



**muswellbrook  
shire council**

**ORDINARY COUNCIL MEETING  
ATTACHMENTS**

**31 AUGUST 2021**

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**DEVELOPMENT ASSESSMENT REPORT**

<b>ADDRESS:</b>	LOT197 DP 752444, LOT 199 DP 752444 Sandy Creek Road, McCullys Gap, 2333
<b>APPLICATION No:</b>	2021/33
<b>PROPOSAL:</b>	Continued Operation of a Wind Monitoring Tower (Electricity Generating Work)
<b>OWNER:</b>	Mr T J Clendinning
<b>APPLICANT:</b>	Epuron Projects Pty Limited Level 11, 75 Miller Street North Sydney 2060
<b>AUTHOR:</b>	Mr H A McTaggart
<b>DATE LODGED:</b>	15 April 2021
<b>ADD. INFO REC'D:</b>	18 June 2021
<b>DATE OF REPORT:</b>	16 August 2021



## 1.0 SITE DESCRIPTION

The development application for the continued operation of a wind monitoring tower has been lodged for Lots 197 and 199, DP 752444, Sandy Creek Road, McCullys Gap. The Tower is mostly located on Lot 199, with one anchor point and some guy wires on Lot 197. The lots are shown red in Figure 1. The total area of these lots is approximately 70.6 hectares.

The land has previously been utilised for rural purposes and has been subject to selective vegetation clearing and pasture improvement. The land is zoned RU1 Primary Production under the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009). This land use zone promotes agricultural development and protects the agricultural potential of rural land. The land adjoins other properties also zoned RU1 Primary Production land.

The subject land is approximately 15.3 kilometres north-east of the centre of Muswellbrook.

The land is identified as bushfire prone by the NSW (Rural Fire Service (RFS) Bushfire Map.

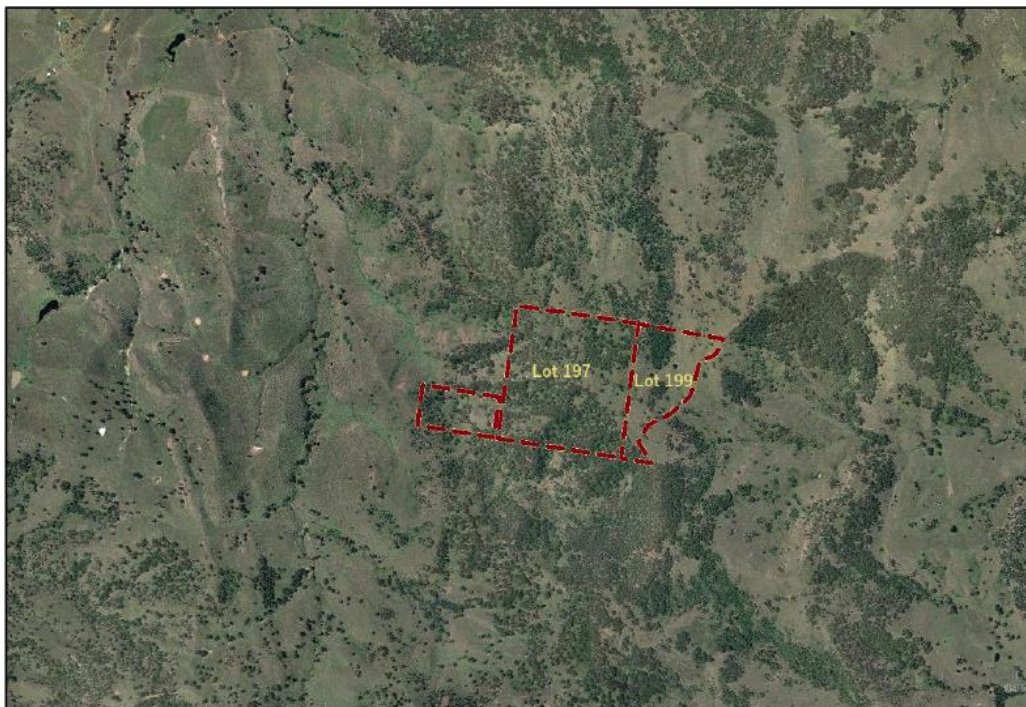


Figure 1 - Aerial Image of Lots 197 and 199, DP 752444, Sandy Creek Road, McCullys Gap

## 2.0 DESCRIPTION OF PROPOSAL

The development involves approval to continue to operate a Wind Monitoring Tower (Electricity Generating Work). The tower enables collection of data on the wind conditions in the area.

Aspects of the development include:

- The monitoring tower consists of a steel lattice mast and supporting cables;
- The mast is less than 110 m in height and has concrete foundations;
- The guy-wires are attached to the mast at varying heights and to the ground at anchor footings located either 35 m or 70 m from the mast.

- The tower has been designed in accordance with the following Australian Standards:
  - AS 3995 Design of steel lattice towers and masts; and
  - AS/NZS 1170.2 Structural design actions Part 2: Wind actions;
- The mast is fitted with instruments for measuring wind speed and direction, pressure and temperature;
- The mast is also equipped with a solar panel, lightning rod and data loggers;
- The mast and each of the guy-wire anchor points are contained within individual fences; and
- The mast also is fitted with an anti-climb barrier.

The development was originally built as exempt development under the provisions of Clause 39 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). As the development has been in place for more than 30 months it no longer meets the criteria for exempt development.

Approval is also sought for routine maintenance that is proposed to be undertaken annually or as required to replace or repair damaged equipment. The maintenance works involves testing, refurbishment or replacement of monitoring equipment, as well as checking the condition of the mast and supporting guy wires.

### **3.0 REFERRALS**

#### **3.1 External Referrals**

The proposed development was not required to be referred to any external Government Agencies for comment / consideration.

However, CASA was notified of the development for comment and provided the following recommendations:-

- The installation of 'Marker Balls to Outer Guy Wires' be a condition of approval and the arrangement is to be verified to ensure that pilots can easily visually acquire the marker balls.
- The Department of Defence (Estate and Infrastructure Group) be consulted as defence aircraft could be in the area at low altitudes and at night. Consequently, there could be a case for obstacle lighting at night permanently or until nearby wind turbines are constructed.

Defence requested the proponent provide ASA with "as constructed" details, which was fulfilled. Conditions will be provided in the notice of determination reflecting these comments, should the proposal be supported.

#### **3.2 Internal Referrals**

No internal referrals seeking comment.

#### 4.0 ASSESSMENT

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

##### Section 4.15 Matters for Consideration

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

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

##### 1. Muswellbrook Local Environmental Plan 2009

##### Land Use Zoning and permissibility

The subject site is zoned *RU1 – Primary Production* under the MLEP 2009.

The RU1 Primary Production land use table has been included below for reference.

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

*Extensive agriculture; Home occupations; Intensive plant agriculture*

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

*Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; **Environmental facilities**; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Function centres; Group homes; Hazardous industries; Health consulting rooms; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industrial retail outlets; Information and education facilities; Intensive livestock agriculture; Kiosks; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Service stations; Sewerage systems; Signage; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming; Veterinary hospitals; Waste disposal facilities; Water supply systems*

##### 4 **Prohibited**

*Any other development not specified in item 2 or 3*

Given the purpose of the tower is to gauge wind speed, direction and duration, the use is best characterized under the Muswellbrook Local Environmental Plan 2009 (MLEP) as an "environmental facility", which is defined in the Dictionary to the MLEP as follows:

**Environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

Under the Land Use Table of the MLEP, an "environmental facility" is permitted with consent on land zoned RU1 Primary Production.

##### Objectives of the RU1 Primary Production Zone

The relationship of the proposed development with the RU1 Primary Production zone objectives and land use table has been considered below.

The RU1 Primary Production land use zone objectives are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.
- To maintain the rural landscape character of the land in the long term.
- To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not—
  - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or
  - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or
  - (c) visually intrude into its surroundings, except by way of suitable screening.
- To protect or conserve (or both)—
  - (a) soil stability by controlling development in accordance with land capability, and
  - (b) trees and other vegetation, and
  - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and
  - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.

The proposal would be in keeping with these land use zone objectives. The proposal would continue the use of the development and its purpose of providing data on the wind conditions in the area for a restricted period to be determined by Council. The structure is considered to be in a suitable location and is not expected to cause conflict with adjoining land uses. These outcomes are consistent with a number of the RU1 Primary Production land use zone objectives.

#### Relevant Clauses applicable under MLEP 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. <b>Complies</b>
<i>2.7 Demolition requires development consent</i>	<b>Not relevant</b>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	<b>Not relevant</b>
<i>4.3 Height of buildings</i>	The maximum building height applicable to the land and proposed development under the provisions of the MLEP 2009 is 12 metres. To achieve the practical outcome of monitoring wind the towered needs to be more than 12m tall.

	<p>The height of the development is 110 metres. A variation to the development standard is required under the provisions of Clause 4.6 (see below). The proponent has submitted a Report as part of the SoEE to justify the contravention to the development standard. The proponent has provided sufficient environmental planning grounds to justify the breach of the development standard and the development control height limit is considered unreasonable and unnecessary in this instance.</p> <p>The Wind Monitoring Tower is sited nearby existing structures (e.g. telecommunication, electricity transmission etc.) of similar height would not be out of character with adjoining development. Additionally, the development is located within a rural area with the nearest residence located 3.4 km north-west of the mast. The development is a slim structure (width of approximately 0.55 m), occupying a negligible portion of the panoramic views from the locality.</p> <p>Privacy incursion, overshadowing and visual impact would be negligible.</p> <p>CASA Aviation Group confirmed they had no issues with the development provided 'Marker Balls are attached to Outer Guy Wires' to ensure pilots can easily visually acquire the marker balls.</p> <p>Defence determined there is minimal risk to flying safety due to the tower's low height and location on the edge of the R538B restricted flying area.</p> <p><b>Variation justified</b></p>
<b>4.4 Floor space ratio</b>	<b>Not applicable</b>
<b>4.6 Exceptions to development standards</b>	In accordance with the provisions of Planning Circular PS 20-002 - variations to development standards for Clause 4.6 Council must determine the application rather than staff under delegation.
<b>Part 5 Miscellaneous provisions</b>	
<b>5.10 Heritage conservation</b>	<p>The development site is not located within a heritage conservation area or include an item of environmental heritage.</p> <p>A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites or places are recorded in or</p>

	<p>near the development site. Therefore, Council Officers are satisfied that the development may proceed in accordance with the requirements of this Clause.</p> <p><b>Complies</b></p>
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
7.6 Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <li>(a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></li> <li>(b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></li> <li>(c) <i>the quality of the fill or the soil to be excavated, or both,</i></li> <li>(d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></li> <li>(e) <i>the source of any fill material and the destination of any excavated material,</i></li> <li>(f) <i>the likelihood of disturbing relics,</i></li> <li>(g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></li> </ul> <p>Construction has already occurred as exempt development.</p> <p><b>Complies</b></p>

## 2. State Environmental Planning Policy (Infrastructure) 2007

The proposal for a wind monitoring tower (built 24 July 2018) was originally identified as exempt development under the provisions of Clause 39 of the SEPP. After a period of 30 months the tower is no longer exempt development. The proponent has lodged an application with Council for consent.

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

This Policy contains planning provisions for hazardous and offensive development and aims to ensure that adequate consideration is given to the likely impacts of such development. This Policy also aims to identify industries or activities which may be potentially hazardous or offensive via the production of a Preliminary Hazard Analysis (PHA).

Additional information provided by the proponent 18 June 2021 demonstrates that the wind monitoring tower is suitably sited and has not produced hazardous waste products during its construction or operation. Additional protection is provided through separation distances and natural screening (i.e. topography) between the site, the closest residences and other areas with sensitive land uses. Hence, visual impacts are negligible at nearby residences or other



surrounding areas with sensitive land uses. The nearest private receiver is located approximately 3.4 km north-west of the mast. Other receivers are located at least 3.8 km south-west of the mast

The wind monitoring tower is not identified as a type of potentially hazardous or offensive development by the NSW Department of Planning, Industry and Environment publication that informs the application of SEPP No 33.

It is satisfied that the proposal does not involve a potentially hazardous or potentially offensive development and thereby further assessment of this development against the SEPP provisions is not required.

#### **4. State Environmental Planning Policy (Koala Habitat Protection) 2021**

This Policy applies in the Muswellbrook Shire Council local government area. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas.

Clause 11 of the Koala SEPP applies when there is no approved KPOM that applies to the land. Furthermore, Clause 11(3) states that the local council may grant development consent if the development is likely to have low or no impacts on koalas or koala habitat.

The subject land is zoned RU1 Primary Production and no tree clearing has occurred or will occur in order to accommodate the development. The wind monitoring tower and associated access tracks were sited in areas of pasture. By avoiding the removal of trees, the development did not result in any impacts to koalas or koala habitat. As such, it is considered that the proposed development does not pose a risk to any potential Koala habitat and that the provisions of SEPP 2021 have been met.

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

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

- (a) It has considered whether the land is contaminated, and*
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject land has been historically utilised for agricultural purposes, primarily grazing. A detailed assessment was not undertaken by the applicant, with information indicating the risk of discovering significant land contamination within the site would be considered low. However, a preliminary SEPP 55 investigation was completed by the land owner.

The proponent has advised the historical use of the site is unlikely to have resulted in contamination. Furthermore, there are no known previous investigations regarding contamination on the subject land or land use restrictions issued by the EPA. In this regard, it is considered the proposed site is suitable for the development and no further investigation is required.

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

There are no draft EPIs relevant to the subject Application.

**Section 4.15(1)(a)(iii) the provisions of any development control plan**Development Control Plan – Principles of DevelopmentSection 3 – Site Analysis

The development has been designed to comply with the provisions of the *Commonwealth Civil Aviation Safety Regulations 1998* (CASA Regulations 1998) and Australian Standards AS 3995 Design of steel lattice towers and masts; and AS/NZS 1170.2 Structural design actions Part 2: Wind actions.

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

Section 8 – Rural and Environmental Zone Development**8.2 Built Form****8.2.1 Scenic Protection and Building Location**

The earthworks for the construction of the development were minimal did not have a detrimental impact on environmental functions and processes, and uses of the surrounding land. The development also allows for adequate separation distances from sensitive receptors and exists in a suitable rural environment.

The provisions of this Part have been satisfied.

**8.2.2 Setbacks**

The wind monitoring tower is located with adequate setbacks from all lot boundaries. The development is in accordance with this Section of the DCP.

**8.2.3 Colours and materials**

The development has been considered against the provisions of Section 8.2.3 of the DCP and the requirements of the SEPP. The information submitted with the development application indicates that the materials used in the development are not highly reflective. The visual impact of the Tower is considered to be negligible given the proportion of area it occupies in relation to the panoramic topography. The Wind Monitoring Tower is in accordance with the relevant requirements of the legislation and can be supported.

**8.2.4 Car parking and Access**

Council Officers are satisfied that informal car parking proposed would meet the relevant DCP off-street car parking requirements.

**8.3 Environmental Matters****8.3.1 Topography**

The DA is for the continued use of a development. The impacts on surrounding land, and other land resources such as water supply catchments is considered to be negligible. Appropriate management measures will be in place to ensure that the operations of the development are sustainable, and impacts are kept to a minimum. At the end of the period of its use the Tower is to be decommissioned and removed from the land.



### 8.3.2 Vegetation

The development is existing and does not require the removal of any trees or vegetation from the site. Furthermore, as there are no new construction works proposed as part of the development there are no requirements under the Biodiversity Conservation Act 2016.

A Flora and Fauna Impact Assessment was prepared prior to the construction of the development. The Study identified the development site does not contain any land shown on the Biodiversity Values Map (prepared pursuant to the Biodiversity Conservation Regulation 2017). As such, the development did not trigger the requirement for a Biodiversity Development Assessment Report.

The existing development has avoided impacts to any threatened ecological communities listed under the *Environmental Protection and Biodiversity Conservation Act 1999* by limiting ground disturbance to areas of grassland.

### 8.3.3 Riparian buffers

The existing development complies with the provisions of this section and the works were not undertaken within a riparian buffer area.

### 8.3.6 Buffers

The closest residential property is located approximately 3.4 kilometres from the Tower. Adequate buffer distances are provided between development and residential uses and it is considered the agricultural potential or residential amenity of surrounding land will not be diminished as a result of the development proposal. The development also complies with Section 22 of the DCP.

## Section 15 – Heritage Conservation

The site is not located within a Heritage Conservation Area and does not include an item of environmental heritage. A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has also shown that no Aboriginal sites or places are recorded in or near the development site. Therefore, Council Officers are satisfied that the development may continue its existence given that it complies with the requirements of this Clause and has no impact on any items of heritage significance.

## Section 16 – Car Parking and Access

Council Officers are satisfied that the informal off-street car parking provided would meet the relevant off-street car parking requirements.

## Section 20 – Erosion and Sediment Control

To ensure adequate sediment and erosion control measures are incorporated into any maintenance in the future a recommended condition of consent has been put forward requiring the submission of a plan addressing these requirements.

## Section 24 – Waste Management

This section of the DCP requires development applications to be accompanied by a waste minimisation management plan in relation to the construction and operation of proposed development.

A condition of consent will be imposed, to assist in minimising any future waste from continued maintenance/works, in order to meet the requirements of this section in the DCP.

#### Section 25 – Stormwater Management

The proposed development would increase stormwater runoff to a minor extent. No objection is raised to the development from a stormwater management perspective. Recommended conditions of consent have been put forward around the construction and operational management of the stormwater system for any future works.

#### Section 94 Contributions Plan 2001

Section 7.11 (Formerly Section 94) Contributions are not applicable to the proposed development.

#### Section 94A Contributions Plan 2009

In accordance with Council's Section 94A Contribution Plan a Section 7.12 (formerly Section 94A) developer contribution would be applicable to the proposed development at a rate of 1% of the total estimated capital investment value.

The proposed development would have a capital investment value of \$150,000.00 and thereby a contribution of \$1,500.00 would be applicable should the development application be approved.

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

There are no planning agreements relevant to the subject application.

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

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

The development is not listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Therefore, the proposal is not deemed to require, with the exception of Muswellbrook Shire Council, development consent by any state agency or governing body.

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

Key potential impacts of the proposed development have been considered and commented on under the sub-headings below.

#### Context and setting

The development does not adversely impact the site's existing setting. The drawings attached to the SoEE Report indicate that the size, bulk and scale of the development are constructed in accordance with the relevant Australian Standards for Towers and Masts.

Due to the height of the mast, the monitoring tower will be visible to receptors in the vicinity of the Development Site. The closest residences are approximately 3.4 km from the mast. These residences are located in a rural setting and are therefore considered to be sensitive viewing locations. However, given the level of contrast with the surrounding environment and the proportion of the view the tower occupies the visual impact is minimised.

In view of the above it is considered that the development would not have a significant adverse impact on adjoining neighbours and local context and setting that would warrant the refusal of the development application.

### Noise and Vibration

As the Tower has been constructed there is no further construction noise associated with the development. The structure does not generate any operational noise. However, any future noise that may be associated with the Tower would occur from maintenance works (i.e. handheld power tools at significant heights etc.) and decommissioning. There is dense bushland present within the Development Site. This vegetation provides acoustic shielding for the nearest private residences. As a result, noise levels would be negligible towards the nearest residences.

Conditions will be imposed to ensure the protection of amenity for nearby receptors. It is satisfied that noise impacts will have negligible impact during operation of the development.

### Lighting

The wind monitoring tower is fitted with aviation markers to ensure the safety of aircraft at night. The consultant reviewed the lighting against the requirements of the SEPP and the provisions of Council's DCP and is satisfied that the illumination from the lighting won't have a significant adverse impact on the local area. Furthermore, CASA have made comment in relation to lighting and recommended consultation occurs with the Department of Defence given that their aircraft are common in the area at night. Conditions will be imposed relating to consultation with Defence Infrastructure should approval occur for the development. A recommended condition has been put forward to ensure the aviation markers comply with the Australian Standard. Defence confirmed that if LED lighting was proposed, the frequency range of the LED light emitted should be within the range of wavelengths 665 to 930 nanometres.

### Access and Transport

Legal and physical access to the development site is available from Sandy Creek Road and Albano Road. The property address and main access is from Sandy Creek Road and it is proposed to utilise this property access for the Tower.

The wind monitoring tower is operated remotely so there are no vehicle movements to and from the site during normal operations. However, maintenance visits are conducted annually or to repair damage caused by natural events such as lightning strikes. The applicant has indicated that no more than one vehicle is required for each maintenance visit. Therefore, the traffic generated by the development is expected to be negligible.

The current road network is suitably designed for the proposal, and manoeuvring areas have been designed to accept the current access arrangements. Any vehicles to and from the site is expected to be suitably accommodated within the surrounding road network.

### Safety and Security

The continued operation of the development will not result in any decrease in safety, security and prevention of crime in the surrounding area. The development is located in a rural area and passive surveillance will be provided by the property owner.

Council Officers are satisfied that suitable safety and security measures would be incorporated into the development to support its operation and minimise risk associated with the continued operation.

### Heritage

The proposed development is not located within a Heritage Conservation Area and does not include a listed heritage item. Consequently, the development is supported from a heritage impact perspective.

It is recommended that the development proceed subject to recommended conditions of consent that reference the developers obligations to manage and report any previously unidentified aboriginal artefacts should they be uncovered through the continued operation of the development.

### Natural Hazards

The site is not identified as being subject to flooding. However, the land is identified as being bushfire prone as identified on the Bushfire Mapping. A Bushfire Assessment Report is not required as the structure is not considered to be a sensitive asset and is a non-habitable structure. Furthermore, it does not require any regular workforce that may be at risk should the site be threatened by a bushfire.

However, the site has the potential to carry grass fires. The *Rural Fires Act 1997* places a duty of care on all land managers/owners to prevent a fire spreading on or from their land. The fuel load surrounding the Tower should therefore be monitored and reduction measures (e.g. mechanical slashing or stock crash grazing etc.) is suggested. A recommended condition of consent, should the development be supported, is to facilitate reduction measures (Asset Protection Zone) in order to prevent fires near the tower.

The proposed development is not identified as being affected by any further natural hazards that may affect the ability of the development to proceed.

### Technological Hazards

There are no dangerous goods stored at the site of the development and the operation of the wind monitoring tower does not emit any noise or other pollutants. Thus, there are no additional technological hazards present on the subject land that require consideration as part of the assessment of the proposed development.

### Social and Economic Impacts

The development will have little social impact on the surrounding area and will be consistent with existing infrastructure structures in the vicinity.

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

The site is suitable to the proposed development.

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

The proposal was placed on public exhibition for a period of 14 days from 3 May 2021 to 17 May 2021 and adjoining neighbours received notification of the development. In accordance with that plan and the Environmental Planning and Assessment Regulation 2000 amendments related to the notification of applications during the COVID-19 pandemic the application was notified online at Council's website and posted via the Council's Facebook.

A total of fifteen (15) submissions were received in relation to the proposal all of which objected the development. The submissions have been attached for Council's review.

Each of the submissions received have been considered by Council Officers in the assessment of the development and the reasoning provided for any objections to the proposed development have been summarised and commented in the Addendum attached to this Report.

