 18 November, quiz master Mike Pritchard from ABC Radio Upper Hunter and comedian Ethan Andrews, host the Great Arts Trivia Quiz at the Muswellbrook Regional Arts Centre. Prizes have been donated by local artists and craftspeople and light refreshments will be provided. Tickets are \$20 and strictly limited.

Speed Dating for visual artists (Dungog) was held on 25 October and provided a great opportunity for 15 local visual artists to spend seven minutes one on one with each of five gallery professionals. The gallery dates include Elissa Emerson (Public Programs Officer, Muswellbrook Regional Arts Centre), Christopher Saunders (General Manager, Renew Newcastle), Rachel Saunders (Director, Gloucester Gallery), Brigette Uren (Cultural Director, Maitland Regional Gallery) and Ahn Wells (Owner and Director, Gallery 139).

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 25 OCTOBER 2017

Attachments:	Nil
Responsible Officer:	Steve McDonald - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
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>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 25 October 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Infrastructure Committee Meeting held on Wednesday 25 October 2017 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Infrastructure Committee met on Wednesday 25 October 2017.

The Minutes of the meeting are attached for the information of the Councillors.

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr B.N. Woodruff (Chair), Cr M. Rush, Cr S. Bailey, Cr J.F. Eades, Cr J. Foy, Cr M. Green, Cr J. Ledlin, Cr G. McNeill, Cr S. Reynolds and Cr S. Ward.

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr J. Wisniewski (Manager, Waste Re-use Operations), Mr M. Lysaught (Manager, Property & Building), Ms G. Bobsien (Executive Manager, Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr S. Brooks, Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Reynolds and Bailey that:

The apologies for inability to attend the meeting submitted by Cr. J. Ledlin, Cr. M. Bowditch and Cr R. Scholes, be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Green and Foy that:

The Minutes of the Infrastructure Committee held on 27 September 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 WASTE COMPLIANCE REPORT

RECOMMENDED on the motion of Crs Bailey and Ward that:

The information contained in this report be noted.

5.2 2017-2018 Q1 CI CAPITAL WORKS STATUS REPORT

RECOMMENDED on the motion of Crs Bailey and Eades that:

Council note the information contained in the 2017-2018 Q1 Community Infrastructure Capital Works Status Report updated to 30 September 2017.

Cr McNeill arrived at 4.35pm

5.3 PERFORMANCE REVIEW OF COUNCIL'S STREET SWEEPING CONTRACT FOR THE FIRST QUARTER OF 2017-2018

RECOMMENDED on the motion of Crs Rush and Bailey that:

The information contained in this report be noted.

5.4 CONTAINER DEPOSIT SCHEME - AUDIT TO DETERMINE ELIGIBLE CONTAINERS IN KERBSIDE RECYLING

RECOMMENDED on the motion of Cllrs Bailey and Green that:

The information contained in this report be noted.

7 DATE OF NEXT MEETING

29 November 2017

8 CLOSURE

The meeting was declared closed at 4.46 pm.

.....
Mr S. McDonald
General Manager

.....
Cr B. Woodruff
Chairperson

**13.2 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE
MEETING HELD ON WEDNESDAY, 25 OCTOBER 2017**

Attachments:	Nil
Responsible Officer:	Steve McDonald - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
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>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Corporate Policy And Planning Committee held on 25 October 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 25 October 2017 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Corporate Policy And Planning Committee met on Wednesday 25 October 2017.

The Minutes of the meeting are attached for the information of the Councillors.

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr B.N. Woodruff (Chair), Cr M. Rush, Cr S. Bailey, Cr J.F. Eades, Cr J. Foy, Cr M. Green, Cr J. Ledlin, Cr G. McNeill, Cr S. Reynolds and Cr S. Ward.

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr J. Wisniewski (Manager, Waste Re-use Operations), Mr M. Lysaught (Manager, Property & Building), Ms G. Bobsien (Executive Manager, Economic Development & Innovation), Ms N. Cowley (Manager, Corporate Services), Mr S. Brooks, Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The apologies for inability to attend the meeting submitted by Cr. J. Ledlin and Cr. M. Bowditch be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and McNeill that:

The Minutes of the Corporate Policy & Planning Committee held on 27 September 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 FLOODPLAIN RISK MANAGEMENT COMMITTEE

RECOMMENDED on the motion of Crs Rush and Reynolds that:

The information contained in this report be noted subject to Cr Ward and Cr Scholes being included as members.

5.2 REPORT ON INVESTMENTS HELD AS AT 30 SEPTEMBER 2017

RECOMMENDED on the motion of Crs Rush and Ward that:

The information showing Council's investments as at 30 September 2017 be noted and the exceeded trading limits on four parent issuers be accepted.

5.3 DENMAN MEMORIAL HALL

RECOMMENDED on the motion of Crs Foy and Ward that:

1. Council exhibit the concept for Denman Memorial Hall restoration for a minimum period of 28 days; and
2. Following public exhibition a report be submitted to Council.

6 DATE OF NEXT MEETING

29 November 2017

7 CLOSURE

The meeting was declared closed at 5.11 pm.

.....
Mr S McDonald
General Manager

.....
Cr S. Bailey
Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS**17 QUESTIONS FOR NEXT MEETING****18 ADJOURNMENT INTO CLOSED COUNCIL**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

19 CLOSED COUNCIL**RECOMMENDATION**

That 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:

19.1 WEST DENMAN URBAN RELEASE AREA KENILWORTH STREET EXTENSION

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 AWARD OF TENDER FOR THE SUPPLY & INSTALLATION OF NEW MEMBRANE FILTERS FOR DENMAN WATER TREATMENT PLANT - 2016-2017-0296

Item 19.2 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.

19.3 RAIL NOISE ABATEMENT PROJECT - DESIGN AND PROJECT MANAGEMENT TENDER

Item 19.3 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.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 12 DECEMBER 2017