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

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

- The proposed development is permissible with consent in the RU1 Primary Production zone under the provisions of the MLEP 2009.
- The proposed development would comply with the relevant requirements of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).
- The proposed development would be carried out in accordance with the relevant provisions of the MLEP 2009 with a justified variation to the maximum height limit.
- The proposed development would comply with the relevant requirements of the MDCP 2009.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have a significant adverse environmental impact.
- The ongoing operation and maintenance of the development would generate additional economic activity and employment opportunities in the Muswellbrook locality.
- A limitation on the operation of this Tower is appropriate given that there is no reason for its existence should the future proposed wind farm be refused. Therefore, it is recommended that approval be granted for a restricted period.

**5 CONCLUSION & RECOMMENDATION**

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

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

## Recommended Conditions of Consent

## IDENTIFICATION OF APPROVED PLANS

## (1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
18206-GA-TM-03 General Arrangement (Plan and Isometric View)	A	ART Group	30/05/2018	9/4/2021
18206-GA-TM-04 Mast Assembly and Ancillary (Incl loadings)	A	ART Group	30/05/2018	9/4/2021

## (2) Development in Accordance with Documentation

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

Title	Written by	Date
Flora and Fauna Study	Ecosure	8 January 2019
Statement of Environmental Effects	James Bailey & Associates	26 March 2021
Letter responding to Request for additional information and amending application	James Bailey & Associates	18 June 2021

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

## (3) Building Code of Australia

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

## (4) Carrying out of demolition work

Any demolition work is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: Demolition of Structures.

## (5) Outdoor Lighting

All lighting associated with the Tower is to be designed and positioned to minimise any adverse impact on neighbouring properties. The lighting installations must comply with the relevant Australian Standards Lighting - Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting.

All lighting installations are to proceed in accordance with the approved plans and the requirements of this consent. Should any LED lighting in association with the aviation markers be installed, the frequency range of the LED light emitted should be within the range of wavelengths 665 to 930 nanometres.

**(6) Visual**

The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the Development to the satisfaction of Council.

**(7) Flight visibility**

The installation of aviation Marker Balls to Outer Guy Wires is required to ensure pilots flying within the vicinity can easily visually acquire the marker balls and avoid the structure. Consultation is required with Department of Defence (Estate and Infrastructure Group) in regard to the installation of any markers or identifiers on the structure.

**(8) Non-reflective building materials**

Non-reflective building materials are to be used in the carrying out of maintenance on the development in accordance with the provisions of the Muswellbrook Development Control Plan and the documentation accompanying this development application.

**CONDITIONS THAT MUST BE ADDRESSED WITHIN 3 MONTHS OF APPROVAL**

**(9) Section 7.12 Contributions**

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$1,500.00 shall be paid to Muswellbrook Shire Council, being 1% of the cost of the development.

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 immediately after the date of the notice of determination.

**(10) Directional Signage**

Directional signage is to be installed at the premises to manage access to the site and clearly identify all entry and exit points. Where an access point is entry or exit only appropriate signage is to be installed to identify this to operators/maintenance staff. All necessary signage installations must comply with the relevant Australian Standard.

**CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****(11) Compliance with CASA Regulations and Australian Standards**

The development, at all times through its existence, must comply with the provisions of the Commonwealth Civil Aviation Safety Regulations 1998 (CASA Regulations 1998) and Australian Standards AS 3995 Design of steel lattice towers and masts; and AS/NZS 1170.2 Structural design actions Part 2: Wind actions.

**(12) Security Measures**

All safety, security and crime prevention measures are to be maintained at the site at all times.

**(13) Asset Protection Zone Development Area**

At all times the entire Wind Monitoring Tower development footprint is to be managed as an Asset Protection Zone as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

**(14) Asset Protection Zone Perimeter Area**

At all times to allow for emergency service personnel to undertake property protection activities, a **10-metre** defendable space (APZ) that permits unobstructed vehicle access is to be provided around the perimeter of the Wind Monitoring Tower development site, including associated infrastructure.

**(15) Asset Protection Zone Development Area**

At all times the entire Wind Monitoring Tower development footprint is to be managed as an Asset Protection Zone as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

**(16) Asset Protection Zone Perimeter Area**

At all times to allow for emergency service personnel to undertake property protection activities, a **10-metre** defendable space (APZ) that permits unobstructed vehicle access is to be provided around the perimeter of the Wind Monitoring Tower development site, including associated infrastructure.

**CONTINUED OPERATIONS****(17) Future Road Works**

Any future works associated with the internal access/roads within the development site will require the person acting with this consent to obtain the relevant approvals for the carrying out of these works from the relevant Roads Authority.

**(18) Sediment and Erosion Control**

Any future works associated with the development, where the ground is impacted, will require Sediment and erosion controls to be installed at the site in accordance



with an Erosion and Sediment Control Plan prepared in relation to the works with the development and referenced by this consent.

All required erosion and sedimentation techniques are to be maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

**(19) Stormwater Management**

The diversion of stormwater is to be coordinated to minimise any impact or nuisance on adjoining land. All stormwater measures undertaken are to be maintained throughout the life of the development.

**(20) Waste and Storage of Materials**

The Applicant must:

- a) minimise any waste generated by the Development; and
- b) ensure that any waste generated by the Development is appropriately stored, handled, and disposed of in a licenced Waste Management Facility.

**(21) Management of Environmental Impacts**

At all times the person benefited by this consent shall take reasonable steps to minimise the environmental impact of the approved development.

To ensure the development is being carried out in accordance with this and other requirements of this consent Council Officers may require the site to be inspected or the submission of documentary evidence regarding the operation of the facility.

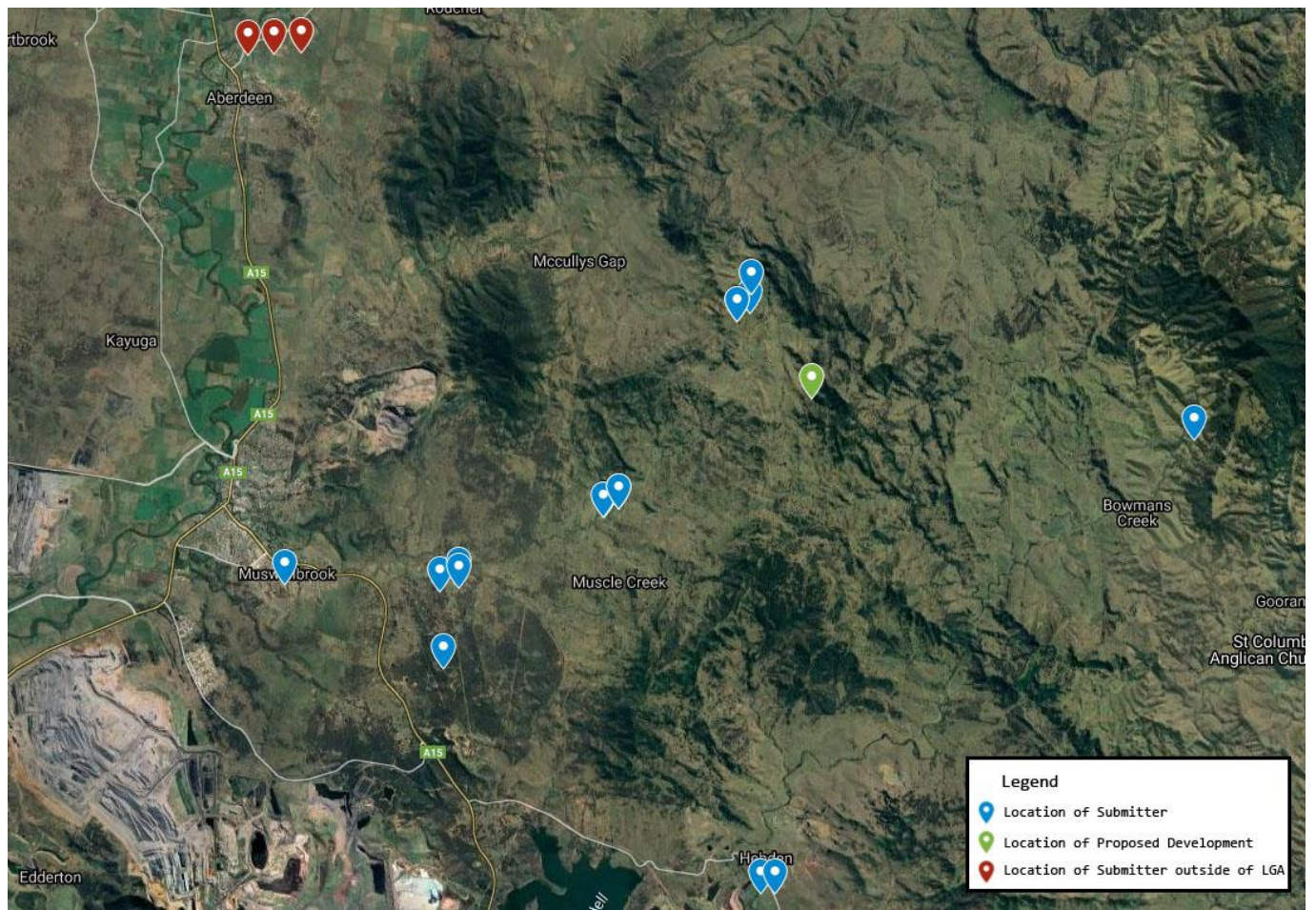
**CONDITIONS THAT MUST BE COMPLIED WITH AT THE CONCLUSION OF THE DEVELOPMENTS OPERATIONAL LIFETIME**

**(22) Time Limited Approval**

The operation of the wind monitoring tower is restricted to the timeframe required to obtain sufficient scientific data to determine the feasibility of a proposed wind monitoring farm, or to support an approved Wind Farm with data. The development is required to be decommissioned and removed from the premises within three years of the date of this approval if it is not required to support an approved Wind Farm with data.

At the conclusion of the developments operational lifetime the site is to be returned to a standard that would support the agricultural/grazing use of the site consistent with the current land use, and as outlined in the approved Statement of Environmental Effects.

Documentary evidence is to be provided to Council from a suitably qualified person to confirm that the development has been successfully decommissioned to a standard to support the agricultural use of the land in accordance with this requirement.



## Summary of Submissions - Development Application No: 2021/33 at Lots 197 and 199, DP 752444, Sandy Creek Road, McCully's Gap

Sub No.	Submission Address	Submission Summary	Response
1	Sandy Creek Road	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>The submission would also like Council to consider the following concerns:</p> <p><i>The Statement of Environmental Effects is misleading and deceptive</i></p> <p>Council and the developer are misleading the public in regard to the proposed operation and its use.</p> <p>Statements from the submission are also summarised under the following sections: -</p> <p><i>Construction</i></p> <p>The submission indicates additional works are required after the original construction of the development. The SoEE does not indicate the extent of the minor work or maintenance that may be undertaken and further information is needed. This is not clearly addressed in the statement.</p> <p>The submission indicates that new roads have since been created onsite which has led to Parthenium weed being introduced to the adjoining property.</p>	<p>Noted.</p> <p>The proposed development involving the collection of wind and meteorological data fits within the land use definition and is a permissible use on the property under the provisions of SEPP 2007. It is a study of a natural system. The collection of meteorological data from the tower is being carried out in a systematic, methodical and thorough manner.</p> <p>Additional information provided on 18 June 2021 has confirmed that routine maintenance is undertaken annually or as required to replace or repair equipment damaged due to natural events, typically after lightning strikes. The maintenance works involves testing, refurbishment or replacement of monitoring equipment, as well as checking the condition of the mast and supporting guy wires.</p> <p>Additional information provided on 18 June 2021 has indicated existing farm tracks were used to access the site during construction of the development. Some sections of the access tracks have required minor maintenance (re-grading and improvement of minimum horizontal radius and track width) to facilitate vehicle access. The proponent has also advised maintenance of access tracks is likely to be required in the future.</p>

	<p>Council does not have restrictions in place for development of this nature which generate minimal traffic movements.</p> <p>The development previously met the requirements of SEPP 2007 which facilitated the construction of the Tower as 'exempt development' in 2018.</p> <p>The development application lodged seeks approval for a continued use of the Tower as it no longer meets the requirements of exempt development under the <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP 2007), in particular Clause 39 of the Policy. The assessment is based on the merits of the case.</p> <p>The wind monitoring tower is slender and of similar height to electricity transmission lines and communication towers that exist in the landscape. The nearest dwelling is 3.4km from the Tower. The Tower is insignificant in the overall visual panorama.</p> <p>The construction of the development occurred under the provisions of Clause 39 of SEPP 2007 (a state Policy) and a DA was not required to be lodged with Council. As the development no longer meets the provisions a DA is now required and any application by Epuron is dealt with under the law on its own merits and a consideration of any public submissions made in relation to it.</p> <p>Council has obtained legal advice and the consideration of the DA is in accordance with the EP&amp;A Act.</p>
<p><i>Access</i></p> <p>Access to the unsealed farm track is via Sandy Creek Road, using Sandy Creek Road is contrary to the restrictions Muswellbrook Shire Council have placed on Sandy Creek Road.</p> <p><i>State Environmental Planning Policy (Infrastructure) 2007</i></p> <p>The submission indicates the wind monitoring tower did not comply with the provisions of the SEPP 2007 when it was constructed.</p> <p>The submission believes the development did not meet the requirements for exempt development and Muswellbrook Shire Council should have requested Epuron to demolish the wind monitoring tower in April 2019. It is requested Council act to reject the DA application and issues a demolition order to ensure compliance with legislative requirements.</p> <p><i>Visual Impacts</i></p> <p>The submission identifies concerns with visual impacts from the development and believes that it is not suitable for the area.</p> <p><i>Justification Report</i></p> <p>The justification report is misleading as the applicant is seeking retrospective approval and not development consent.</p> <p><i>Council has no power to retrospectively approve the development or "regularise" the development</i></p> <p><i>Traffic Impacts</i></p>	

		<p>The submission confirms that Sandy Creek Road will be the road used for access to the wind monitoring mast and states previous statements (e.g. EIS) did not include any assessment on this road.</p> <p><i>Council under influence of proponent</i></p> <p>The submission states the Council is being influenced by the proponent by means of monetary value (i.e. "...VPA payment of \$3000 per wind turbine...").</p>	<p>There are no vehicle movements to and from the site during normal operations as the tower is operated remotely. One vehicle attends the site during a maintenance visit (usually annually). Consequently, the traffic generated is minimal.</p> <p>This application is for a wind monitoring tower not a wind farm. There is a separate State Significant Development being considered nearby, any VPA negotiated for that development would be on the basis of the impact that development has on infrastructure and the need to increase maintenance of that infrastructure, or to provide additional community infrastructure. VPA money is not paid to Councillors or Council staff.</p>
2	Sandy Creek Road	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is identical to Submission 1</p>	<p>Refer to response for Submission Number 1.</p>
3	Bowmans Creek Road Bowmans Creek	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is identical to Submission 1</p>	<p>Refer to response for Submission Number 1.</p>
4	Sandy Creek Road	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is generally identical to Submission 1. However, the submission also provides the following additional comments:-</p> <p><i>Threatened Species Impact</i></p> <p>The submission states there have been no reference to Grey-headed Flying-fox (threatened) and "Little Reddish Flying-fox" in the Flora &amp; Fauna Study, and believes these species are at a higher risk of collision with the monitoring tower.</p>	<p>Refer to Response for Submission Number 1.</p> <p>The SOEE and supporting flora and fauna assessment does consider Grey Headed Flying foxes.: "The species that is potentially most exposed to the Development is the Grey-headed Flying Fox (BC Act: V, EPBC Act: V). This species</p>



		The submission also confirms impacts to the Grey headed Flying Fox have to be considered in the development application and the development does not align with the objectives of National Recovery Plan for the Grey-headed Flying-fox.	consistently accesses airspace within the height range of the tower. The Swift Parrot (BC Act: E, EPBC Act: Critically Endangered) may also be exposed to risk. Overall, the potential for collision mortalities is low as most of the species that may occur are rare, do not use airspace associated with the Development or do not have habitat located within the range of the tower. "
5	Muscle Creek Road, Muswellbrook	The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.  Submission is identical to Submission 1	Refer to response for Submission Number 1.
6	Muscle Creek Road, Muswellbrook	The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.  Submission is identical to Submission 1	Refer to response for Submission Number 1.
7	Muscle Creek Road Muswellbrook	The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.  Submission is identical to Submission 1	Refer to response for Submission Number 1.
8	Muscle Creek Road Muswellbrook	The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.  Submission is identical to Submission 1	Refer to response for Submission Number 1.
9	Borrodale Road, Kingsford, NSW	The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.  Submission is identical to Submission 1	Refer to response for Submission Number 1.

10	<b>New England Highway Muswellbrook</b>	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is identical to Submission 1</p>	Refer to response for Submission Number 1.
11	<b>Sandy Creek Road Muswellbrook</b>	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is identical to Submission 1</p>	Refer to response for Submission Number 1.
12	<b>Sandy Creek Road Muswellbrook</b>	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is identical to Submission 1</p>	Refer to response for Submission Number 1.
13	<b>Kingfisher Court Muscle Creek NSW</b>	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>Submission is identical to Submission 1</p>	Refer to response for Submission Number 1.
14	<b>Coolibah Close Muswellbrook</b>	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p><i>Visual impact</i></p> <p>The development has a negative visual impact on adjoining properties.</p> <p><i>Impact on Livelihood</i></p> <p>The concerns raised relate to negative impacts on farmers and the community resulting from the continued operation of the wind monitoring mast.</p>	<p>The closest residence is approximately 3.4 km from the mast. All residences are located in a rural setting and are considered to be sensitive viewing locations. The visual effect of the monitoring tower is negligible in comparison the landscape of the surrounding environment as it occupies a small proportion of the scenic view.</p> <p>There are no dangerous goods stored at the site of the Development. Therefore, the Development is not a potentially hazardous industry.</p>

		<p>Similarly, a 'Potentially offensive industry' is defined as a development which would emit a polluting discharge if no mitigation measures were implemented. The operation of the wind monitoring tower does not emit noise or other pollutants. Therefore, the Development is not a potentially offensive industry.</p> <p>The proponent has advised there are no vehicle movements to and from the site during normal operations as the tower is operated remotely. Furthermore, no more than one vehicle attends the site during a maintenance visit (usually annually). Consequently, the traffic generated by the Development is less than the relevant threshold (200 or more vehicles per hour) under Schedule 1 of the SEPP 2007. As such, notification of Transport for NSW (TfNSW) in accordance with Clause 104 of the Infrastructure SEPP is not required.</p> <p>Routine maintenance for the Tower is undertaken annually or as required to replace or repair equipment damaged due to natural events, typically after lightning strikes. The maintenance works involves testing, refurbishment or replacement of monitoring equipment, as well as checking the condition of the mast and supporting guy wires. Consequently, it is considered the impacts from maintenance are negligible.</p> <p>The s4.15 assessment conclude the project is in the public interest.</p> <p>This application is for a wind monitoring tower not a wind farm. There is a separate State Significant Development being considered nearby, any VPA negotiated for that development would be on the basis of the impact that development has on infrastructure and the need to increase maintenance of that infrastructure, or to provide additional community infrastructure. VPA money is not paid to Councillors or Council staff.</p>
	<p><i>Increased Traffic</i></p> <p>The towers existence has increased traffic on Sandy Creek Road and surrounding roads (New England Highway), which is contrary to what residents of the areas have been informed.</p> <p>The continued operation of the development will increase traffic and there will be heavy vehicles turning off the New England Highway onto Sandy Creek Road.</p> <p><i>Environmental Impacts</i></p> <p>Maintenance or installation of other services may cause further detrimental impact to the environment, landscape and neighbours.</p> <p><i>Against Public Interest</i></p> <p>The proponents for the wind monitoring mast operation and wind farm projects are providing misleading results, impacts and costs to the residents and the development is not in the public interest.</p> <p><i>Political Donations (Council influenced by VPA payments)</i></p> <p>The submission questions the integrity of the developer and council by asking whether the Council are "...being offered any Annual payments per wind turbine..."</p>	



15	<p><b>Hebden NSW</b></p>	<p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p>The submission would also like Council to consider the following concerns:</p> <p><i>State Environmental Planning Policy (Infrastructure) 2007</i></p> <p>The submission indicates the wind monitoring tower did not comply with the provisions of the SEPP 2007 when it was constructed.</p> <p>The development does not meet the requirements of the definition 'electricity generating works' as it "...is not used for the purpose of making or generating electricity, or electricity storage, but rather for the purpose of data collection and scientific analysis...". The SoEE has incorrectly identified the nature of the development and has incorrectly addressed the relevant provisions of the SEPP.</p> <p><i>Non-compliance</i></p> <p>The Tower did not comply with legislation for a period of 1 year and 5 months when it was above the maximum height restriction until January 2020 when the height was adjusted. The Tower should have been lodged as a DA for assessment during this period of non-compliance.</p> <p>The submission believes the development does not meet the requirements for exempt development and Muswellbrook Shire Council should have requested Epuron to demolish the wind monitoring tower after November 2018.</p> <p>The development is not permissible under the provisions of the LEP and should not be approved.</p> <p><i>Fencing</i></p> <p>In the SoEE fencing is not depicted on the site of the mast when details are shown on the plans. If this is the case details should be included in the statement.</p> <p><i>GIPPA Legislation</i></p> <p>Council has not complied with GIPPA regulations as information regarding the decision of DA 2019/36 was not made publicly</p>	<p>The height of the Tower was previously reduced by 10 metres to avoid exceeding the height threshold that would have limited the tower from being exempt development.</p> <p>The proposed development is permitted as an "environmental facility" on land zoned RU1 Primary Production under Muswellbrook LEP 2009 (MLEP 2009).</p> <p>However, as the development previously was considered to be exempt under the provisions of Clause 39 of SEPP 2007 (a state policy) a DA was not required to be lodged with Council for approval. The development no longer meets these provisions and a DA is now required.</p> <p>Impacts on Sandy Creek Road have been addressed in the Statement of Environmental Effects provided by Epuron. Council is satisfied that impacts on Sandy Creek Road will be negligible in the continued operation of the development.</p> <p>The proposed development is permitted as an "environmental facility" on land zoned RU1 Primary Production under Muswellbrook LEP 2009 (MLEP 2009).</p> <p>The proposed fencing has been included in the s4.15 assessment.</p> <p>DA 2019/36 was withdrawn and not determined by Council.</p>
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	<p>available. The submission states that it is the public interest to be informed about the policies and practices of the company Epuron, especially when dealing with matters of non-compliant structures.</p> <p><i>Statement of Environmental Effects (SoEE)</i></p> <p>The SoEE has not given sufficient information regarding why the mast was initially installed in a non-compliant manner.</p> <p><i>Conflict between DA 2021/33 and Bowmans Creek Wind Farm</i></p> <p>Relevant assessments such as traffic, noise, biodiversity, safety, risk management and residential impact should have been carried out on Sandy Creek Road by Epuron. This is because Sandy Creek Road is the access road to the mast. The submission identifies that these must be carried out and submitted to Council for consideration.</p> <p>The submission states that Council are not to in a position to provide retrospective approval for the development according to the EP&amp;A Act 1979.</p> <p>The submission <b>does not support</b> the proposal for a continued operation of a wind monitoring mast development on the subject land.</p> <p><i>Illegal Development</i></p> <p>It is believed the wind monitoring mast was originally installed without Council approval and this should be investigated.</p> <p><i>Visual impact</i></p> <p>The development has a visual impact on adjoining properties and creates glare.</p> <p><i>Other Development</i></p> <p>Council is requested to investigate similar tower structures that</p>	<p>See comments above about exempt development</p> <p>The s4.15 assessment concluded that the project will have satisfactory environmental impact</p> <p>Council has obtained legal advice and the consideration of the DA is in accordance with the EP&amp;A Act.</p> <p>The Wind Monitoring Tower previously did not require Council approval for the operation/land use as the development complied with the provisions of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP 2007). That is, the development was considered to be 'exempt development' under the provisions of Clause 39 of SEPP 2007.</p> <p>The closest residence is approximately 3.4 km from the mast. All residences are located in a rural setting and are considered to be sensitive viewing locations. The visual effect of the monitoring tower is negligible as it occupies a small proportion of the scenic view. The size and type of materials are similar to electricity transmission towers and communication towers.</p>
16	<p><b>Top Knot Place Muswellbrook</b></p>	

	have also been erected nearby.	The other wind tower in the vicinity is in the Singleton Shire Council area and has development approval.

# WIND MONITORING TOWER – MUSWELLBROOK

## STATEMENT OF ENVIRONMENTAL EFFECTS

*for Epuron Projects Pty Limited*

*26 March 2021*



## DOCUMENT CONTROL

### Document Status

Version	Description	Reviewed by	Approved by	Date issued
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[00]	[Enter text]	[Name]	[Name]	[dd/mm/yyyy]

### Document Details

<b>Project Name</b>	Wind Monitoring Tower – Muswellbrook
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<b>Client Address</b>	Level 11, 75 Miller Street, North Sydney NSW 2060
<b>Author</b>	James Bailey & Associates Pty Ltd
<b>Author Address</b>	6/127-129 John Street, Singleton NSW 2330
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## 1. INTRODUCTION

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Epuron Projects Pty Limited (Epuron) is seeking development consent for the construction of a wind monitoring tower (the Development) near Bowmans Creek (see **Figure 1**). Epuron is investigating the suitability of the site for the development of a wind farm. The monitoring tower provides valuable data on the wind conditions in the area.

This Statement of Environmental Effects (SEE) supports an application for retrospective development consent for the Development under Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 2. DEVELOPMENT SITE

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The Development is located on two rural lots (197/752444 and 199/752444) situated between Sandy Creek Road and Albano Road (see **Figure 2**). These two lots represent the Development Site.

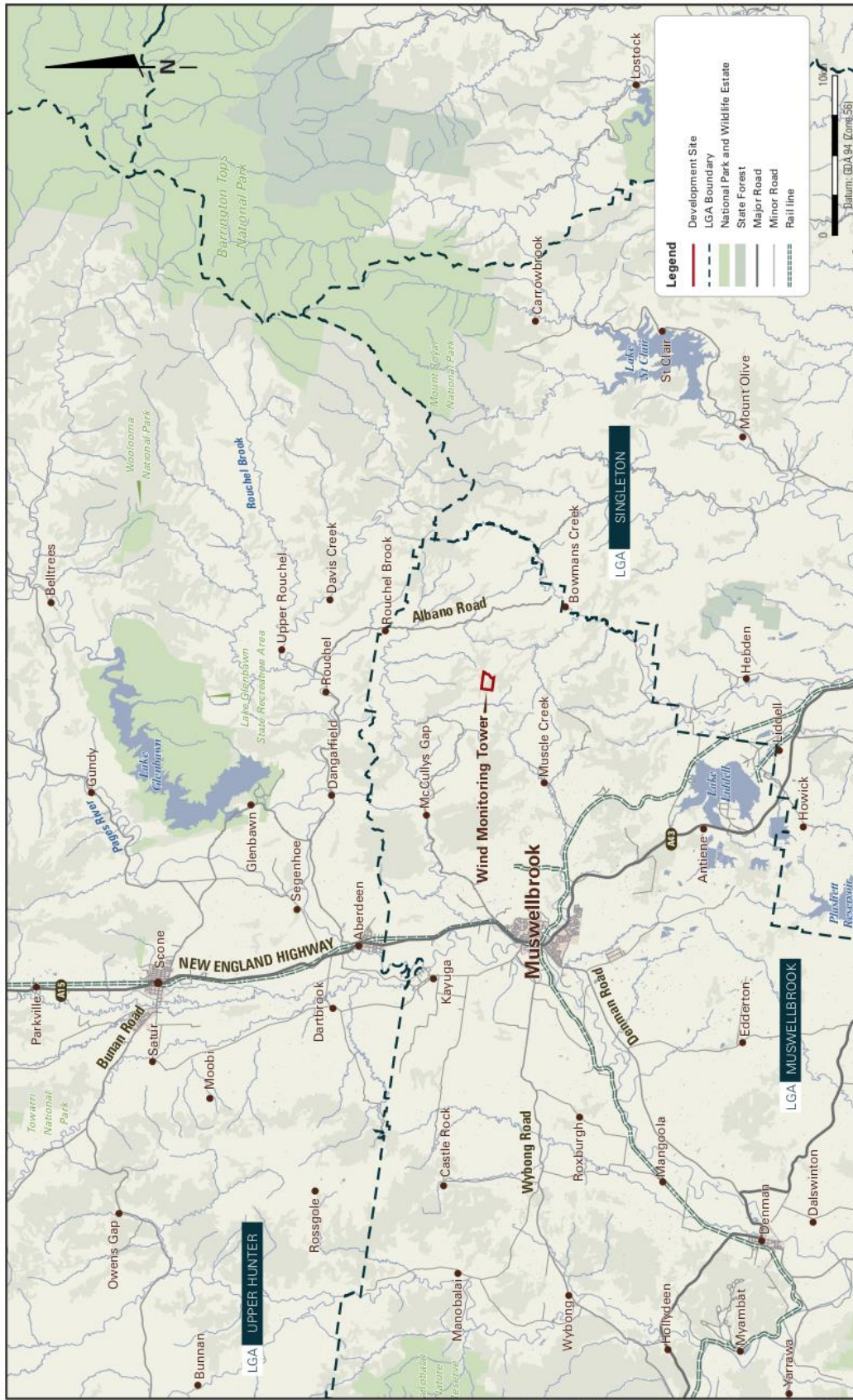
The Development Site is zoned as RU1 Primary Production under the *Muswellbrook Local Environmental Plan 2009* (Muswellbrook LEP). The land is currently used for grazing.

The Development Site is located within the landscape known as the Scone – Gloucester Foothills. The elevation of this landscape generally ranges from 200 m to 600 m AHD. The elevation within the Development Site ranges from approximately 510 m to 680 m AHD.

The landscapes include extensive faulted carboniferous sandstone and pyroclastic, conglomerate, mudstone, lithic sandstone, some limestone and acid tuff. The soils are generally thin stony loams and red brown to yellow texture contrast soils with harsh subsoils in valleys (DECC, 2002).

The Development Site is located within the catchment of Sandy Creek, which is a tributary of the Hunter River. The main channel of Sandy Creek is located north west of the Development Site. Water drains towards Sandy Creek via Limestone Creek and its unnamed tributaries. The Bowmans Creek catchment is located immediately east of the Development Site.



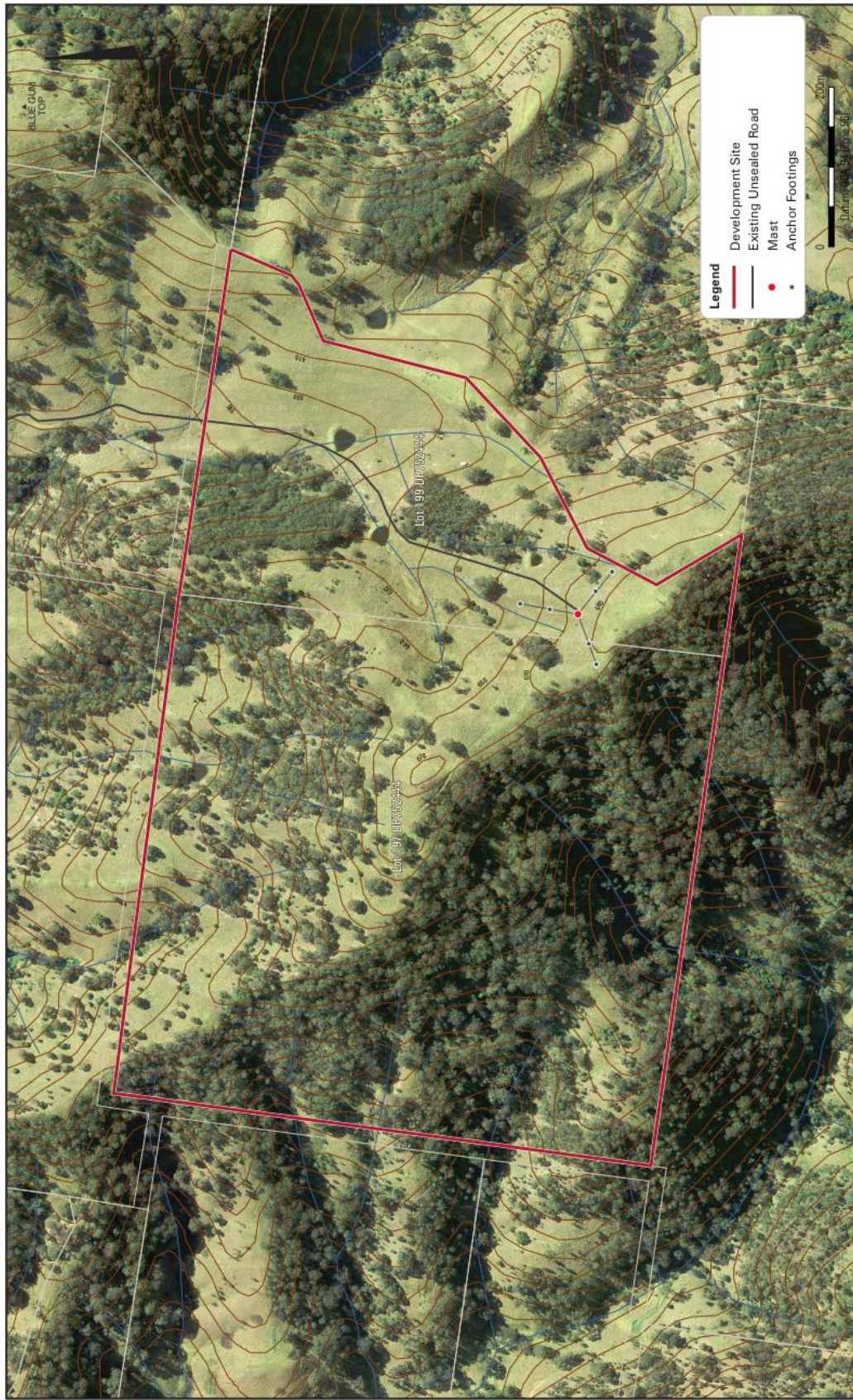


BOWMANS CREEK WIND MONITORING TOWER

Regional Locality

FIGURE 1





BOWMANS CREEK WIND MONITORING TOWER

Site Layout

FIGURE 2

### 3. DESCRIPTION OF THE DEVELOPMENT

The monitoring tower consists of a steel lattice mast and supporting cables. The mast is less than 110 m in height and was installed on a concrete foundation. The mast is stabilised by a suite of tensioned cables (known as guy-wires). The guy-wires are attached to the mast at varying heights and to the ground at anchor footings located either 35 m or 70 m from the mast. The general design of the monitoring tower is illustrated in **Appendix A**.

To ensure its safety, the tower has been designed in accordance with the following Australian Standards:

- AS 3995 Design of steel lattice towers and masts; and
- AS/NZS 1170.2 Structural design actions Part 2: Wind actions.

The mast is fitted with instruments for measuring wind speed and direction, pressure and temperature. The mast is also equipped with a solar panel, lightning rod and data loggers. The mast and each of the guy-wire anchor points are contained within individual fences. The mast also is fitted with an anti-climb barrier.

#### 3.1 CONSTRUCTION

The site of the monitoring tower is accessible via existing, unsealed access roads off Sandy Creek Road. No new access roads will be developed, although minor maintenance of existing tracks may be undertaken.

The foundation for the mast has a bearing capacity of at least 150 kPa. Loose materials such as topsoil and the upper strata will be excavated. A concrete slab of at least 100 mm thickness has been established as the foundation. The base plate of the mast will be fixed to the concrete foundation.

The pre-fabricated steel lattice sections are lifted into position using a gin-pole and winch and attached by construction personnel. The guy-wires and monitoring instruments are fitted during the mast assembling process.

Construction of the anchor footings involves the excavation of a small area. The anchoring device was installed into bedrock. The area is then backfilled and compacted to secure the anchor in place.



## 4. REGULATORY FRAMEWORK

### 4.1 PLANNING FRAMEWORK

#### 4.1.1 EP&A Act

The EP&A Act is the principal legislative instrument governing development in NSW. The permissibility of developments is generally prescribed by Environmental Planning Instruments (EPIs) enacted under the EP&A Act. As explained in **Section 4.1.2** and **Section 4.1.3**, the Development is permissible with development consent.

The appropriate form of development application depends on whether the proposal is designated development. Designated development is defined under Section 4.10 of the EP&A Act as “*development that is declared to be designated development by an environmental planning instrument of the regulations*”.

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) lists various classes of designated development. The Development does not conform to any of the classes of designated development under Schedule 3 of the EP&A Regulation. Given that the Development is not designated development, the appropriate form of application is a Development Application under Section 4.12 of the EP&A Act supported by an SEE.

#### 4.1.2 Infrastructure SEPP

The monitoring tower is related to the potential establishment of a wind farm, which is classified as an “electricity generating work”. The development controls relevant to electricity generating works are outlined in *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).

Clause 39 of the Infrastructure SEPP provides that a wind monitoring tower for assessing the feasibility of a wind farm is exempt development if it satisfies the following criteria:

- (i) *is erected in accordance with the manufacturer’s specifications, and*
- (ii) *has a height of not more than 110m, and*
- (iii) *is removed within 30 months after its erection is completed.*

The Development complies with the first two criteria. However, it has an operational lifespan of longer than 30 months and continues to provide valuable information for the Project. As such, the Development is not deemed to be exempt development. As it was installed more than 30 months ago it is now no longer exempt development.

Given that Clause 39 no longer applies, the relevant provision of the Infrastructure SEPP is Clause 34 which states that development for the purposes of electricity generating works is permissible with consent on any land in any prescribed rural, industrial or special use zone. The Development is on land within zone RU1 and is therefore permissible with development consent.

#### 4.1.3 Muswellbrook LEP

The land use table in the Muswellbrook LEP lists the class of development that are permissible within each land zoning. The Muswellbrook LEP does not list ‘electricity generating works’ as a permissible class of development in zone RU1. That is, the Muswellbrook LEP is inconsistent with Clause 34 of the Infrastructure SEPP, which provides that ‘electricity generating works’ are permissible in any rural land zone.

Clause 1.9 of the Muswellbrook LEP states that the provisions of any SEPP will prevail over the LEP. Therefore, the Development is permissible with consent in zone RU1.

Part 4 of the Muswellbrook LEP outlines the principal development standards that apply within the Muswellbrook Local Government Area. In particular, Clause 4.3 of the Muswellbrook LEP imposes a height limitation for structures. The Development exceeds the designated maximum building height for the land on which it is located. Clause 4.6 of the Muswellbrook LEP provides that an application for a development contravening a development standard must be accompanied by a written request that justifies the contravention. A written request in accordance with Clause 4.6 is provided in **Appendix B**.

## 4.2 AVIATION SAFETY

Due to the height of the monitoring tower, the Commonwealth *Civil Aviation Safety Regulations 1998* (CAS Regulations) needs to be considered. Regulation 139.365 states that the Civil Aviation Safety Authority (CASA) must be notified of the construction of any structure with a height of greater than 110 m. Although the Development does not currently exceed this height threshold (as it has been reduced from the originally constructed 120 m to less than 110 m), Epuron notified CASA of the construction of the monitoring tower on 24 July 2018. CASA did not raise any issues that needed to be addressed in this SEE.

# 5. ENVIRONMENTAL IMPACTS

## 5.1 AIR QUALITY

The potential air quality impacts of the Development were assessed qualitatively using the following methodology:

- Identify the activities that may generate dust;
- Identify the nearest private receivers; and
- Qualitatively evaluate the magnitude of impact based on the scale of the activities, distance from the nearest private receivers and mitigating circumstances.

The construction phase for the Development has the potential to generate dust emissions for a short period. Dust emissions may arise as a result of ground disturbance or activities taking place on exposed ground. Sources of dust emissions during the construction phase may include:

- Vehicle movements along unsealed access roads;
- Excavation of the mast foundation and anchor pits; and
- Combustion of diesel fuels.

The construction site is accessible using existing access roads. No additional access roads are required to be cleared. Dust emissions due to vehicle movements along unsealed road can be reduced by controlling vehicle speeds.

The nearest private receiver is located a significant distance at approximately 3.4 km north-west of the mast. Other receivers are located at least 3.8 km south-west of the mast.

Earthworks are required for the construction of the mast foundation and anchor pits. These are relatively shallow excavations and can be undertaken using a small excavator or loader. Due to the small scale of the excavations and the significant distances to private receivers, the required earthworks are not expected to generate substantial dust emissions.

The operation of the monitoring tower will not result in any impacts to air quality. Therefore, the impacts of the Development will be limited to dust emissions during the short construction phase.

## 5.2 NOISE

The potential noise impacts of the Development were assessed qualitatively using the following methodology:

- Identify the activities that may generate noise;
- Identify the nearest private receivers; and
- Qualitatively evaluate the magnitude of impact based on the scale of the activities, distance from the nearest private receivers and mitigating circumstances.

The Development may result in short-term industrial noise during the construction period. Noise may be generated through the use of construction equipment. The equipment required for construction of the monitoring tower includes:

- Mobile crane;
- Delivery trucks (road registered);
- Small excavator or loader (e.g. Bobcat); and
- Power tools.

The construction activities that require larger equipment are located at ground level. There is dense bushland present within the Development Site (see **Figure 2**). This vegetation provides acoustic shielding for the nearest private residences. As a result, construction noise levels will be significantly attenuated as it propagates towards the nearest residences.

The assembly of the mast and supporting guy-wires will involve the use of power tools at significant heights. Any works taking place above the level of the surrounding vegetation will not benefit from the attenuation effects of vegetation. However, the only equipment used for activities at heights are handheld power tools. These sources generate significantly less noise than the larger equipment used at ground level.

Construction activities are only undertaken during standard construction hours, which are defined under the 'Interim Construction Noise Guideline' (DECCW, 2009) (or latest version). This ensures that there are no noise impacts during the night period.

There will be no noise impacts during the operational phase of the Development, as the monitoring instruments will not generate any discernible noise.

## 5.3 ECOLOGY

The potential impacts to flora and fauna were assessed by Ecosure (2019). This study is included in **Appendix C**. The study methodology included a desktop assessment of the ecology values at the Development Site and a strike risk assessment for fauna.

Ecosure's study considered two wind monitoring towers, one of which is the Development. The other monitoring tower is located within the Singleton Local Government Area and is therefore beyond the scope of this application. The Development is referred to in Ecosure's report as 'Mast1'.

The Development Site does not contain any land shown on the Biodiversity Values Map prepared pursuant to the *Biodiversity Conservation Regulation 2017*. As such, the Development does not trigger the requirement for a Biodiversity Development Assessment Report (Ecosure, 2019).

### 5.3.1 Vegetation

Four Threatened Ecological Communities (TECs) listed under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) are considered likely to occur:

- Central Hunter Valley eucalypt forest and woodland;
- Hunter Valley Weeping Myall (*Acacia pendula*) Woodland;
- Lowland Rainforest of Subtropical Australia; and
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

Based on vegetation mapping developed by the NSW Office of Environment and Heritage (OEH, 2018), there are areas of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland located within 200 m of the mast. The Development avoids impacts to this TEC by limiting ground disturbance to areas of grassland.

### 5.3.2 Threatened Species

A review of NSW BioNet was undertaken to identify the threatened species that have been recorded near the Development. One species has previously been recorded within 1.5 km of the mast. The Spotted-tailed Quoll (*Dasyurus maculatus*) is listed as vulnerable under the *Biodiversity Conservation Act 2016* (BC Act) and endangered under the EPBC Act.

A further seven species listed as either Vulnerable (V) or Endangered (E) under the BC Act or EPBC Act have been recorded in the surrounding region but not within 1.5 km of the mast:

- Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*) (BC Act: V);
- Speckled Warbler (*Chthonicola sagittata*) (BC Act: V);
- Varied Sittella (*Daphoenositta chrysoptera*) (BC Act: V);
- Brush-tailed Phascogale (*Phascogale tapoatafa*) (BC Act: V);
- Koala (*Phascolarctos cinereus*) (BC Act: V, EPBC Act: V);
- Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*) (BC Act: V); and
- *Cymbidium canaliculatum* (BC Act: E).

### 5.3.3 Strike Risk Assessment

Ecosure assessed the risk of birds and bats colliding with the monitoring tower. Ecosure's likelihood of occurrence assessment identified six species that are known to occur or have potential habitat near the Development. In addition, 17 species have the potential to occur (including one species that is likely to occur) near the tower. These species have the potential to be exposed to the tower.

The species that is potentially most exposed to the Development is the Grey-headed Flying Fox (BC Act: V, EPBC Act: V). This species consistently accesses airspace within the height range of the tower. The Swift Parrot (BC Act: E, EPBC Act: Critically Endangered) may also be exposed to risk. Overall, the potential for collision mortalities is low as most of the species that may occur are rare, do not use airspace associated with the Development or do not have habitat located within the range of the tower.

## 5.4 HERITAGE

A search of the State Heritage Inventory was conducted to determine if there are any listed heritage items within the Development Site. The State Heritage Inventory includes items listed under the State Heritage Register and Muswellbrook LEP. There are no listed heritage sites located in the vicinity of the Development.

If any unexpected items (which may be of heritage value) are encountered during the construction phase, Epuron will immediately cease work in the vicinity of the item and contact the appropriate authorities.

## 5.5 VISUAL

The visual impact of a development is determined by considering the sensitivity of potential viewing locations and the visual effect created by the development.

Due to the height of the mast, the monitoring tower will be visible to receptors in the vicinity of the Development Site. The closest residence is approximately 3.4 km from the mast. These residences are located in a rural setting and are therefore considered to be sensitive viewing locations.

The visual effect of a development is dependent on various factors including the level of contrast with the surrounding environment and the proportion of the view that it occupies. The mast is a very slender structure, with a width of approximately 0.55 m. The visual effect of the monitoring tower is negligible because it occupies only a very small proportion of the panoramic view. The monitoring tower is less prominent than other similar structures such as telecommunications structures and electricity transmission towers, which are prevalent in the region.

The monitoring tower is not fitted with any lighting. There will be no direct or diffuse lighting impacts during the night time.

## 6. CONCLUSION

Epuron seeks Development Consent in accordance with Section 4.12 of the EP&A Act for a wind monitoring tower located on land zoned as RU1.

Under the relevant provisions of the Infrastructure SEPP and Muswellbrook LEP, this infrastructure is permissible with development consent. Although the tower does not meet the criteria for exempt development, it is nonetheless a development that does not result in any significant environmental impacts.

Should you have any queries in relation to this SEE, please contact the undersigned on 02 6536 2999.

Regards

**JAMES BAILEY & ASSOCIATES**



**Andrew Wu**  
Senior Environmental Engineer



**Dianne Munro**  
Principal



## REFERENCES

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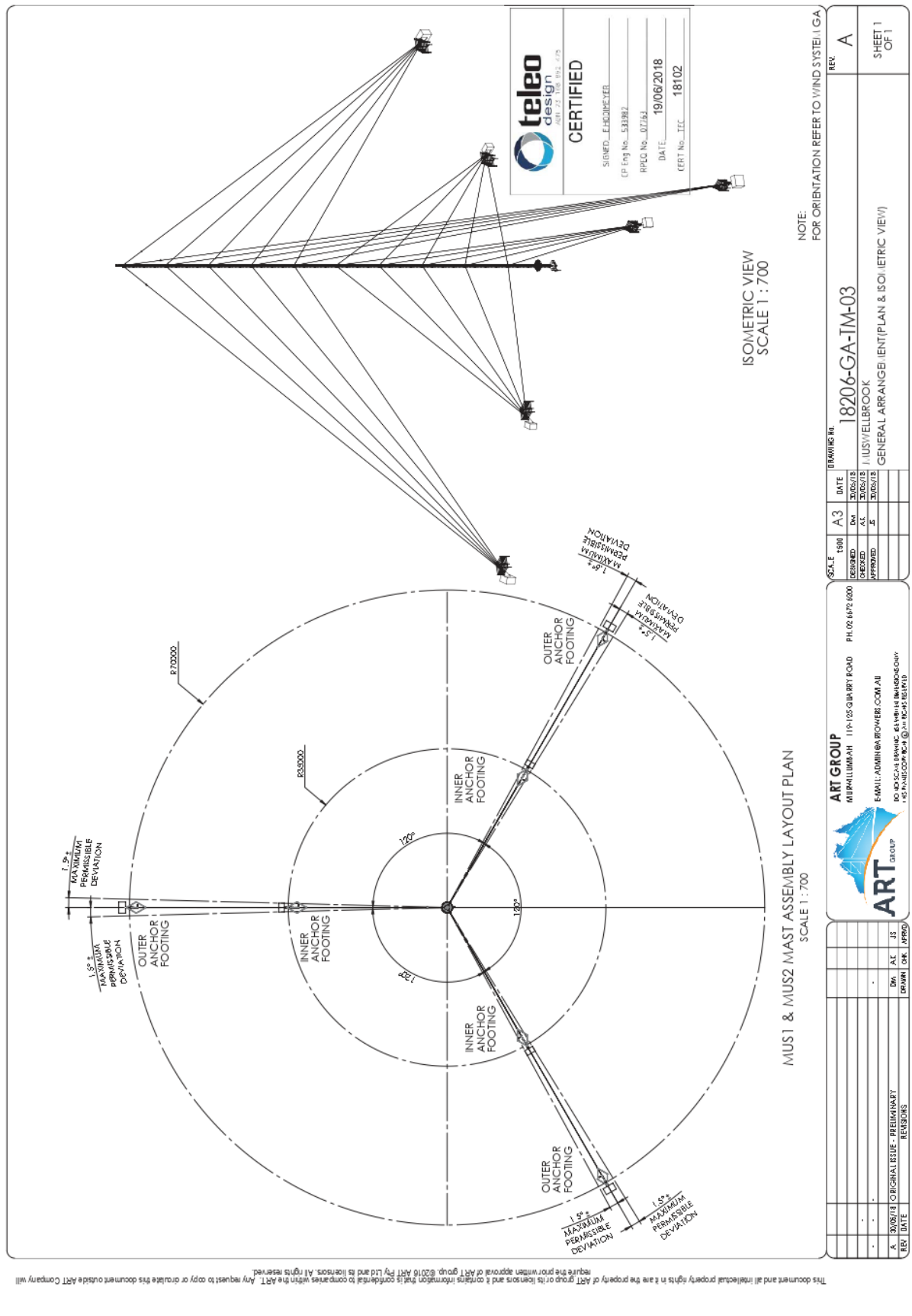
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- Ecosure (2019), Bowmans Creek Wind Farm Meteorological Masts Risk Analysis Summary.

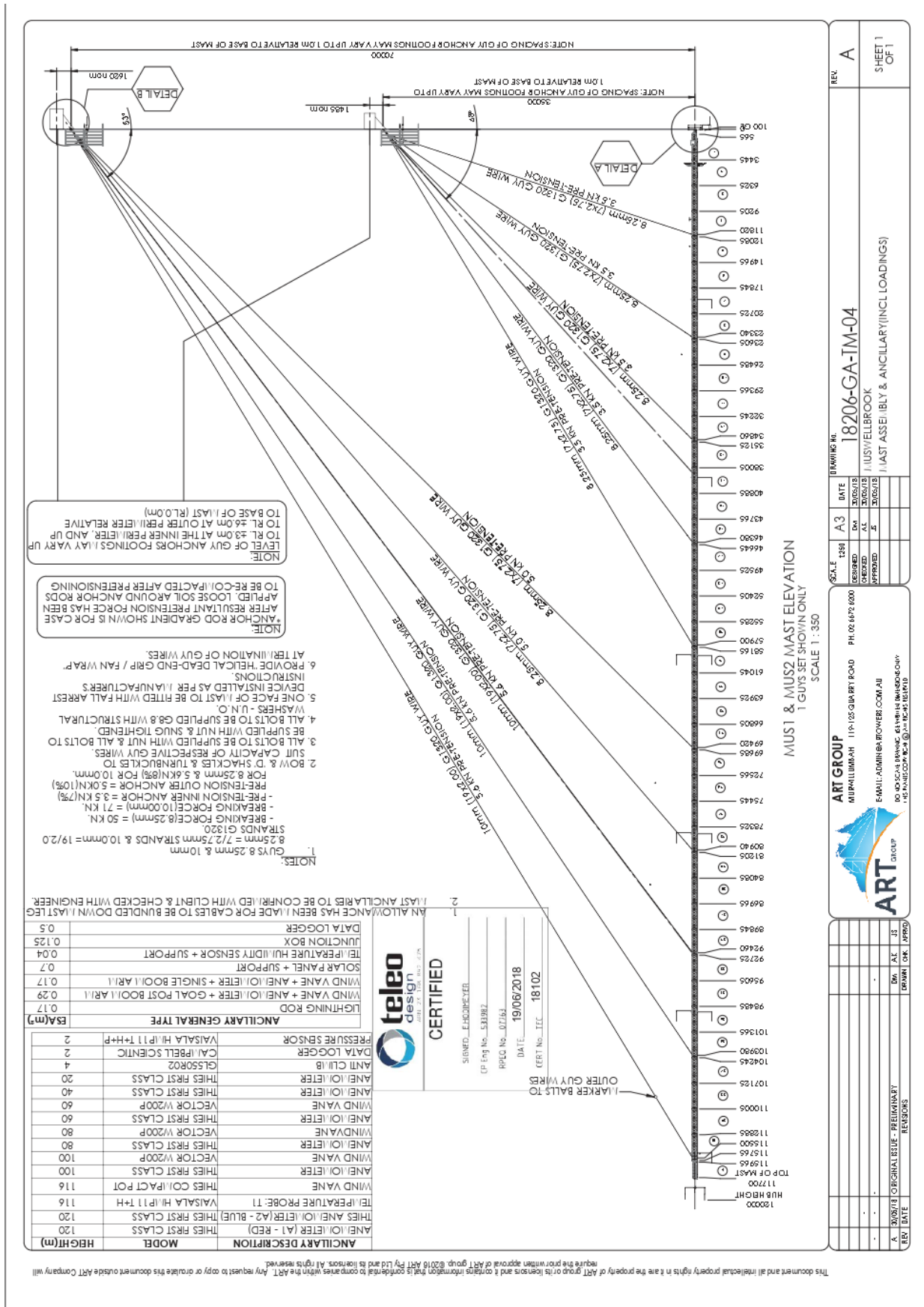


# **APPENDIX A**

## **Monitoring Tower**

### **Design Drawings**





# **APPENDIX B**

## **Justification Report**

25 March 2021

**WIND MONITORING TOWER – MUSWELLBROOK**  
**Request for Exception from Development Standards**

**1 BACKGROUND**

Epuron Projects Pty Limited (Epuron) is seeking development consent for the construction and operation of a wind monitoring tower (the Development) near Bowmans Creek. Epuron has engaged James Bailey and Associates (JBA) to prepare the required development application under Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the supporting Statement of Environmental Effects (SEE).

The Development exceeds the maximum building height prescribed by Clause 4.3 of the *Muswellbrook Local Environment Plan* (LEP). As required under Clause 4.6 of the LEP, JBA has prepared this written request to justify the contravention of the development standard.

**2 RELEVANT REGULATORY PROVISIONS**

Clause 4.3 of the LEP outlines the development standard that relates to the height of buildings within the Muswellbrook Local Government Area (LGA). Clause 4.3(2) of the LEP states:

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

The Height of Buildings Map (which accompanies the LEP) indicates that the maximum building height at the site of the Development is 12 m. The Development has a height of less than 110 m.

Clause 4.6 of the LEP outlines the circumstances in which development consent can be granted to a development that contravenes the development standards under the LEP. Clause 4.6(3) relevantly states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (i) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (ii) that there are sufficient environmental planning grounds to justify contravening the development standard.*

**Section 3** provides the justification required by Clause 4.6 of the LEP.

*Our Reference: 2131  
210325 request for development standard exception*

### 3 JUSTIFICATION

#### 3.1 Compliance with the development standard is unnecessary in the circumstances

Clause 4.3(1) of the LEP outlines the objectives that the development standard seeks to achieve:

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

These objectives indicate that the purpose of Clause 4.3 is to minimise incompatibility with surrounding development, impacts on visual amenity, overshadowing (impacts on solar access) and loss of privacy.

**Table 1** explains why the Development is consistent with the values that Clause 4.3 seeks to protect.

**Table 1**  
**Consistency with Objectives of Clause 4.3**

Environmental Value	Impact of the Development
Compatibility with surrounding development	The Development is located at Bowmans Creek, which is distant from the urban centres in the Muswellbrook LGA. The Development is located within an area of agricultural or rural-residential land. Development in the locality is generally limited to rural-residential dwellings and farm infrastructure. The nearest residence is located approximately 3.4 km from the monitoring mast. Due to the significant setback from other developments, there is no incompatibility with other developments.
Retention of visual amenity	The Development is a wind monitoring mast, which is a very slender structure (width of approximately 0.55 m). Due to its slenderness, the mast occupies a negligible portion of the panoramic views from the locality.  The Development is similar in nature to communications towers and meteorological monitoring towers established by mines in the Muswellbrook LGA. For these reasons, the mast will not have a significant impact on visual amenity.
Prevention of overshadowing (loss of solar access)	The mast is a slender, lattice structure. As such, it does not cast large shadows. The nearest residence is too distant from the mast to be affected by overshadowing. Therefore, the mast does not affect solar access to other buildings.
Privacy of residents	The mast is an unoccupied structure. As such, there is no potential for overlooking onto nearby residences. Therefore, the mast does not affect the privacy of existing or future residents.

Wind Monitoring Tower  
Request for Exception from Development Standard  
For Epuron Projects Pty Limited

25 March 2021  
Page 4

The objectives of Clause 4.3 of the LEP suggest that this development standard is aimed at development within urban centres, rather than on rural land (as is the case for the Development). Notwithstanding, the Development does not materially affect the values that Clause 4.3 seeks to protect. Therefore, compliance with this development standard is unnecessary in the circumstances of the case.

### **3.2 Sufficient environmental planning grounds to justify contravention of the development standard**

The Development facilitates the monitoring of wind speeds and directions, which will inform the potential development of a wind farm at Bowmans Creek. The proposed wind farm will be the subject of an application for State Significant Development under Division 4.7 of Part 4 of the EP&A Act.

The development of a wind farm within the Muswellbrook LGA is beneficial from a planning perspective because it will diversify the industry within the region and facilitate electricity production from renewable energy sources. The Development may culminate in the development of a wind farm and as such, there are sufficient environmental planning grounds to justify contravention of the development standard under Clause 4.3 of the LEP.

## **4 CONCLUSION**

Clause 4.6 of the LEP outlines the circumstances in which development consent may be granted to a development that contravenes a development standard. This written request provides the justification required under Clause 4.6 of the LEP. Therefore, it is available to the consent authority to grant development consent despite the Development exceeding the maximum building height under Clause 4.3 of the LEP.

*Our Reference: 2131  
210325 request for development standard exception*

# **APPENDIX C**

## **Ecosure Flora and Fauna Study**





# Bowmans Creek Wind Farm

Meteorological Masts Risk Analysis Summary  
January 2019

Epuron Projects Pty Ltd



ecology / vegetation / wildlife / aquatic ecology / GIS



## Glossary, acronyms and abbreviations

BACI	Before After Control Impact
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offset Scheme
BV mapping	Biodiversity Values mapping
CA	Critical airspace
DPIF	Department of Primary Industries and Fisheries
IBRA	Interim Biogeographic Regionalisation for Australia
LGA	Local government area
NSW	New South Wales
OEH	Office of Environment and heritage
PCT	Plant Community Type
RA	Risk Assessment
SEPP	State Environmental Planning Policy
TEC	Threatened Ecological Community

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# 1 Introduction

Ecosure was engaged by Epuron Projects Pty Ltd to undertake a desktop risk assessment for two meteorological (met) masts installed at the proposed Bowmans Creek Wind Farm site, Hunter Valley, NSW. Although installation of met masts are exempt development in NSW, taller masts, over 110 m require approval under State Environmental Planning Policy (Infrastructure) 2007. In this instance a retrospective development consent is being sought for two masts which are 10 m taller than what is considered exempt development. This desktop assessment is required to determine the likely impact on native vegetation, threatened species and the risk of the structures to birds and bats to support the DA.

## 1.1 Project scope

The specific scope includes:

- desktop bird and bat strike assessment
- risk analysis summary of met masts
- desktop assessment of ecological values within 200 m of the masts.

## 1.2 Relevant legislation

### 1.2.1 State Environmental Planning Policy (Infrastructure) 2007

Development for the purpose of a wind monitoring tower used in connection with the investigation or determination of the feasibility of a wind farm that has a generating capacity of more than 1 MW is exempt development if:

- (a) it complies with clause 20, and
- (b) the tower:
  - (i) is erected in accordance with the manufacturer's specifications, and
  - (ii) has a height of not more than 110m, and
  - (iii) is removed within 30 months after its erection is completed.

The two existing met masts are 120 m in height thus slightly exceeding the exempt clause under the SEPP (Infrastructure) instrument by 10 m. Therefore, both masts will require planning approval under the SEPP.

## 1.3 Project site

The site is located approximately 15km east of Muswellbrook, NSW. Met mast one (1) is in Muswellbrook local government area (LGA) and is associated with Lot 199 DP752444. Mast



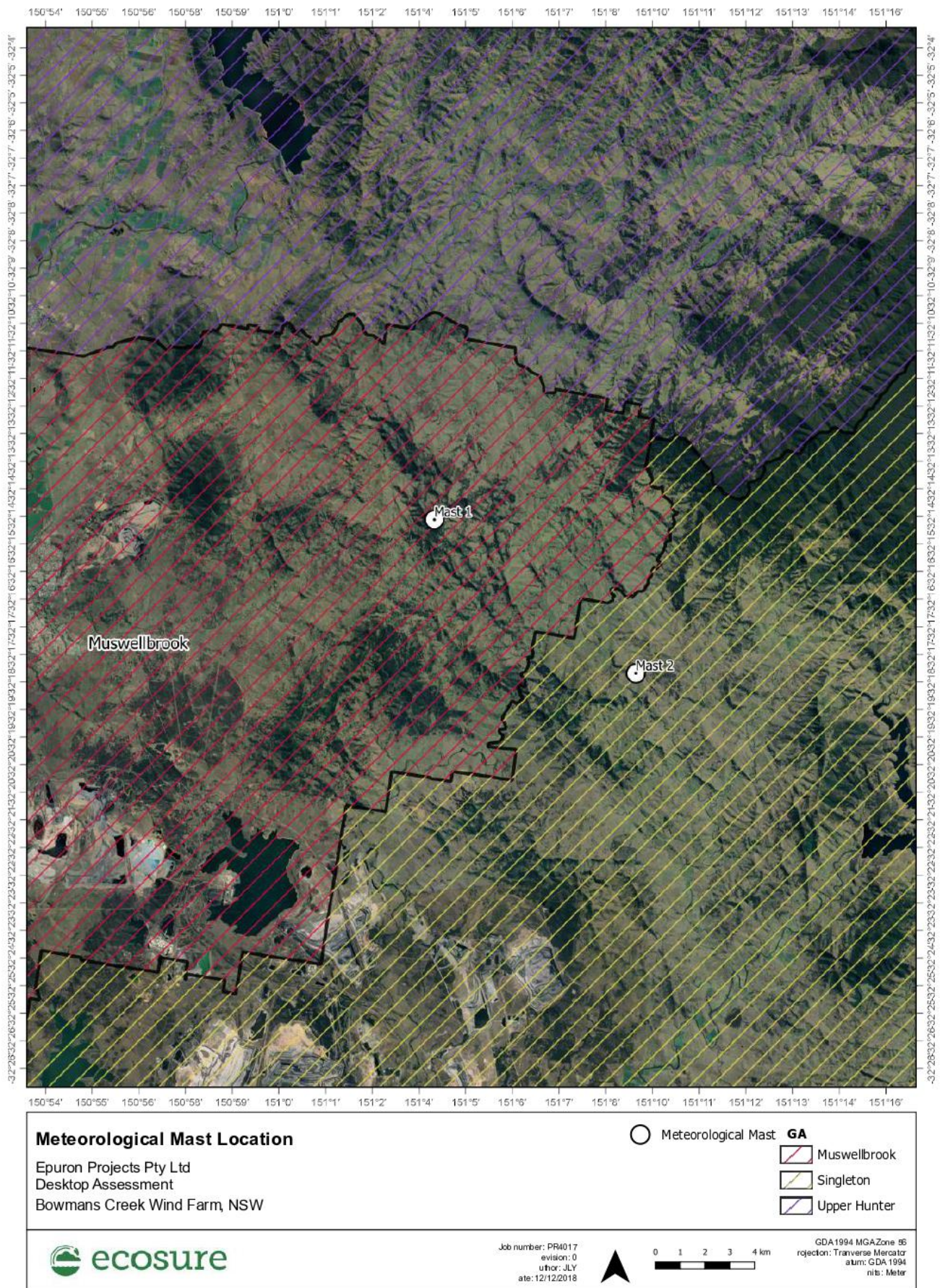
two (2) falls in Singleton LGA and is associated with Lot 131 DP752460 (Figure 1).

Mount Royal National Park is located within 10km to the North East of the site. There are no significant wetlands associated with the met mast sites however, Bowmans Creek bisects the two met masts and Glennies Creek Dam, Lake Lidell and Lake Glenbawn occur within approximately 10km from the site.

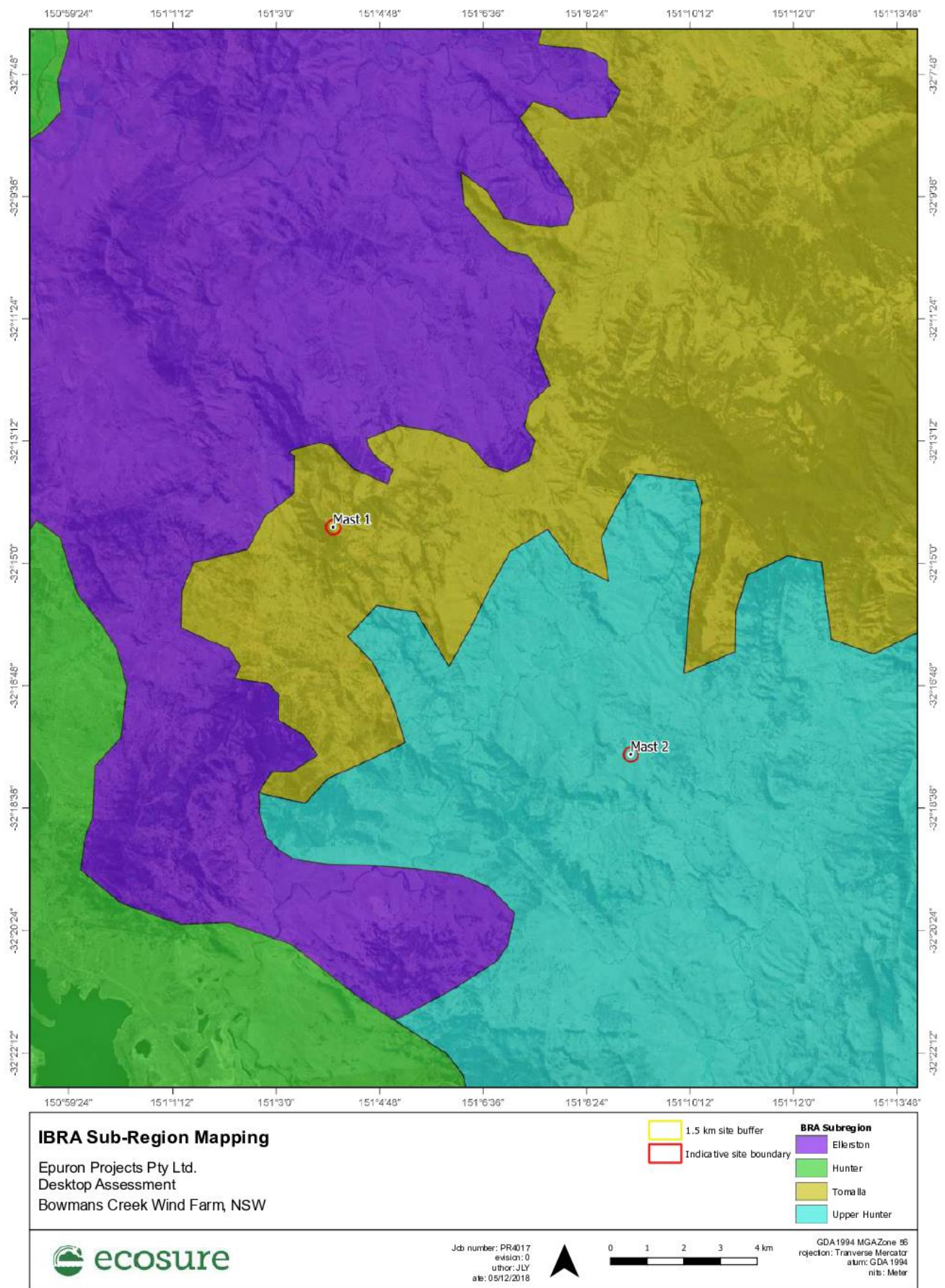
The site is associated with Barrington-Muswellbrook Steppingstones Remnants and Valley floor linkages Climate Change Corridors (OEH, 2010). Both met masts are associated with NSW North Coast IBRA and Tomalla and Upper Hunter IBRA Sub-Regions (Figure 2).

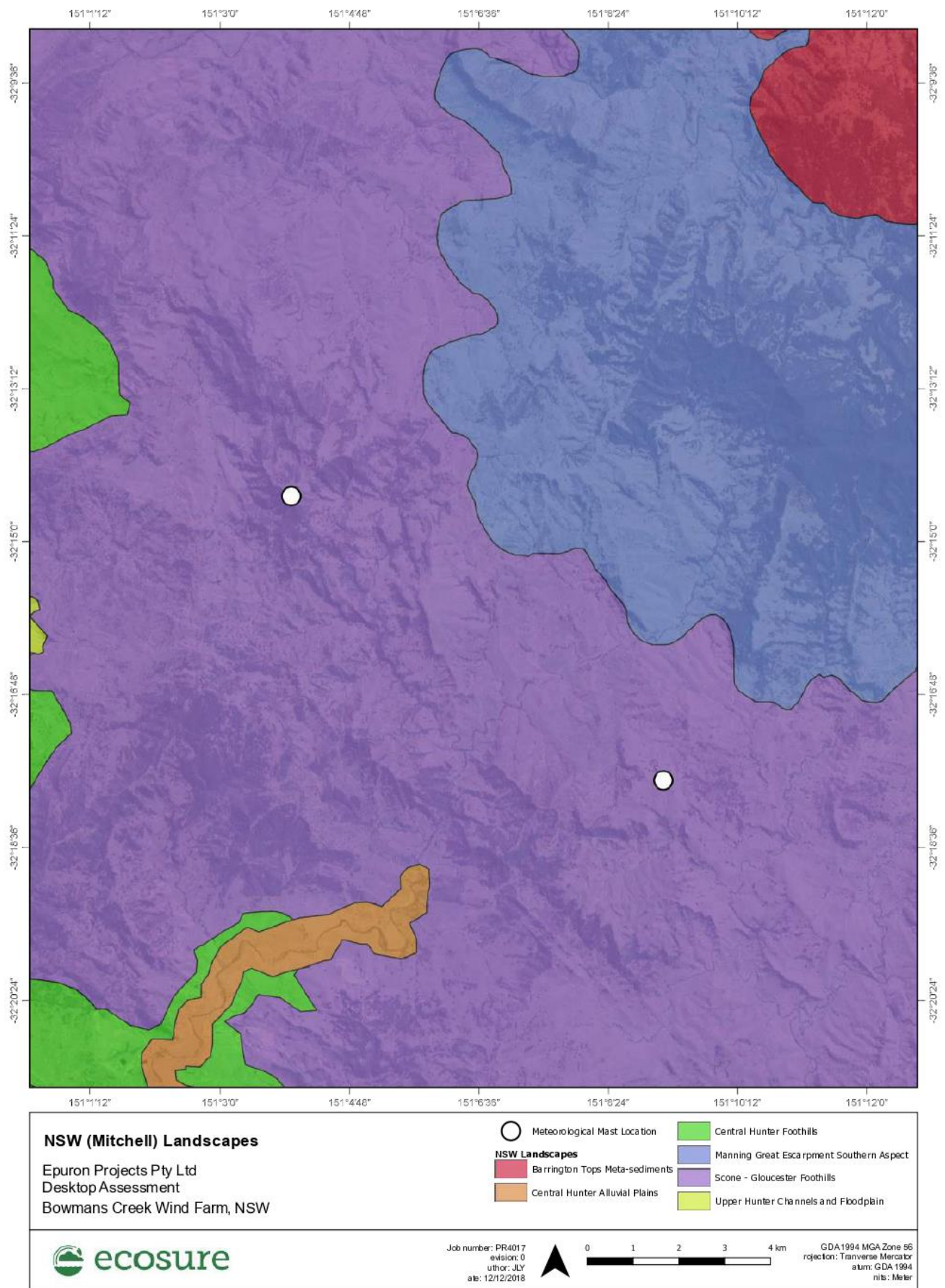
New South Wales (NSW) Landscapes (Mitchell) associated with the site include Scone – Gloucester Foothills (Figure 3). These landscapes have a general elevation of 200 to 600 m and include extensive faulted carboniferous sandstone and pyroclastic, conglomerate, mudstone, lithic sandstone, some limestone and acid tuff. They contain thin stony loams and red brown to yellow texture contrast soils with harsh subsoils in valleys (Department of Environment and Climate Change [DECC] 2002).













## 2 Methods

### 2.1 Desktop assessment

Inspection of NSW and Commonwealth environmental mapping and data was conducted. These included:

- NSW BioNet Vegetation Classification including Plant Community Types (PCT) and Threatened Ecological Communities (TEC)
- Biodiversity Values (BV) mapping
- IBRA
- Wetlands
- NSW Landscapes (Mitchell landscapes)
- Climate Change Corridors.

A review of the NSW BioNet records within a 1.5 km radius for each met mast, and 1.5 km radius of the greater project site, was completed to compile a list of threatened flora and fauna records. An EPBC Protected Matters Search was also undertaken (within 5 km of the sites).

Threatened species were assessed for their likelihood of occurrence based on:

- records in the local area
- presence of suitable habitat (determined using desktop data)
- presence of essential habitat
- species abundance, distribution and behaviour (sourced from published field guides, OEH species profiles and threats database profiles, scientific journal articles and known records).

Likelihood of occurrence was classified into four categories; unlikely, possible, likely and confirmed (Table 1). Marine species were excluded from the assessment.

### 2.2 Overview of strike risk assessment

The purpose of this assessment was to derive a semi quantitative estimate of relative collision risk for different species. In addition, 'risk' was qualitatively assessed in terms of risk to birds and bats, risk of collision and conservation risk. It is important to note that reliable risk estimates can only be derived from long term data that adequately represents seasonal and random variation in the way the birds and bats use the project site.

## 3 Results

Relevant threatened species databases and vegetation mapping resources were reviewed.

### 3.1 BV mapping

The BV map identifies areas of land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. Several creeks and some ridgelines surrounding the site are BV mapped. The two lots associated with the met masts do not contain any BV mapping (Appendix 1) and therefore do not trigger a Biodiversity Development Assessment Report (BDAR).

### 3.2 Vegetation

The EPBC Act recognised four Critically Endangered TEC communities that may occur or are likely to occur:

- Central Hunter Valley eucalypt forest and woodland
- Hunter Valley Weeping Myall (*Acacia pendula*) Woodland
- Lowland Rainforest of Subtropical Australia
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

For the purposes of this assessment a 200 m buffer was placed around each of the Met masts. These areas were assessed for mapped Plant Community Types (PCTs) based on OEH (2018) mapping.

#### Met mast 1

Mast one 200 m buffer is mapped PCT 1606 - White Box/ Narrow-leaved Ironbark/ Blakely's Red Gum shrubby open forest of the central and upper Hunter. This PCT is associated with the TEC White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

#### Met mast 2

No native vegetation is mapped at mast two, satellite imagery suggests no woody native vegetation exists within the 200 m buffer zone.

### 3.3 Threatened species

The NSW BioNet search returned one (1) threatened species within 1.5 km of met mast 1, the spotted-tailed quoll (*Dasyurus maculatus*). The quoll is listed as vulnerable under the BC Act and endangered under EPBC Act. Given the paucity of data an additional 1.5 km BioNet



search of the larger project site was undertaken which returned a further seven threatened species, Table 1.

Table 1 Threatened fauna species returned from a 1.5 km BioNet search of the project site

Class	Family	Scientific name	Common name	BC Act status	EPBC Act status
Bird	Climacteridae	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V	
	Acanthizidae	<i>Chthonicola sagittata</i>	Speckled Warbler	V	
	Neosittidae	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V	
Mammal	Dasyuridae	<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V	E
	Dasyuridae	<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	V	
	Phascolarctidae	<i>Phascolarctos cinereus</i>	Koala	V	V
	Vespertilionidae	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	V	
Flora	Orchidaceae	<i>Cymbidium canaliculatum</i>	<i>Cymbidium canaliculatum</i> population in the Hunter Catchment	E2	

A likelihood of occurrence and strike risk assessment for relevant EPBC Act and BC Act threatened and migratory fauna species is included as Table 2



Table 2 Threatened fauna likelihood of occurrence and strike risk assessment

Class	Species	Common name	EPBC Act	BC Act	Likelihood of occurrence	Fauna linked to PCT
Bird	<i>Anthochaera phrygia</i>	regent honeyeater	CE	CE	possible	Yes
	<i>Botaurus poeciloptilus</i>	Australasian bittern	E	E	possible	
	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)		V	confirmed	Yes
	<i>Chthonicola sagittata</i>	speckled warbler		V	confirmed	
	<i>Daphoenositta chrysoptera</i>	varied sittella		V	confirmed	Yes
	<i>Dasyornis brachypterus</i>	eastern bristlebird	E	E	unlikely	
	<i>Erythrotriorchis radiatus</i>	red goshawk	V	CE	unlikely	
	<i>Grantiella picta</i>	painted honeyeater	V	V	unlikely	
	<i>Lathamus discolor</i>	swift parrot	CE	E	possible	Yes
	<i>Numenius madagascariensis</i>	eastern curlew	E		unlikely	
	<i>Rostratula australis</i>	Australian painted-snipe	E	E	unlikely	
Bird (migratory)	<i>Apus pacificus</i>	fork-tailed swift	M		possible	
	<i>Hirundapus caudacutus</i>	white-throated needletail	MTS		possible	
	<i>Monarcha melanopsis</i>	black-faced monarch	MTS		Unlikely	
	<i>Monarcha trivirgatus</i>	spectacled monarch	MTS		Unlikely	
	<i>Motacilla flava</i>	yellow wagtail	MTS		Unlikely	
	<i>Myiagra cyanoleuca</i>	satin flycatcher	MTS		Unlikely	
	<i>Rhipidura rufifrons</i>	rufous fantail	MTS		Unlikely	
	<i>Actitis hypoleucos</i>	common sandpiper	MWS		possible	
	<i>Calidris acuminata</i>	sharp-tailed sandpiper	MWS		possible	
	<i>Calidris ferruginea</i>	curlew sandpiper	MWS	E	possible	
	<i>Calidris melanotos</i>	pectoral sandpiper	MWS		possible	
	<i>Gallinago hardwickii</i>	Latham's snipe	MWS		possible	
	<i>Numenius madagascariensis</i>	eastern curlew	CE, MWS		possible	
	<i>Pandion haliaetus</i>	osprey	MWS	V	possible	
	<i>Tringa nebularia</i>	common greenshank	MWS		possible	
Bats	<i>Chalinolobus dwyeri</i>	large-eared pied bat	V	V	possible	
	<i>Nyctophilus corbeni</i>	Corben's long-eared bat	V	V	possible	
	<i>Miniopterus schreibersii oceanensis</i>	eastern bentwing-bat		V	confirmed	Yes



Class	Species	Common name	EPBC Act	BC Act	Likelihood of occurrence	Fauna linked to PCT
	<i>Pteropus poliocephalus</i>	grey-headed flying-fox	V	V	likely	Yes
Marsupials	<i>Dasyurus maculatus maculatus</i>	spotted-tail quoll	E	V	confirmed	
	<i>Petauroides volans</i>	greater glider	V		possible	
	<i>Phascogale tapoatafa</i>	brush-tailed phascogale	V	V	confirmed	
	<i>Phascolarctos cinereus</i>	koala	V	V	confirmed	

V - Vulnerable; E - Endangered; CE - Critically Endangered; Migratory terrestrial species; MWS - Migratory wetland species;

The BioNet search includes actual records within 1.5 km of the site, whereas the EPBC Act Protected Matters Report includes species which may occur, based on modelled habitat requirements.

The EPBC Act Protected Matters Search Tool (within a 10 km buffer of the sites) returned one (1) Wetland of International Importance, four (4) threatened ecological communities, 32 listed threatened species and 15 listed migratory species (Appendix 2) which may occur or relate to the area.

### 3.4 Bird and bat collision risk

Despite this only being a desktop assessment some conclusions and recommendations can be made:

1. The project site is relatively poor in avifauna diversity and numbers.
2. The EPBC Act recognises a total of nine (9) bird species, thirteen (13) migratory bird species, one (1) flying-fox species and two (2) microbat species.
3. The BC Act recognises a total of three (3) bird species and four (4) mammals species including two (2) bats. The BioNet species return list is based on a search range of 1.5 km that includes the project site, an area much larger than the Met mast area of influence.
3. Significant water bodies for migratory wetland species are distant from the met masts and are therefore not within a potential flyway.
4. Based on initial analysis a first approximation collision Risk Assessment is:
  - a) The highest bird collision mortality risk is to raptors. This assessment ignores species variation in avoidance/vigilance capacity.
  - b) Threatened raptor species most likely to collide are the square-tailed kite and little eagle which are predicted to occur from the recorded PCT, however



neither of these species were returned by the BioNet or EPBC Protected Matters Report.

- b) The highest conservation risk is to grey-headed flying fox (vulnerable). This widespread species consistently accesses airspace within the height range of the masts and is potentially exposed to collision (Table 1).
- c) Large forest owls such as the barking owl, powerful owl and masked owl can use higher flight levels and may also be high conservation risk species. However, no large forest owls were returned in the BioNet or EPBC Protected Matters Report but are predicted for the PCT surrounding Met Mast 1.

## 4 Discussion

The bird and bat RA identified several species groups that are likely to be at risk of impact from the met masts. Species groups that are at high risk from the project include raptors, flocking psittacines, aerial foragers (including listed migratory species) and nocturnal species. These groups are known to utilise the airspace at this height for foraging and traversing.

Preliminary analysis of likelihood of occurrence of threatened species suggests there are six (6) confirmed, sixteen (16) possible and one (1) likely bird and bat species of having habitat requirements or mapped distribution that is likely to expose them to the Met mast infrastructure.

### 4.1 Flora

There was no requirement to remove any vegetation for construction of met masts and there were no threatened plant species considered at risk of construction associated with the Met masts. The *Cymbidium canaliculatum* population in the Hunter Catchment, and endangered population of orchid is not known to occur in the environments upon which the Met masts were constructed.

### 4.2 Fauna

#### 4.2.1 Likelihood of occurrence assessment

Preliminary analysis for strike risk assessment indicates that there is low potential for collision mortalities for most of the majority of these species either because they are rare, do not use airspace that overlaps the met mast airspace or have habitat requirements that are not located within range of the met masts. Only two threatened species, the swift parrot and grey-headed flying fox would be considered at risk. Survey data would be required to consolidate qualitative and quantitative collision risk particularly in relation to the way in which threatened species use the airspace.

## 5 Conclusion

This desktop assessment has identified the significant flora, fauna and ecological values existing within the site and has identified values of significance at the Commonwealth, state and local levels. The site contains significant ecological values including:

- potential habitat for EVNT species listed under EPBC Act and/or BC Act
- potential habitat for migratory species listed under EPBC Act and/or BC Act
- potential habitat for resident and nomadic raptors and other birds of prey
- vegetation communities including potential TECs
- state and regionally significant terrestrial corridors

Under State Environmental Planning Policy (Infrastructure) 2007 the Met masts are not considered low impact minor infrastructure because they exceed the height limit by 10 m, but accord with the other provisions listed under Part 3 Division 4 Clause 39 of the policy.

This desktop assessment concludes that the Met mast are unlikely to have any significant impact on threatened fauna, flora or TECs.



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## Appendix 1    BV mapping



### Biodiversity Offset Scheme (BOS) Entry Threshold Map



0.6 0 0.31 0.6 Kilometers  
GCS\_GDA\_1994

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

#### Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

#### Notes

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## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	08/01/2019 11:46 AM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	17.58 ha	
<b>Minimum Lot Size Method</b>	Lot size	
<b>Minimum Lot Size</b>	15.95 ha	
<b>Area Clearing Threshold</b>	0.5 ha	
<b>Area clearing trigger</b> Area of native vegetation cleared	Unknown #	Unknown #
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

# Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

## Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

## Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature \_\_\_\_\_ Date: 08/01/2019 11:46 AM





### Biodiversity Offset Scheme (BOS) Entry Threshold Map



0.6 0 0.31 0.6 Kilometers  
GCS\_GDA\_1994

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

#### Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

#### Notes

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## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	08/01/2019 11:51 AM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	24.17 ha	
<b>Minimum Lot Size Method</b>	Lot size	
<b>Minimum Lot Size</b>	24.17 ha	
<b>Area Clearing Threshold</b>	0.5 ha	
<b>Area clearing trigger</b> Area of native vegetation cleared	Unknown #	Unknown #
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

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## Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature \_\_\_\_\_ Date: 08/01/2019 11:51 AM



18 June 2021

Development Coordinator  
Muswellbrook Shire Council  
60-82 Bridge Street  
MUSWELLBROOK NSW 2333

**Attention: Hamish McTaggart**

Dear Hamish,

**WIND MONITORING TOWER – MUSWELLBROOK (PAN-85719)**  
**Addendum to the Statement of Environmental Effects**

**1 Background**

Epuron Projects Pty Limited (Epuron) is seeking retrospective development consent for the construction and operation of a wind monitoring tower (the Development) near Bowmans Creek. Epuron engaged James Bailey and Associates (JBA) to prepare the required Development Application under Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the supporting Statement of Environmental Effects (SEE). The Development Application (PAN-85719) and supporting SEE were submitted to the ePlanning Portal on 26 March 2021.

On 2 June 2021, MSC requested the preparation of an Addendum to the SEE that contains the information required by MSC to complete its assessment of the Development.

**2 Remediation of Land**

Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires the consent authority to consider the following:

- Whether the land is contaminated; and
- Whether remediation is required to make the land suitable for the proposed development.

The Environmental Protection Authority (EPA) maintains a register of contaminated land in New South Wales. The Development is not located on or near a notified contaminated site.

The land surrounding the Development has historically been used for low intensity agricultural activity. The Development is not sensitive to land contamination given that it is an unoccupied structure (other than occasional access for maintenance activities). Accordingly, no remediation works would be required to make the land suitable for the Development (in the unlikely event that the land was contaminated).

*Our Reference: 2131*  
*210618 muswellbrook monitoring tower\_see addendum*



ABN 40 644 809 889



Wind Monitoring Tower  
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### 3 Hazardous and Offensive Development

*State Environmental Planning Policy No 33 – Hazardous and Offensive Development* (SEPP 33) imposes additional assessment requirements for ‘potentially hazardous industry’ and ‘potentially offensive industry’. Guidance on the interpretation of SEPP 33 is provided in ‘*Applying SEPP 33: Hazardous and Offensive Development Application Guidelines*’ (Department of Planning, 2011) (SEPP 33 Guidelines).

‘Potentially hazardous industry’ is defined as a development which would pose a significant risk to human health and life, property or the biophysical environment. The SEPP 33 Guidelines outline a risk screening process for determining whether a development constitutes ‘potentially hazardous industry’. If the quantities of dangerous goods stored on-site are greater than the screening thresholds in Table 1 of the SEPP 33 guidelines, the development is a potentially hazardous industry. There are no dangerous goods stored at the site of the Development. Therefore, the Development is not a potentially hazardous industry.

‘Potentially offensive industry’ is defined as a development which would emit a polluting discharge if no mitigation measures are implemented. The operation of the wind monitoring tower does not emit any noise or other pollutants. Therefore, the Development is not a potentially offensive industry.

### 4 Koala Habitat Protection

*State Environmental Planning Policy (Koala Habitat Protection) 2021* (Koala SEPP) describes the regulatory framework for the protection of koala habitat. Under Clause 10 of the Koala SEPP, the determination of a development application must be consistent with the koala plan of management (KPOM) that applies to the land. The Development is located within the Muswellbrook Local Government Area, which is part of the Central Coast koala management area. There is currently no approved KPOM for the Central Coast koala management area.

Clause 11 of the Koala SEPP applies when there is no approved KPOM that applies to the land. Clause 11(3) states that the local council may grant development consent if the development is likely to have low or no impacts on koalas or koala habitat. The wind monitoring tower and associated access tracks were sited in areas of grassland. By avoiding the removal of trees, the Development did not result in any impacts to koalas or koala habitat.

### 5 Traffic Generating Development

Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) states that Transport for NSW (TfNSW) must be notified if a proposed development will exceed the traffic thresholds in Schedule 1. The Development does not conform to any of the development purposes listed in Schedule 1 of the Infrastructure SEPP. Accordingly, the threshold for ‘any other purpose’ is applicable to the Development.

Our Reference: 2131  
210618 muswellbrook monitoring tower\_see addendum

Wind Monitoring Tower  
Addendum to Statement of Environmental Effects  
For Epuron Projects Pty Limited

18 June 2021  
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The wind monitoring tower is operated remotely. That is, there are no vehicle movements to and from the site during normal operations. Maintenance visits are conducted annually or to repair damage caused by natural events such as lightning strikes. No more than one vehicle is required for each maintenance visit. Therefore, the traffic generated by the Development is less than the relevant threshold (200 or more vehicles per hour) under Schedule 1 of the Infrastructure SEPP. As such, notification of TfNSW in accordance with Clause 104 of the Infrastructure SEPP is not required.

## 6 Other Matters

MSC requested further details on maintenance requirements for the monitoring tower and access tracks, and whether the Development will result in lighting impacts.

Existing farm tracks were used to access the site during construction. Some sections of the access tracks required minor maintenance (re-grading and improvement of minimum horizontal radius and track width) to facilitate vehicle access. No further maintenance of access tracks is likely to be required in the future.

Maintenance of the wind monitoring tower is undertaken annually or as required to replace or repair equipment damaged due to natural events, typically after lightning strikes. Routine maintenance involves testing, refurbishment or replacement of monitoring equipment, as well as checking the condition of the mast and supporting guy wires.

The wind monitoring tower is fitted with aviation markers to ensure the safety of aircraft at night. The tower is not fitted with any lighting that would result in glare.

## 7 Conclusion

We trust that the information provided in this letter will assist MSC in its assessment of the Development Application. If you require any further information, please do not hesitate to contact Andrew Wu on 02 6536 2999.

Regards

**JAMES BAILEY & ASSOCIATES**



**James Bailey**  
Director

Our Reference: 2131  
210618 muswellbrook monitoring tower\_see addendum

M U S W E L L B R O O K   S H I R E   C O U N C I L   R E P O R T

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**SECTION 4.15 ASSESSMENT REPORT**

<b>ADDRESS:</b>	Lot: 100 DP 793194, 83-89 Maitland Street Muswellbrook
<b>APPLICATION NO:</b>	DA 2021-30
<b>PROPOSAL:</b>	Pursuant to section 4.15 of the EP & A Act 1979, to - alter hours of operation (internal and drive-thru) of restaurant to 24 hours, 7 days a week.
<b>OWNER:</b>	McDonald's Australia Limited
<b>APPLICANT:</b>	McDonald's Australia Limited C/- SLR Consulting Australia
<b>ADDRESS:</b>	McDonald's Australia Limited C/- SLR Consulting Australia Suite 2, 125 Bull Street NEWCASTLE WEST NSW 2302
<b>AUTHOR:</b>	Mr H A McTaggart
<b>DATE OF REPORT:</b>	13 July 2021
<b>DATE LODGED:</b>	19 March 2021

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**SUMMARY**

<b>KEY ISSUES:</b>	Noise Impacts, Safety, Security and Crime Prevention, suitability of the site, public interest
<b>SUBMISSIONS:</b>	Four (4)
<b>RECOMMENDATION:</b>	Approval to allow 24/7 hour operation (internal and drive-thru trading) for a 1 year trial period and subject to recommended conditions.

## 1. SITE AND LOCALITY DESCRIPTION

The subject land is identified as Lot 100 DP 793194 (83 – 89 Maitland Street), Muswellbrook.

The subject site is zoned B2 Local Centre under the Muswellbrook LEP 2009 and has frontage to both the New England Highway (a classified state road) and Thompson Street. Vehicles enter from Thompson Street and the New England Highway and the site has a single vehicle exit point to Thompson Street.

A McDonald's restaurant currently operates from the site. A search of Council's records identified that a total of four (4) development applications had been approved in relation to the premises since 1995.

Currently the McDonald's restaurant at the site includes:

- Dine in restaurant and McCafe facilities;
- Drive thru takeaway facilities;
- A car park area with eighty five (85) off-street car parking spaces; and
- Landscaping.

Although the subject land is zoned B2 Local Centre the site is located at an interface between the B2 Local Centre and R1 General Residential zones. The site adjoins an established residential area to the north-west and hotel or motel accommodation to the south-east. North-east of the site on the opposite side of the New England Highway is the Muswellbrook Golf Course and disused site zoned RU3 Forestry.

The image below identifies the subject site in relation to its local context.



## 2. DESCRIPTION OF PROPOSAL

Council has received an application for McDonalds Muswellbrook to operate 24/7. The McDonalds use was approved by Council under DA 72/2003 on the 16 June 2003 (Restaurant Alterations/Additions).

Under DA 2003-72, Condition 1.11, operating hours were restricted to between 6:00am and 10:00pm Monday to Thursday, Sunday and on public holidays and between 6:00am and 11:00pm for Fridays and Saturdays.

On 9 April 2019, Council granted approval to the modification of DA 72/2003 to permit the restaurants drive thru to operate for extended trading hours starting at 5:00 am, 7 days a week, for a 12-month period.

On 7 October 2020, Consent was granted to the modification of the original consent under DA72/2003/5. The modification enabled the previous 12-month trial period (DA72/2003/4) to be made permanent, allowing the store to trade permanently the 5.00 am to 6.00 am window, Monday to Sunday.

This application seeks Council approval for 24 hour, 7 days a week operation (internal and drive-thru trading), for the existing use (DA 2003-72).

## RELEVANT HISTORY

A search of Council's records identified several development applications for alterations and additions, minor works and improvements to the McDonald's restaurant premises.

DA	Description	Determination and date
DA72/2003 (1)	Alterations and Additions to McDonald's Restaurant and McCafe	Approved 16 June 2003
DA 332/2008	Extend Trading Hours of McDonald's Restaurant to 5am to midnight 7 days a week and change of hours of drive-thru facility to 24 hours per day 7 days a week	Refused by Council 9 February 2009
Section 96(1a) modification DA 72/2003(2)	Section 96(1a) modification amend condition 1.11 – alter hours of operation	Refused by Council 12 December 2017
Section 8.2 Review of DA 72/2003(2)	A section 8.2 Review application was lodged for the review of Council's determination of the Section 96(1a) determination of DA 72/2003	No determination required decision timeframe lapsed.
DA 72/2003/4 Section 4.55(2)	Section 4.55(2) modification amend condition 1.11 – alter hours of operation 5:00 am - 6.00 am, Monday to Sunday (drive-thru) for 12-month trial	9 April 2019 Council approved a 12-month trial period for the extended drive-thru operating hours 5:00 am - 6.00 am window, Monday to Sunday
DA 72/2003/5 Section 4.55(2)	Section 4.55(2) modification amend condition 1.11 – alter hours of operation to extended drive-thru operating hours permanently 5:00 am - 6.00 am, Monday to Sunday	7 October 2020 Council approved extended drive-thru operating hours 5:00 am - 6.00 am window, Monday to Sunday

3.

#### **4. REFERRALS**

##### **Internal Referrals**

The Proposal was referred to Council's Community Infrastructure Department who advised they had no objections given McDonalds had been operating successfully for a long period of time without any known incidents, and no additional infrastructure was proposed as part of the development.

Clarification of hours for waste collection and deliveries was sought. Waste collection and deliveries will be managed by the same conditions of consent that have applied to DA72/2003/5.

##### **External Referrals**

###### **NSW Police**

The proposed development was referred to the NSW Police and correspondence was received 19 May 2021. The NSW Police advised:

- That they had no objection to the application and were aware that the Store had been operating under a COVID order with extended hours since 25 October 2020.
- They recorded several events in late 2020 relating to persons loitering in the carpark but these were dealt with at the time by Police.
- Since the Store had been operating the extended hours, there were less loitering incidents occurring in the carpark, which could be attributed to the increase in the passive surveillance from the store being operational 24 hours.
- The previous recommendation to have temporary barriers placed in the carpark to deter vehicles from stopping in the carpark after hours be withdrawn.

#### **SUBMISSIONS**

The proposed modification was notified in accordance with Council's Community Participation Plan and to all individuals who made a submission to Council in relation to the extension of opening hours.

Council received a total of **four (4)** submissions in relation to the application, all of which objected to the proposed development. The issues raised by the submissions are considered under a later heading of this assessment report.

#### **5. SECTION 4.15 CONSIDERATIONS**

The application seeks to modify the operating hours of Muswellbrook McDonalds to 24/7 trading.

#### **6. ASSESSMENT OF SECTION 4.15 CONSIDERATIONS**

##### **S 4.15(1)(a)(i) The provisions of any environmental planning instruments**

###### **The Muswellbrook Local Environmental Plan 2009**

###### **Permissibility**

The proposed development was approved by Council under the provisions of the now repealed Muswellbrook LEP 1985.

Under the now in force Muswellbrook LEP 2009 the subject land is zoned B2 Local Centre. The

use of the premises is best defined as a food and drink premises and sub-categorised as a restaurant or café. The land use definitions for each are as follows:

**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.

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

Under the Muswellbrook LEP 2009 a food and drink premises is a sub-category of a 'commercial premises'. Commercial premises are permitted with consent in the B2 Local Centre zone.

#### Land use zoning objectives

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

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

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

It is considered that the proposed modification would be compatible with the land use zoning objectives. The extended trading hours for the premises would support the retail, trade and business development directions set out in the land use zoning objectives.



State Environmental Planning Policies

The State Environmental Planning Policies have been considered in relation to the proposal. It is considered that the proposed development would have limited consequences in relation to these environmental planning instruments.

**S 4.15(1)(a)(ii) The provisions of any draft environmental planning instruments**

There are no draft Environmental planning instruments that relate to the proposed modification.

**S 4.15(1)(a)(iii) the provisions of any development control plan**

The Muswellbrook Development Control Plan (MDCP 2009) is the development control plan relevant to all development in the Muswellbrook Local Government Area.

The provisions of the DCP have been considered in relation to the proposed modification. The DCP does not include any specific provisions relevant to the trading hours of commercial premises.

**S 4.15(1)(a)(iiia) the provisions of any planning agreement**

There are no planning agreements relevant to approved development or proposed modification.

**S 4.15(1)(a)(iv) the provisions of the regulations**

There are no specific matters prescribed by the Environmental Planning and Assessment Regulation 2000 relevant to the assessment of this application.

**S 4.15(1)(b) likely environmental impacts**Access, transport and traffic

The site has primary frontage to New England Highway and the proposal retains that access. One additional access point also occurs from Thompson Street on the north western side of the allotment. Both access locations are sealed and improved by upright kerb and gutter.

The proposed development involves the extension of McDonald's trading hours. The current road network is suitably designed for the Proposal. The premises has been operating with 24/7 hours since October 2020 and traffic movement has not exceeded the road design capacity. Therefore, it is believed that there will be no significant impact.

Waste Management

The premises would continue to be managed generally in accordance with existing waste management procedures.

As part of Council's determination of the extended trading hour trial period the operator was required to prepare and enact a waste minimisation management plan in accordance with the requirements of Council's DCP. This plan has been implemented with litter patrols to collect waste discarded by customers in the vicinity of the development site. This will form as a continued condition as part of consent, should the Proposal be supported.

A submission received by Council suggests that litter from the site remains a problem in the locality. This concern is acknowledged by Council Officers and has been forwarded to the McDonalds Manager.



Odour and air quality

The extension of trading hours would increase the timeframe that kitchen is in use. Odour from the kitchen of the premises was not identified as an issue by the community. The Assessing Officer is satisfied that the proposed modification is unlikely to have any significant impact related to odour.

Noise Impacts

Noise impacts associated with the proposed development was a key consideration for Council in determining the 5:00am drive-thru opening trial period and permanent extended operating hours. As part of this modification application a Noise Impact Assessment was submitted by the proponent. The results indicated that sleep disturbance is not anticipated, as impact noise levels are predicted to remain below the EPA Guideline for maximum noise event trigger levels.

Previously the applicant to implement the following regarding managing noise:

- Keep a record of any intrusive noise or odour complaints received through the trial period.
- Notify nearby residents in writing of the contact information/process for making complaints.
- Enact a process for investigating and managing complaints in consultation with Council if a large quantity of noise complaints is received within a short period of time.
- Install signage, in consultation with neighbouring residents, advising customers of their responsibility to avoid excessive noise that may disturb the amenity of the local neighbourhood.
- Prepare and enact a plan to manage noise through the restaurant drive-thru.

The applicant has previously completed and complied with these noise mitigation measures via previous approvals and this will be extended to this proposal, should Council support the application.

Throughout the previous 12-month trial period (DA 72/2003/4) for the earlier start time for the Drive-Thru, Council did not receive any specific noise complaints. A Council Officer did receive a single verbal complaint in relation to the premise's operation, which was general in nature.

In view of the mitigation measures previously implemented, and the limited complaints received by Council or the NSW Police since the premise began trading 24/7 on a temporary basis, its considered that the proposed trading hours will not have a significant impact on the amenity of the locality.

However, it is suggested the proposed 24/7 operating hours initially occur for a 12-month trial period. This will allow Council the opportunity to review the operation of the business within the existing environment and any complaints before considering permanent 24/7 operating hours.

Safety, security and crime prevention

Matters related to safety, security and crime prevention have been considered in detail through the assessment of this development application.

To inform Council's consideration of these issues the applicant has prepared and submitted a Crime Risk Assessment and plan of management (March 2021) that included the following:

- Crime Prevention through Environmental Design (CPTED) Strategy,
- 24 hour CCTV Surveillance with 60 day viewing retention,

- Effective lighting of public areas,
- Provision of directional signage that assists in controlling activities and movements throughout the premises,
- Maintenance of landscaping to ensure it communicates an alert and active presence occupying the space,
- Car parking closures in accordance with a car parking closure plan during drive-thru only operating hours,
- Incident reporting and registration of complaints,
- The adoption of noise management procedures, and
- The carrying out of regular litter patrols, four (4) per day minimum within a specified area of the premise's immediate locality.

This plan of management was referred to the NSW Police for consideration. The Police have no objection to the proposed trading hours, subject to the implementation of the security measures.

Noting that the NSW Police are satisfied with the security measures proposed, the Assessing Officer is generally satisfied with the proposed development from a safety security and crime prevention perspective.

#### Public Domain

The impacts of the development on the public domain will be limited given the change is regarding hours of operation. While the development is visible from a public place, proposed conditions of consent will also ensure an acceptable level of impact within the existing environment. On this basis, it is believed the development is not expected to have an adverse impact on the public domain.

#### Social and Economic Impacts

The proposed trading hours will have moderate positive economic outcomes related to the additional commercial activity and trading hours. As discussed in previous applications for adjustment of trading hours these positive impacts need to be balanced against any adverse social impacts to the locality. In this instance Council Officers are satisfied that the proposal is unlikely to have any significant adverse social impacts and thereby may be supported.

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

The site is zoned B2 Local Centre under the Muswellbrook LEP 2009. Council Officers are satisfied that the site's zoning and location is suitable to support is commercial land use. However, a trial period is recommended to ensure any impacts to the residential character of adjoining land are not unreasonable.

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

The proposed development was publically advertised and notified in accordance with the requirements of the Muswellbrook Community Participation Plan. A total of four (4) submissions, all of which objected to the proposal, were received by Council in relation to the development.

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

The content of the submissions received have been considered by the Assessing Officer. Concerns raised by the submitters in relation to the proposed development have been summarised and commented on in the table below.

Issue Raised	Planning Comment
<p>Traffic entering the site has caused sleep disturbance.</p>	<p>In its determination of the extended trading hours under DA 72/2003/4 and DA 72/2003/5 Council established a protocol for the reporting and management of noise impacts associated with the extended trading hours.</p> <p>Throughout the previous trial period and permanent extended hours no noise disturbances were logged with McDonalds and no specific noise disturbances were reported to Council.</p> <p>Although no specific noise disturbances were reported Council Officers do not refute the submitters concerns that they have been disturbed by the extended trading hours.</p> <p>Should Council resolve to support this application it is recommended that any determination remains subject to conditions of consent related to the management of noise impacts and the requirement for McDonalds to continue to record and act to mitigate any noise impacts remains current.</p>
<p>Poorly managed traffic at the site – trucks, and caravans park in no parking areas. Photos provided showing evidence of vehicles parked in unsuitable locations on-site.</p>	<p>The proposed modification would have minimal impact on the current traffic conditions. The extended trading hours is not anticipated to increase the likelihood of illegal vehicle parking at the site as peak trading times are during the day, principally during school and public holidays periods.</p>
<p>Concern regarding the use of the car park at night and disturbances to the area.</p> <p>Video evidence was included.</p>	<p>A condition will also be imposed, should the proposal be supported, requiring any feedback from the community via a complaints register for any concerns.</p> <p>The proposed modification to permit the 24/7 trading hours is not considered to increase the likelihood of this occurrence in the area. Anecdotal evidence from NSW Police is that 24/7 trading has reduced anti-social behaviour in the carpark.</p>
<p>Concern regarding management of litter at the site.</p> <p>Photo evidence of litter at the site was included.</p>	<p>McDonalds has been required to carry out litter patrols for the site and surrounding streets. The continuation of patrols would be required as part of any approval for this application.</p> <p>McDonalds has acknowledged that the successful completion of the patrols relies on the individuals tasked to undertake them. McDonald's has committed to identifying and managing these issues to ensure that litter is managed to a high standard.</p>

Issue Raised	Planning Comment
'No Stopping' Signage at front of McDonalds Store gives preferential treatment to the restaurant and prevents them from cleaning in front of the store and should be removed.	Signage is appropriately located to manage the safety of vehicular movement along the Highway.  McDonalds has been required to carry out litter patrols at the site outlined in their plan of Management. The continued carrying out of these patrols would be required as part of any approval for this application.
Concerns relating to noise associated with traffic and anti-social behaviour	An Acoustic Report was undertaken by a qualified acoustic consultant, as part of the development application to certify the McDonald's operations noise emission during the previously extended trading hours. The results indicated that the proposal for extended trade would satisfy the relevant Project Noise Trigger Levels at all assessed receivers. Conditions of consent are proposed requiring recording of feedback from the community via a complaint register, and implementation of the mitigation measures.
Visual Impacts from lights shining into adjoining residents' properties	Conditions of consent are proposed requiring recording of feedback from the community via a complaint register, and implementation of the mitigation measures.  Conditions are also proposed relating to appropriate lighting to eliminate lighting nuisance.

#### **S 4.15(1)(e) The public interest**

Council Officers acknowledge that these trading hours may result in some impacts to the amenity of neighbouring residents. However, Council Officers are satisfied that public interest considerations are acceptable. However, the new trading hours should be subject to a 1-year trial period. This would allow Council the opportunity to review the operation of the business within the existing environment and any complaints when considering permanent operating hours in the future.

#### **7. CONCLUSION**

The request for 24 hour, 7 days a week operating hours, for the Muswellbrook McDonalds Restaurant (drive-thru and internal trading), has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is considered that the proposed change to operating hours would be in accordance with the relevant development assessment provisions of the Environmental Planning and Assessment Act 1979 and may be supported by Council.

It is recommended that Council grants consent to the modification application subject to conditions, which are consistent with those imposed on previous approvals involving trial periods for extended trading hours before granting permanent extended trading hours. This facilitates an opportunity to reassess the situation after 12 months.

**RECOMMENDATION**

That Council grant approval to DA 2021-30 to allow for internal and drive thru trading to commence 24 hours, 7 days a week, for a trial period commencing on the date of the determination, and concluding a year from that date.

The new conditions of consent are as follows:

**Condition 1**

*The premises may operate 24 hours, 7 days a week on a trial basis for a period of 1 year. The date for the commencement of this trial period is to be taken to be the date of the Notice of Determination given these hours have commenced under the Environmental Planning and Assessment (COVID-19 Development – Takeaway Food and Beverages) Order 2020.*

*At the conclusion of the 1-year trial period the premises must revert to utilising the previous approved trading hours, unless a Section 4.55 modification has been lodged with Council for the continuation of the 24-hour, 7 day per week operation of the premises.*

*Where a Section 4.55 modification is lodged in line with the above, the development may continue to operate 24 hours, 7 days a week for a further period of six (6) months to allow for that application to be determined.*

*If the Section 4.55 modification is refused by Council or withdrawn the premises must revert back to trading hours approved under DA 72/2003/5 being:-*

- (a) The hours of operation are restricted from 5.00 am to 10.00 pm Monday to Thursday, Sunday and Public Holidays, and 5.00 am to 11.00 pm Friday and Saturday;*
- (b) In addition to (a) above, the drive-thru may operate between 5.00 am and 6.00 am, 7 days a week.*

*Note: the assessment of any application for the continuation of 24 hour a day operating times will be carried out in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979. Council will be particularly interested in any performance data from the 1-year trial period, compliance with the development consent requirements, outcomes of any noise monitoring, and complaints received by the operator, Council or NSW Police.*

**Condition 2**

*At all times the person acting with this consent shall comply with the following:*

- (a) The operation of the premises shall comply with the McDonald's Plan of Management dated March 2021, or an updated Plan of Management approved by Council in writing.*
- (b) The proponent shall keep a detailed record of complaints which are to be documented in a register maintained for the 12-month period of the premises operation. The Register is to be maintained on-site and may be inspected by Council Officers and other relevant regulatory personal. Data contained in the complaint register is to include time, location and nature of any intrusive noise, odour or other reported issue that causes a disturbance to an adjoining landowner. The person acting with this consent is to take reasonable steps to inform nearby*

*residents and interested persons on how to make any complaints in relation to the operation of the premises. Council would view an annual letter drop to neighboring properties advising of the contact information and procedure for making complaints as reasonable steps.*

- (c) If noise complaints become systematic and/or a significant increase in complaints is identified in the 12-month period the person acting with this consent is required to complete the following:*
  - (i) Advise Council of the nature and number of complaints being received;*
  - (ii) Unless otherwise directed by Council the proponent shall engage an appropriately qualified person to carry out attended noise monitoring at a location that is representative of the location and/or time period during which complaints have been made. Noise monitoring shall be carried out in accordance with the Noise Policy for Industry (or any superseding Policy) and relevant Australian Standards.*
  - (iii) The outcomes of any noise monitoring shall be reported to Council. If the noise monitoring identifies any exceedance to the recommended PSNL during attended noise monitoring then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry. After noise controls have been implemented, attended noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels.*
  - (iv) Council may not direct the person acting with this consent to carry out the steps prescribed by (ii) or (iii) above where it is not satisfied as to the validity of complaints received or where it is concerned that generic, vague or vexatious complaints are being made on a regular basis. Where the proponent carries out attended noise monitoring in accordance with (ii) and (iii) within the preceding 6 months or on more than 2 occasions within a 12-month period and no noise exceedances are identified Council may advise the person acting with this consent that they are not required to carry-out further attended noise monitoring.*
- (d) At all times the person acting with this consent must carry out the development in accordance with the requirements of the approved waste minimisation and management plan.*
- (e) The person acting with this consent must consult local residents through the preparation of the plan. The person acting with this consent must comply with the recommendations of this plan and install all required signage relating to the extended hours.*
- (f) In accordance with the Management Plan requirements all lights at the premises are to comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting and the person acting with this consent is to ensure that the premises are operated in accordance with this requirement at all times.*
- (g) At all times the drive-thru ceiling lining and any signage installed is to be maintained as part of the development to manage any noise from vehicle antennas in the drive-thru.*



**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT****3. Directional Signage**

Prior to commencement of operating hours all vehicle directional signage is to be maintained, including trimming of obscuring vegetation, to ensure the proper management of access to the site and clearly identify all entry and exit points and parking for all types of vehicles. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

**CONTINUED OPERATIONS****4. Management of Litter**

Documentary evidence should be available to Council staff demonstrating compliance with the Plan of Management (March 2021) in relation to the removal of on-site waste in the Public Domain for such areas as, but not limited to, the footpath, gutter, building entry and surrounds. The Litter Patrols identified in the Plan of Management are to be confirmed via a register and signed by the person undertaking the action.

**5. Maintenance of landscaping**

All existing landscaping is to be maintained and remedial pruning is to be undertaken regularly on the site, as per the requirements of the Crime Risk Assessment and plan of management (March 2021), this consent or as otherwise directed by Council in writing. This is to ensure surveillance can occur on the premises.

**6. Outdoor Lighting**

All lighting installed is to be designed and positioned to minimise any adverse impact on neighbouring premises. Any outdoor lighting installations must comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting - Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting. Car Park lighting must also minimise light spill and is to be in accordance with AS 1158 and AS 4282-1997.

Where the person acting with this consent becomes aware of a complaint or issue with outdoor lighting affecting the amenity of adjoining premises reasonable steps are to be taken to address the issue and minimise the impact of any light spill on adjoining land.

MR. H.A. MOTA CART

DEAR SIR

IN REFERENCE TO DA 2021/30

I APOLOGISE FOR NOT REMAINING THIS OBJECTION  
BUT I DO NOT HAVE ACCESS TO AN EMAIL.

IT SEEMS NEVER ENDING WITH MACDONALDS IN.  
APPLYING EVERY 12 MONTHS TO OPEN 24/24

I WANT TO OBJECT STRONGLY AGAINST THEM  
OPENING 24 HOURS. LAST OCTOBER I WAS APPROACHED  
BY THEIR LOCAL MANAGEMENT THAT THEY WERE  
GOING TO OPEN THE DRIVE THROUGH 24 HOURS. AS  
THEY WERE DEEMED AS AN "ESSENTIAL SERVICE"  
DURING THE PANDEMIC. I WAS INFORMED THAT THEY  
DID NOT NEED THE "COUNCIL'S PERMISSION" TO  
PROCEED. THAT WAS TO BE REVIEWED IN MARCH  
THIS YEAR BUT IS STILL CONTINUING IN MAY.  
I STRONGLY OBJECT TO THE 24 HOUR SERVICE AS

CONTINUALLY PROS RUINOUS ON AFFECT THE NOISE &  
TRAFFIC UP ESPECIALLY AT NIGHT. I HAVE INTERRUPTED  
SLEEP CONTINUOUSLY, ESPECIALLY WHEN PATRONS HAVE  
TO WAIT IN THEIR WAITING BAY FOR THEIR FOOD.  
THE NOISE FROM THE CONTINUOUS RUNNING OF  
THEIR MOTORS IS MOST DISTURBING, THEY THEN  
ROAD OUT OF THE EXIT & TO THE HIGHWAY.  
I DID AGREE TO THE DRIVE THROUGH BEING OPEN

AT 5AM ON THEIR LAST APPLICATION TO O.DUN  
BUT THIS WILL BE DOUBLY THE INCONVENIENCE TO  
MY NEIGHBOURS & MYSELF

LOOKS AS THOUGH THEY WILL BE TRYING EVERY  
YEAR TO GAIN 24/24 BUT THIS IS VERY STRESSFUL TO  
US ALL

Yours faithfully

M [REDACTED]  
[REDACTED]

ONCE AGAIN NOTHING HAS CHANGED SINCE  
THE LAST DEVELOPMENT WAS LODGED.

5/5/2021

Gmail - Development Application No 2021/30

**Development Application No 2021/30**

1 message

Tue, Apr 27, 2021 at 1:22 PM

Attention: General Manager

RE:- Development Application No 2021/30  
OBJECTION IN CONFIDENCE

We lodge our objection to the above development application for the following reasons.

1) Noise It is a joke trying to sleep here some nights due to the hoodlums revving their engines into the governor stage and dropping burnouts. Loud conversations waking us up as they park in front of our house slamming doors and not giving a damn for others.

2) Rubbish left in the street is a joke. I have complained to council also McDonalds Muswellbrook and McDonalds Head Office in Sydney. Their rubbish lines our street. After a discussion with head office McDonalds they informed me that they have received numerous complaints from neighbours. They stated that it is policy to do several trips around the outside of the store and pick up any rubbish. A complaint to the manager they stated we only clean once per week. Going against McDonald's Franchise policy. If they can not be trusted to abide by their own regulations I have no faith for this application.

A further question to council, being someone that has been trained in the Motor Traffic Act, I see no relevant reason for the NO STOPPING SIGNS being right out in front of McDonald's Store right up to the boundary. It appears to me that McDonald's Loves them there as they don't have to clean up in front of their store. My suggestion is show that there is no favoritism towards McDonald's and remove those SIGNS I see no valid and I repeat no valid reason for them being there. Also the NSW Police should be advised to carry out night patrols around McDonald's as it attracts hoodlums after midnight.

1/1

[REDACTED]  
3-5-2021

Muswellbrook Shire Council.

MR. H. A. McTaggart.

Dear Sir,

We are residents of  
[REDACTED] are very  
much **against** McDonalds  
proposed application of extension  
of trading hours

Yours faithfully  
[REDACTED]

RECEIVED BY  
MUSWELLBROOK  
SHIRE COUNCIL

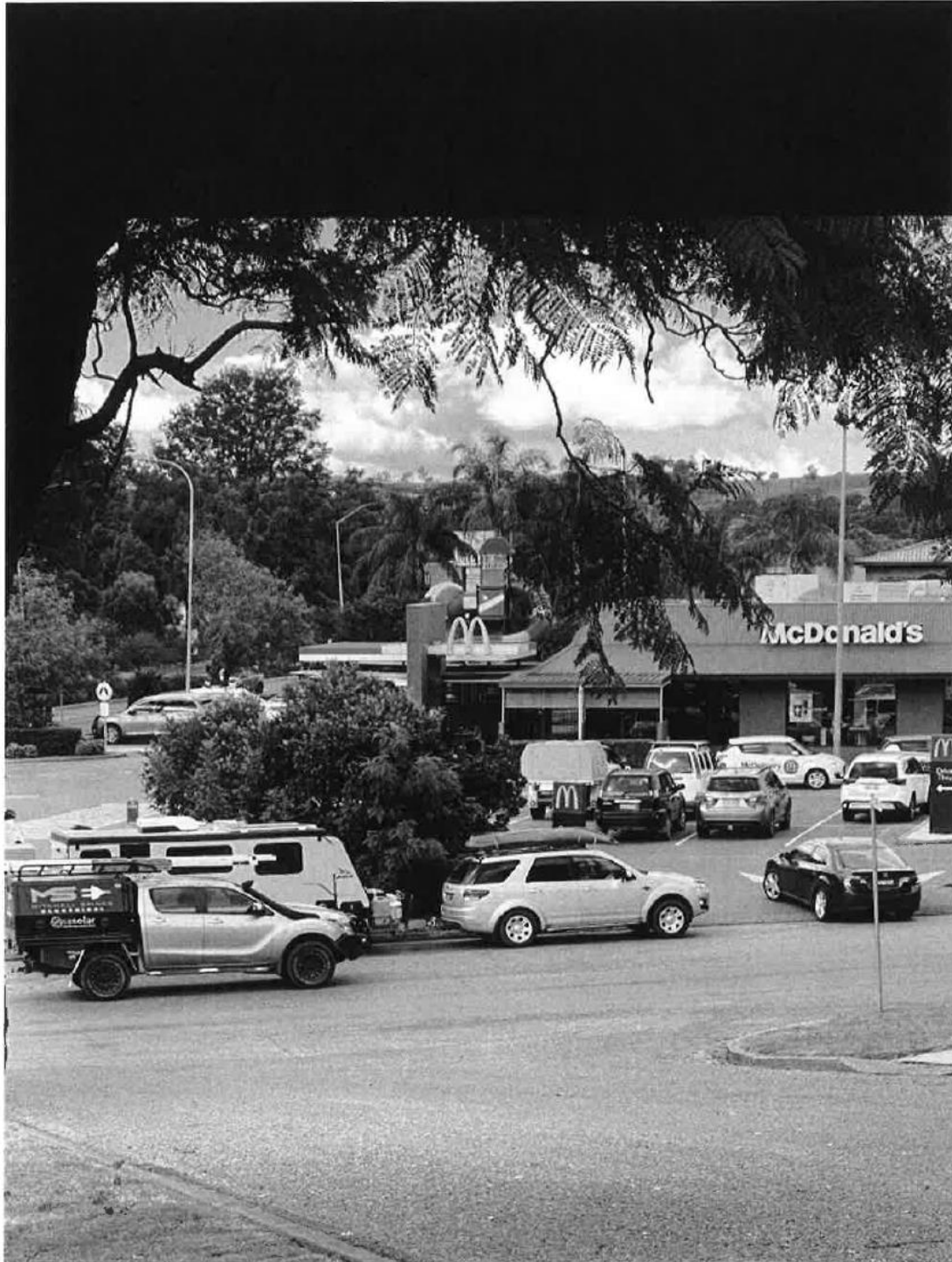
6 MAY 2021

DOCUMENT ID. ....

**Alisa Evans**

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**From:** [REDACTED]  
**Sent:** Tuesday, 11 May 2021 2:28 PM  
**To:** Muswellbrook Shire Council  
**Subject:** DA-2021-30 Muswellbrook McDonald's traffic issues







  
30<sup>th</sup> April 2021

To Whom It May Concern,

Re: McDonalds DA 2021/30 -- Change of Operation Hours (24hrs)

We wish to place our written submission to OBJECT to the approval of 24 hours trading of McDonalds Muswellbrook.

In response to McDonalds Proposal and Justification of applied hours a lot of points are not correct.

We would like to know how McDonalds believes there is such a demand for 24hr operating considering Muswellbrook already have two 24 hour service stations which both have food, drink, restrooms and parking for the public as well as a current application for a 7/11 Service station. On observations made over the months McDonalds are not constantly busy or in high demand as they state making us rather interested to see the proof of the profit and loss of operating overnight periods to support such claim.

They have mentioned that there will be minor impact in terms of noise and environment to the area. We would like to invite them to come to our home over night and hear the noise that echo's up the street from the drunken people that congregate around the corner table, to see how the bright lights shine into our home all night making it harder to sleep even though we have spent thousands of dollars on aluminium shutters to try to block it out yet it isn't enough to stop disturbing our family, to hear how noisy the cars are that come and go from the carpark due to it being an open area for them to start the lap of street racing, the loud music and carpark parties that people enjoy having after going through the drive through, to trucks using their air breaks or leaving them idling parked on the street or in the Maitland street to Thompson St turning lane as well as using Shaw Crescent as a turning loop even though the street is not suitable for such size trucks, We ask McDonalds how are these items not of a noise impact to residents?

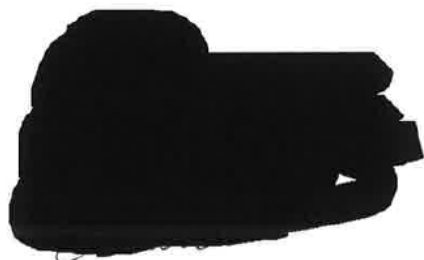
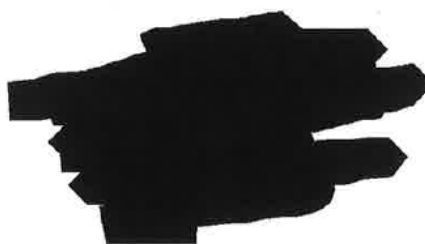
As for environmental impact if this is the case why are we always collecting rubbish from our front lawn, why are the bins at the exit overflowing more times than not from lack of monitoring and emptying by McDonalds staff. The current location of McDonalds does not suit 24hr operating as it is in a residential area not an industrial area it is surrounded by residents and a motel a place where people are there to sleep at night not to be disturbed by inconsiderate people and vehicles.

We as well as others in our neighbourhood have made several complaints and reports to Phil regarding issues as well as calls to request Police to move along people from the McDonalds carpark area. We have limited Police serves in this area of a night time and wasting their time and resources to control something that is not of public interest or benefit isn't a positive thing for the community. It is mentioned several times that McDonalds are attempting to support early morning mining traffic then why do they need to trade 24 hours to do so when opening at the new approved 5am start supports this traffic.

McDonald's struggle enough to control rubbish, Rodents, Lighting, carpark issues when operating at reduced hours (0500-22/2300) how are they going to manage 24hrs permanently when the COVID trial excuse has proven that they are not capable or willing to look after the area and the environment caused by their patrons.

McDonalds have not made any attempt to hold community engagements with residents as they were previously advised to do so from council, nor do they address any issues that have been brought to their attention from previous submission attempts.

Supporting photographs to show mentioned issues will be attached in this email.



**SITE OPERATIONS****1. Trial Period of Twelve (12) Months**

The premises may operate 24 hours, 7 days a week on a trial basis for a period of 1 year. The date for the commencement of this trial period is taken to be the date of the Notice of Determination given these hours have commenced under the Environmental Planning and Assessment (COVID-19 Development – Takeaway Food and Beverages) Order 2020.

At the conclusion of the 1-year trial period the premises must revert to utilising the previous approved trading hours, unless a Section 4.55 modification has been lodged with Council for the continuation of the 24-hour, 7 day per week operation of the premises.

Where a Section 4.55 modification is lodged in line with the above, the development may continue to operate 24 hours, 7 days a week for a further period of six (6) months to allow for that application to be determined.

If the Section 4.55 modification is refused by Council or withdrawn the premises must revert back to trading hours approved under DA 72/2003/5 being:-

- (a) The hours of operation are restricted from 5.00 am to 10.00 pm Monday to Thursday, Sunday and Public Holidays, and 5.00 am to 11.00 pm Friday and Saturday;
- (b) In addition to (a) above, the drive-thru may operate between 5.00 am and 6.00 am, 7 days a week.

Note: the assessment of any application for the continuation of 24 hour a day operating times will be carried out in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979. Council will be particularly interested in any performance data from the 1-year trial period, compliance with the development consent requirements, outcomes of any noise monitoring, and complaints received by the operator, Council or NSW Police.

**2. Operation of Premises**

At all times the person acting with this consent shall comply with the following:

- (a) The operation of the premises shall comply with the McDonald's Plan of Management dated March 2021, or an updated Plan of Management approved by Council in writing.
- (b) The proponent shall keep a detailed record of complaints which are to be documented in a register maintained for the 12-month period of the premises' operation. The Register is to be maintained on-site and may be inspected by Council Officers and other relevant regulatory personal. Data contained in the complaint register is to include time, location and nature of any intrusive noise, odour or other reported issue that causes a disturbance to an adjoining landowner. The person acting with this consent is to take reasonable steps to inform nearby residents and interested persons on how to make any complaints in relation to the operation of the premises. Council would view an annual letter drop to neighboring properties advising of the contact information and procedure for making complaints as reasonable steps.
- (c) If noise complaints become systematic and/or a significant increase in complaints is identified in the 12-month period the person acting with this consent is required to complete the following:

- (i) Advise Council of the nature and number of complaints being received;
- (ii) Unless otherwise directed by Council the proponent shall engage an appropriately qualified person to carry out attended noise monitoring at a location that is representative of the location and/or time period during which complaints have been made. Noise monitoring shall be carried out in accordance with the Noise Policy for Industry (or any superseding Policy) and relevant Australian Standards.
- (iii) The outcomes of any noise monitoring shall be reported to Council. If the noise monitoring identifies any exceedance to the recommended PSNL during attended noise monitoring then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry. After noise controls have been implemented, attended noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels.
- (iv) Council may not direct the person acting with this consent to carry out the steps prescribed by (ii) or (iii) above where it is not satisfied as to the validity of complaints received or where it is concerned that generic, vague or vexatious complaints are being made on a regular basis. Where the proponent carries out attended noise monitoring in accordance with (ii) and (iii) within the preceding 6 months or on more than 2 occasions within a 12-month period and no noise exceedances are identified Council may advise the person acting with this consent that they are not required to carry-out further attended noise monitoring.
- (d) At all times the person acting with this consent must carry out the development in accordance with the requirements of the approved waste minimisation and management plan.
- (e) The person acting with this consent must consult local residents through the preparation of the plan. The person acting with this consent must comply with the recommendations of this plan and install all required signage relating to the extended hours.
- (f) In accordance with the Management Plan requirements all lights at the premises are to comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting and the person acting with this consent is to ensure that the premises are operated in accordance with this requirement at all times.
- (g) At all times the drive-thru ceiling lining and any signage installed is to be maintained as part of the development to manage any noise from vehicle antennas in the drive-thru.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT****3. Directional Signage**

Prior to commencement of operating hours all vehicle directional signage is to be maintained, including trimming of obscuring vegetation, to ensure the proper management of access to the site and clearly identify all entry and exit points and parking for all types of vehicles. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

**CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****4. Management of Litter**

Documentary evidence should be available to Council staff demonstrating compliance with the Plan of Management (March 2021) in relation to the removal of on-site waste in the Public Domain for such areas as, but not limited to, the footpath, gutter, building entry and surrounds. The Litter Patrols identified in the Plan of Management are to be confirmed via a register and signed by the person undertaking the action.

**5. Maintenance of landscaping**

All existing landscaping is to be maintained and remedial pruning is to be undertaken regularly at the site, as per the requirements of the Crime Risk Assessment and plan of management (March 2021), this consent or as otherwise directed by Council in writing. This is to ensure natural surveillance is able to occur on the premises.

**6. Outdoor Lighting**

All lighting installed is to be designed and positioned to minimise any adverse impact on neighbouring premises. Any outdoor lighting installations must comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting - Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting. Car Park lighting must also minimise light spill and is to be in accordance with AS 1158 and AS 4282-1997.

Where the person acting with this consent becomes aware of a complaint or issue with outdoor lighting affecting the amenity of adjoining premises reasonable steps are to be taken to address the issue and minimise the impact of any light spill on adjoining land.

**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:**

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
  - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

**RIGHT OF APPEAL:**

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

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



Our ref: 631.30066

23 March 2020

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

Dear Sir/Madam,

**RE: Proposed Extension of hours to Muswellbrook McDonald's to Allow 24-Hour, 7 Days a Week**

## **1 INTRODUCTION**

SLR Consulting Australia (SLR) acts on behalf of its client McDonald's Australia Limited (McDonald's) in preparing this supporting Statement of Environmental Effects (SEE) for the proposed extension of trading hours at the existing McDonald's operation located at 83-89 Maitland Street, Muswellbrook NSW 2333. This SEE describes the site, its environment, and an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

### **1.1 MCDONALD'S AUSTRALIA**

There are approximately 1005 McDonald's operations Australia wide, the vast majority of which are either owned or operated by members of the local business community. McDonald's Australia serves approximately 1.2 million people a day and provides job opportunities for over 100,000 people Australia wide.

Since 2002, McDonald's Australia has implemented a number of alternative healthy eating options and choices. McDonald's Australia is a well-known and respected company across Australia, known for its food product, well trained staff and new and improved designs.

McDonald's Australia not only provides employment opportunities and a high standard of food and service, it also works closely with and supports a number of charities and local groups. This is mainly through major sponsorship, supporting local teams, providing educational, environmental, artistic and sporting programs and charity work (i.e. Ronald McDonald House charity, 'Clean up Australia Day').

### **1.2 COVID STATEMENT**

Throughout the COVID 19 pandemic McDonald's operations around Australia have proven they are able to safely provide an essential service to the community. To meet the community demand McDonald's have utilised the Environmental Planning and Assessment (COVID-19 Development - Extended Operation) Order 2020 at numerous sites around the country. This order was enacted to provide retail premises flexibility to extend their hours of operation to ensure that the needs of the community were met by providing easy access to essential services such as food.

Muswellbrook McDonald's have utilised this Order to trade outside of their current approved hours and have been operating 24 hours a day, 7 days a week since 25 October, 2020. The extended trading period under the COVID Order has provided an informal extended hours operating trial to see first-hand the benefits of extended trade.

631.30066\_SEE\_Muswellbrook\_March2021



Throughout this period McDonald's have demonstrated their ability to deliver an essential service to the community in a safe and secure environment, whilst not causing adverse impacts on the surrounding amenity. McDonald's continues to operate in accordance with their Council approved Plan of Management, with policies and procedures in place to mitigate potential impacts. Through the adoption of these mitigation measures, good community consultation and good practices the store has received very limited feedback regarding its operations or any impacts of extended trade. Furthermore, the extended trade has enabled the operation to employ additional staff, which provides an economic benefit throughout the community. This application seeks to make these COVID trading hours permanent, to enable Muswellbrook McDonald's to continue to provide an ongoing essential service to the community while continuing to employ local residents.

### **1.3 CONSULTATION**

The applicant has had ongoing consultation in recent years with Muswellbrook Council and local residents in relation to the site and previous extension of hours applications. Prior to the store utilising the COVID 19 Order and commenced 24/7 trade, the applicant undertook a letterbox drop, notifying local residents of the changing operating hours. The letter provided the contact details of the local operator of the Muswellbrook store, providing a direct line of contact with the residents if they had any comments or queries. Muswellbrook Council was also advised via letter of the commencement of 24/7 trade.

Following this, informal consultation was held via telephone with a senior member of the Muswellbrook Council's Development Team to understand any concerns that Council may have regarding this upcoming application. Council was advised of the imminent lodgement of this application.

## **2 BACKGROUND**

### **2.1 SITE SURROUNDS AND ANALYSIS**

The site is within the Local Government Area (LGA) of Muswellbrook. The site is located at 83-89 Maitland Street Muswellbrook NSW 2333 and is legally identified as Lot 100 in DP 793194 (refer to Figure 1 and 2). The site has an approximate area of 6,364m<sup>2</sup> with the existing McDonald's operation including dual lane drive-thru and carpark currently occupying the entire site.

The McDonald's is situated on the corner of Thompson Street and Maitland Street. The McDonald's holds a street frontage to Maitland Street of approximately 110 metres, while it also holds a street frontage with Thompson Street of approximately 85m. Access to the site is provided via Maitland Street a state classified road and a separate ingress off Thompson Street. There is one egress only onto Thompson Street along the western border of the site. Refer to Photographs 1 – 3 which depict the ingress and egress to the site.

The land within the vicinity of the site is primarily utilised for commercial and residential purposes. The closest residential dwellings are located to the west and south-west of the site across from Thompson Street. Directly east of the site, the McDonald's shares a boundary with a short-term tourist accommodation. To the north of the site, across the classified road is a forest nurse, whilst further to the east is a service station which operates 24 hours, 7 days a week. Directly south of the site undeveloped Lot 101 in DP 793194 further separates the site from residential dwellings.

Figure 1 – Site Aerial (Source: Six Maps)



Figure 2 – Cadastral Plan (Source: Six Maps)





Photograph 1 – Egress of Site onto Thompson Street (Source: Google Street View)



Photograph 2 – Ingress to the Site from Thompson Street (Source: Google Street View)



Photograph 3 – Ingress to the Site from Maitland Street (Source: Google Street View)







## 2.2 RELEVANT SITE HISTORY

**16<sup>th</sup> June 2003** – Consent was granted for the alterations and additions of the Muswellbrook McDonald's operation, under [DA72/2003](#). Condition 1.11(a) stipulated the operating hours are permitted to be between 6.00am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 11.00pm Friday and Saturday

**9<sup>th</sup> April 2019** – Consent was granted to the modification of the original consent under [DA72/2003/4](#). The modification allowed an extension of the operating hours of the Muswellbrook McDonald's to allow 5.00am to 6.00am trading on Monday to Sunday for the drive-thru only for a trial period of 12 months.

**7<sup>th</sup> October 2020** - Consent was granted to the modification of the original consent under [DA72/2003/5](#). The modification enabled the previous 12-month trial period to be made permanent, allowing the store to trade permanently the 5am to 6am window, Monday to Sunday.

## 3 PROPOSAL

The proposed development application involves the extension of trading hours. This development application seeks 24 hour 7 days a week operation for the existing use, including the internal operation and drive-thru operation.

Muswellbrook McDonald's is responding to customer demand and public need. Currently, there is a demand for McDonald's food and drink service 24-hours, 7 days at the site and this application attempts to directly address this demand.

Specifically, the purpose of the trading extension is to provide key services to the community during the late night and early morning trade. The proposal will provide a convenient service for local residents, visitors and passing traffic to access a food premise at any time of the day or night. By providing a 24/7 service the McDonald's will be able to service the demands of this passing traffic including early morning and late-night shift workers.

The proposal, including the ongoing adoption of mitigation measures implemented at the site, is expected to cause minimal adverse impacts on the environment or amenity of the surrounding area as detailed in Chapter 5 of this report.

### 3.1 JUSTIFICATION

The proposed amendment to the trading hours of the McDonald's operation at 83-89 Maitland Street, Muswellbrook is considered to be of minor impact in terms of noise and other associated environmental/amenity impacts. No complaints were received during the previous trial period or during the extended trade facilitated by the COVID 19 Ministerial Order. Good performance has been demonstrated with the operation trading in accordance with the previously approved Plan of Management.

The Muswellbrook McDonald's is a progressive commercial premise, continually adapting over the years in response to customer demand and public needs. With this in mind, the proposed permanent extension of the trial trading hours is in response to continued customer demand for these services. Furthermore, the purpose of the trading extension is to provide key services to the community during the early morning trade, particularly as there limited take away food and drinks premises within the locality that are currently open to customers within these hours. The proposal will provide a convenient service for local residents and passing traffic to access a food premise during the early morning. The site is located along Maitland Street, and therefore experiences high early morning traffic in relation to the surrounding mining industry. As such this proposed extension can continue to provide an early morning service to residents and passing traffic

## 4 PLANNING ASSESSMENT

Compliance with all legislative requirements under various Environmental Planning Instruments (EPI's) remains unchanged under this application. The proposed amendments do not change the overall design, function or impact of the development (as approved).

The following legislation, EPI's and Development Control Plan (DCP) are relevant to the proposed application and have been addressed below:

- + Environmental Planning and Assessment Act 1979;
- + Muswellbrook Local Environmental Plan (LEP) 2009; and
- + Muswellbrook Development Control Plan (DCP) 2009.

#### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposal is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Section 4.15 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 prescribe under Section 4.15 (1), is provided within this SEE.

#### 4.2 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

Under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009, the site is zoned B2 Local Centre (refer to Figure 3).

Figure 3 - Land Zoning Map Extract from Muswellbrook LEP 2009 (LZN-008A)



The proposed modification will not alter the approved use and built form of the premises. A McDonald's operation is defined under the LEP as a 'food and drink premises', which has a higher order definition as a commercial premise. A commercial premise is permitted in the B2 Local Centre zone with consent and therefore the McDonald's operation is permitted with consent under the LEP. The existing operation on the site will remain consistent with the objectives of the sites B2 zoning, ensuring a mix of compatible land uses within the zone.



#### 4.3 MUSWELLBROOK DEVELOPMENT CONTROL PLAN (DCP) 2009

The proposed modification has been prepared having regard for the provisions of Muswellbrook DCP 2009. The modification meets all of the relevant controls contained with the DCP. An assessment of the development controls has been carried out and a table of compliance can be located below at Table 1.

It is noted that the overall building design, including signage, remains unchanged and the operational arrangements on site in regard to waste management, deliveries, access and car parking also remain generally unchanged by this application.

Table 1 – Muswellbrook DCP 2009 Compliance Table

Control	Requirement	Comment	Compliance
<b>Section 2 – Submitting an Application</b>			
2.3 Information to Accompany a Development Application	<p>Schedule 1 of the Environmental Planning and Assessment Regulation 2000 prescribes the information that needs to be lodged with an application. Such information includes:</p> <ul style="list-style-type: none"> <li>• A completed application form;</li> <li>• Architectural drawings that show the existing / proposed works;</li> <li>• A site plan and/or site analysis plan (for larger developments);</li> <li>• A Statement of Environmental Effects explaining the proposal, the site and its context, the likely impacts of the proposal and details of any measures proposed to minimise these impacts;</li> <li>• An Environmental Impact Statement (in the case of designated development);</li> <li>• A4 notification plan;</li> </ul> <p>A development application might also include other information depending on what is proposed, such as:</p> <ul style="list-style-type: none"> <li>• A Species Impact Statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities or their habitats),</li> <li>• BASIX Certificate,</li> </ul>	This application complies with the requirements of the Muswellbrook DCP for a Development Application, with a completed application form, Statement of Environmental Effects and acoustic assessment.	Y



<ul style="list-style-type: none"> <li>• Bushfire Report,</li> <li>• Heritage Impact Statement,</li> <li>• Stormwater Drainage plan,</li> <li>• Landscape Plan,</li> <li>• Traffic Study,</li> <li>• Schedule of Colours and Finishes,</li> <li>• Aboriginal Heritage Assessment,</li> <li>• Flora and Fauna Assessment,</li> <li>• Photographs,</li> <li>• Waste Management Plan,</li> <li>• Shadow Diagrams,</li> <li>• Sediment and Erosion Control plan,</li> <li>• List of existing and proposed fire safety measures,</li> <li>• Preliminary site contamination assessment,</li> <li>• Engineering report for flood affected land,</li> <li>• Acoustic assessment,</li> <li>• Social Impact Assessment.</li> </ul>		
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## 5 ASSESSMENT OF PLANNING ISSUES

As discussed in Section 3, the proposed extension of hours is in direct response to continued customer demand at the Muswellbrook McDonald's. Given that there are limited takeaway food and beverage premises located within the general vicinity of the area offering services to early morning customers, McDonald's seeks to satisfy demand for this type of service. The proposal, and the ongoing adoption of mitigation measures currently implemented at the site, is expected to result in minimal adverse impacts on the environment and the amenity of the surrounding area. The proposal will provide a convenient service for local residents, visitors and passing traffic to access its services throughout the day and early morning.

### 5.1 AMENITY

The proposal is expected to cause minimal adverse impacts on the general amenity of the surrounding premises. It has been highlighted through the trial period for extended hours that the operation has successfully implemented mitigation measures that has ensured no ongoing adverse amenity impacts on the closest residential receivers during this time. It is emphasised that the Muswellbrook McDonald's had an exemplary record during the trial period and therefore have proven that the proposed permanency of the trial hours can be managed to ensure minimal impact to the surrounding amenity.



## 5.2 NOISE

During the current informal trial period for 24/7 granted under the COVID 19 Ministerial Order, the operation has successfully implemented mitigation measures to ensure that no adverse acoustic impact resulted from the extended trading period. No noise complaints have been received during the informal trial.

A Noise Impact Assessment (NIA) has been prepared by Muller Acoustic Consultants (MAC) and attached at Appendix A of this SEE. As Muswellbrook McDonald's have utilised the COVID Order, MAC were able to undertake attended monitoring to validate their assessment results. The attended noise monitoring demonstrated that noise emissions from the project satisfy the relevant Project Noise Trigger Levels (PNTLs) at all assessed receivers for the extension of operation hours based on the current designs and noise controls that have been established at the site. Furthermore, sleep disturbance is not anticipated, as emissions from compact noise were assessed to remain below the EPA guideline for maximum noise level screening criteria. Therefore, according to the report, there are no noise relate issues which would prevent Council approved the proposed operation. For further information regarding the noise impact refer to Appendix A.

## 5.3 ODOUR

The proposal will have minimal impact on surrounding premises from potential odours associated with cooking and waste storage on the premises. The operation will continue to operate in accordance with the Food Standard Code and relevant Australian Standard.

## 5.4 TRAFFIC AND PARKING

The proposed extension to trading hours is not likely to result in any significant impact on traffic movements on the surrounding road network, as it would not be considered a predetermined 'destination' for food during the extended hours, instead capturing passing trade. The surrounding road network has the capacity to accommodate traffic movements associated with the proposal given the extension of trade relates to periods outside of peak times.

Noting that there are no changes proposed to the existing access or parking arrangements on site, the proposal is considered to be minor in nature in relation to impacts on traffic flows, circulation and vehicle movements. The proposal will not impact on the existing approved conditions regarding traffic, parking and access.

## 5.5 LIGHTING

The existing external lighting will be utilised during the extended trading hours. The existing lighting will enable clear surveillance and has been designed to prevent concealment and shadowing.

The standard of lighting is designed to not only reduce the fear of crime in accordance with Australia lighting standards, but also serves to provide clear identification of activity using the high technology CCTV cameras.

Lighting is generally directed internally within the site to prevent light spill on nearby land uses. The orientation and screening of the drive thru, as well as carpark ensures minimal adverse impacts on adjoining properties and roads.

## 5.6 SAFETY AND LIGHTING

The proposal will have minimal impact on the existing safety and security of the McDonald's operation. McDonald's will ensure the safety and security of the site through the existing Plan of Management (attached at Appendix B) which deals with such matters as the amenity of the neighbourhood, lighting, surveillance equipment, vandalism, noise, anti-social behaviour and security. A number of measures are used to ensure the safety and security of the site, including:

- + CCTV surveillance;



- + control and monitoring of access;
- + activity and space management; and
- + training in emergency situations and on cash handling.

By utilising these measures throughout the operation, the premises will upkeep the safety of the site. Refer to the CPTED Assessment at Appendix C for further details.

### **5.7 PUBLIC INTEREST**

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts. The proposal will continue to provide a low cost, convenient fast-food service to serve the needs of neighbouring businesses as well as the local community. The proposed extended operating hours are primarily to service the early morning commuters and shift workers who currently have limited food and drink premises available to them late at night and in the early morning. There will be increased employment opportunities for existing and new staff created by extended trading hours.



## 6 CONCLUSION

The proposed extension to trading hours (24/7) will not change the overall design, use or function of the approved McDonald's operation. The proposal will not result in detrimental amenity impacts to surrounding commercial and residential uses. It is considered that the proposed extension to the trading hours of the operation is appropriate given the demand for a late-night/ early morning food and beverage facility in the area and the operators compliancy with the relevant legislation and Australian Standards.

It has been established through the Noise Impact Assessment acoustic modelling that the proposal will not result in unacceptable impact to the nearest residential noise receptors and the emissions will comply with the current noise policy.

Furthermore, the proposal will not result in any excess traffic being encountered on the surrounding road network or result in any other traffic issues. Accordingly, there will be no unreasonable social or environmental impacts, and the premise will operate in accordance with the Plan of Management submitted with this application to ensure the safety and security of the site is maintained.

Overall, it is considered that the proposed extension to hours will provide community benefit by responding to the increased demand for convenient access to a food premises. The proposed hours are considered to be appropriate in the context of the site and will bode well from an economic and social perspective through increase employment opportunities.

Given the merit of the proposal and the absence of any significant adverse impacts, the extension of hours is considered to be worthy of Council's support.

Yours sincerely



Yannis Comino  
**Project Consultant**  
**SLR Consulting Australia Pty Ltd**

### Appendices

*Appendix A – Noise Assessment*

*Appendix B – Plan of Management*

*Appendix C - CPTED*



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## **APPENDIX A – ACOUSTIC REPORT**

Muller Acoustic Consulting



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**APPENDIX B – PLAN OF MANAGEMENT**

McDonald's Australia Limited



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**APPENDIX B – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN REPORT**

SLR Consulting Australia



PO Box 262  
Newcastle NSW 2300  
ABN: 36 602 225 132  
P: +61 2 4920 1833  
www.mulleracoustic.com

18 March 2021

MAC170483-02CL1

Attention: Yannis Comino  
SLR Consulting Australia Pty Ltd  
Suite 2B, 125 Bull Street  
Newcastle West NSW 2302

Dear Yannis,

## Acoustic Certification Measurements

**McDonald's Operation - 83 to 89 Maitland Road, Muswellbrook, NSW.**

### 1 Introduction

Muller Acoustic Consulting Pty Ltd (MAC) has been commissioned by SLR Consulting Australia Pty Ltd (SLR) on behalf of McDonald's Australia Limited to complete Acoustic Certification Measurements of the McDonald's Operation (the 'operation') located at 83 to 89 Maitland Road, Muswellbrook, NSW.

The certification measurements were completed to quantify noise emissions from the operation at sensitive receivers as part of an application for the modification of trading hours seeking 24/7 trade. The measured noise emissions were used to certify that the 24/7 trade at the operation complies with the applicable noise criteria at surrounding noise sensitive receivers.

To certify the operation, operator attended noise monitoring was undertaken during the temporary extension of trading hours in close proximity to residential receivers surrounding the operation. The temporary extension of trading hours was permitted as part of the COVID Health Directive and were undertaken during typical current night-time operation activities. Attended measurements were completed on Tuesday 9 March 2021.

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## 2 Project Description

### 2.1 General

The operation is located at 83 to 89 Maitland Road, Muswellbrook, NSW. This locality comprises primarily residential land uses.

### 2.2 Proposed Activities

There are several key activities associated with the operation that have the potential to generate acoustic impacts on nearby receivers. **Table 1** provides a summary of operation noise sources and the assessment period in which they propose to occur.

Table 1 Noise Generating Activities		
Activity/Source	Period <sup>1</sup>	Operational
Customer light vehicles (customers)	Night	✓
Drive-Thru and COD Operations	Night	✓
Mechanical Plant	Night	✓

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods

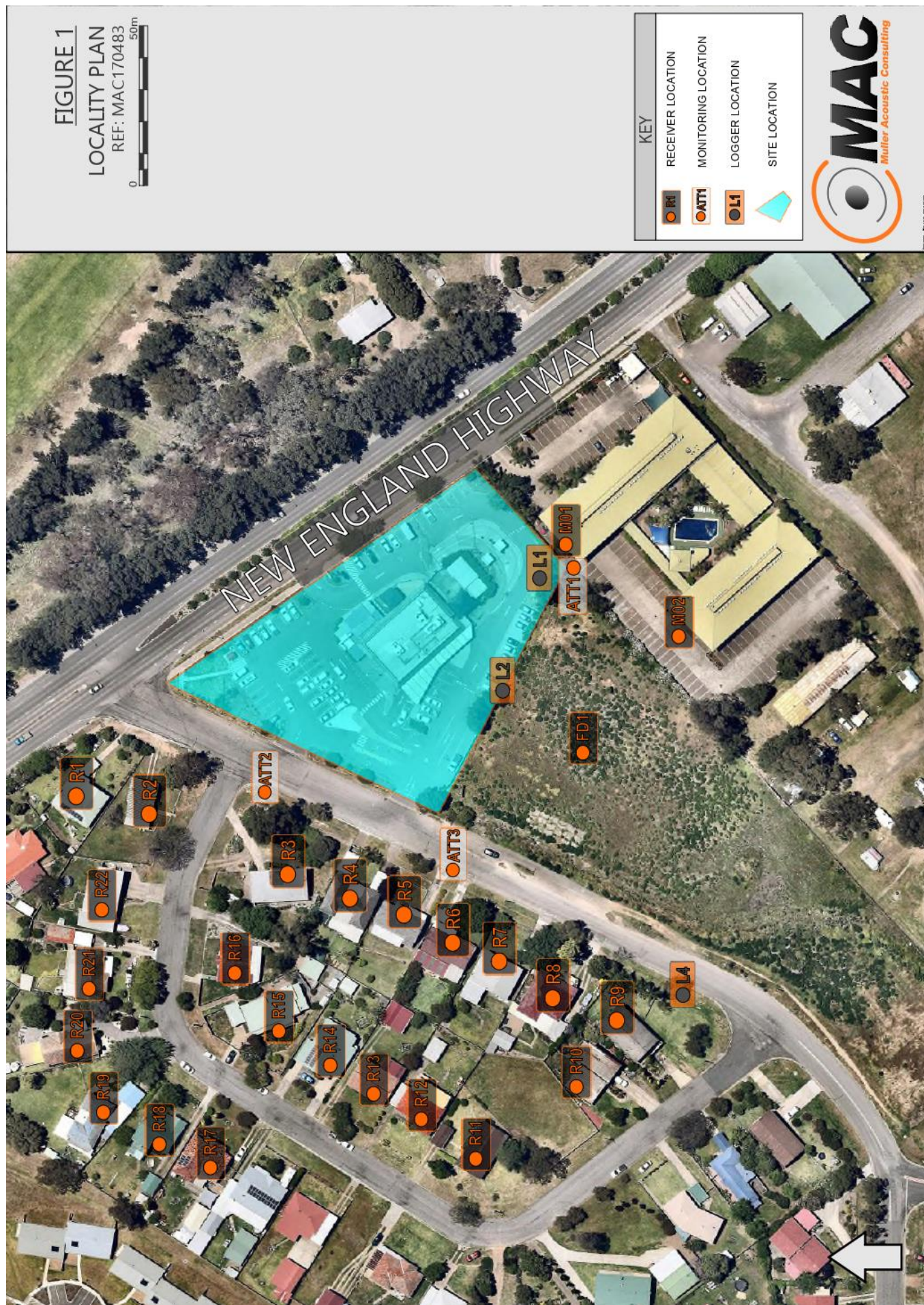
### 2.3 Receiver Review

A review of the receivers in close proximity to the operation has been completed and are summarised in **Table 2**. **Figure 1** provides a locality plan showing the indicative position of these receivers in relation to the operation. All receiver heights were set to various heights above relative ground level representative of surrounding residential receivers.

Table 2 Receiver Locations

Receivers	Category	MGA56 Coordinates		Approximate Distance to Project Boundary(m)
		Easting	Northing	
R01	Residential	301734	6427109	45
R02	Residential	301735	6427092	25
R03	Residential	301711	6427051	27
R04	Residential	301708	6427029	22
R05	Residential	301700	6427014	25
R06	Residential	301690	6426997	40
R07	Residential	301686	6426984	50
R08	Residential	301681	6426967	60
R09	Residential	301671	6426950	84
R10	Residential	301657	6426959	91
R11	Residential	301633	6426989	97
R12	Residential	301645	6427005	81
R13	Residential	301650	6427021	81
R14	Residential	301662	6427033	72
R15	Residential	301672	6427050	64
R16	Residential	301686	6427062	55
R17	Residential	301625	6427072	115
R18	Residential	301633	6427087	115
R19	Residential	301639	6427105	115
R20	Residential	301657	6427108	105
R21	Residential	301674	6427105	85
R22	Residential	301698	6427100	55
M01A	Motel (Ground Floor)	301810	6426972	3
M01B	Motel (First Floor)	301810	6426972	3
M02A	Motel (Ground Floor)	301781	6426929	45
M02B	Motel (First Floor)	301781	6426929	45
FD1	Future Development	301744	6426972	25





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### 3 Noise Policy and Guidelines

#### 3.1 Noise Policy for Industry

The EPA released the Noise Policy for Industry (NPI) in October 2017 which provides a process for establishing noise criteria for consents and licenses enabling the EPA to regulate noise emissions from scheduled premises under the Protection of the Environment Operations Act 1997.

The objectives of the NPI are to:

- provide noise criteria that is used to assess the change in both short term and long term noise levels;
- provide a clear and consistent framework for assessing environmental noise impacts from industrial premises and industrial development proposals;
- promote the use of best-practice noise mitigation measures that are feasible and reasonable where potential impacts have been identified; and
- support a process to guide the determination of achievable noise limits for planning approvals and/or licences, considering the matters that must be considered under the relevant legislation (such as the economic and social benefits and impacts of industrial development).

The policy sets out a process for industrial noise management involving the following key steps:

1. Determine the Project Noise Trigger Levels (PNTLs) (ie criteria) for a development. These are the levels (criteria), above which noise management measures are required to be considered. They are derived by considering two factors: shorter-term intrusiveness due to changes in the noise environment; and maintaining the noise amenity of an area.
2. Predict or measure the noise levels produced by the development with regard to the presence of annoying noise characteristics and meteorological effects such as temperature inversions and wind.
3. Compare the predicted or measured noise level with the PNTL, assessing impacts and the need for noise mitigation and management measures.
4. Consider residual noise impacts - that is, where noise levels exceed the PNTLs after the application of feasible and reasonable noise mitigation measures. This may involve balancing economic, social and environmental costs and benefits from the proposed development against the noise impacts, including consultation with the affected community where impacts are expected to be significant.



5. Set statutory compliance levels that reflect the best achievable and agreed noise limits for the development.
6. Monitor and report environmental noise levels from the development.

#### 3.1.1 Project Noise Trigger Levels (PNTL)

The policy sets out the procedure to determine the PNTLs relevant to an industrial development. The PNTL is the lower (ie, the more stringent) of the **Project Intrusiveness Noise Level** (PINL) and **Project Amenity Noise Level** (PANL) determined in accordance with Section 2.3 and Section 2.4 of the NPI.

#### 3.1.2 Project Intrusiveness Noise Level (PINL)

The PINL (LAeq(15min)) is the RBL + 5dB and seeks to limit the degree of change a new noise source introduces to an existing environment. Hence, when assessing intrusiveness, background noise levels need to be measured.

Background noise levels need to be determined before intrusive noise can be assessed. The NPI states that background noise levels to be measured are those that are present at the time of the noise assessment and without the subject development operating. For the assessment of modifications to existing premises, the noise from the existing premises should be excluded from background noise measurements. It is noted that the exception is where the premises has been operating for a significant period of time and is considered a normal part of the acoustic environment; it may be included in the background noise assessment under the following circumstances:

- the development must have been operating for a period in excess of 10 years in the assessment period/s being considered and is considered a normal part of the acoustic environment; and,
- the development must be operating in accordance with noise limits and requirements imposed in a consent or licence and/or be applying best practice.

Where a project intrusiveness noise level has been derived in this way, the derived level applies for a period of 10 years to avoid continuous incremental increases in intrusiveness noise levels. This approach is consistent with the purpose of the intrusiveness noise level to limit significant change in the acoustic environment. The purpose of the project amenity noise level is to moderate against background noise creep.

### 3.1.3 Project Amenity Noise Level (PANL)

The PANL is relevant to a specific land use or locality. To limit continuing increases in intrusiveness levels, the ambient noise level within an area from all combined industrial sources should remain below the recommended amenity noise levels specified in Table 2.2 (of the NPI). The NPI defines two categories of amenity noise levels:

- **Amenity Noise Levels (ANL)** – are determined considering all current and future industrial noise within a receiver area; and
- **Project Amenity Noise Level (PANL)** – is the recommended level for a receiver area, specifically focusing the project being assessed.

Additionally, Section 2.4 of the NPI states: "*to ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows*":

**PANL** for new industrial developments = recommended **ANL** minus 5dBA.

The following exceptions apply when deriving the PANL:

- areas with high traffic noise levels;
- proposed developments in major industrial clusters;
- existing industrial noise and cumulative industrial noise effects; and
- greenfield sites.

The NPI states with respect to high traffic noise areas:

*The level of transport noise, road traffic noise in particular, may be high enough to make noise from an industrial source effectively inaudible, even though the LAeq noise level from that industrial noise source may exceed the project amenity noise level. In such cases the project amenity noise level may be derived from the LAeq, period(traffic) minus 15 dB(A).*

Where relevant this assessment has considered influences of traffic with respect to amenity noise levels (ie areas where existing traffic noise levels are 10dB greater than the recommended amenity noise level).

The recommended amenity noise levels as per Table 2.2 of the NPI are reproduced in **Table 3**.

Table 3 Amenity Criteria

Receiver Type	Noise Amenity Area	Time of day	Recommended amenity noise level dB LAeq(period)
Residential	Rural	Day	50
		Evening	45
		Night	40
	Suburban	Day	55
		Evening	45
		Night	40
	Urban	Day	60
		Evening	50
		Night	45
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks.	See column 4	See column 4	5dB above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day
School Classroom	All	Noisiest 1-hour period when in use	35 (internal) 45 (external)
Hospital ward			
- internal	All	Noisiest 1-hour	35
- external	All	Noisiest 1-hour	50
Place of worship			
- internal	All	When in use	40
Passive Recreation	All	When in use	50
Active Recreation	All	When in use	55
Commercial premises	All	When in use	65
Industrial	All	When in use	70

Notes: The recommended amenity noise levels refer only to noise from industrial noise sources. However, they refer to noise from all such sources at the receiver location, and not only noise due to a specific project under consideration. The levels represent outdoor levels except where otherwise stated.

Types of receivers are defined as rural residential; suburban residential; urban residential; industrial interface; commercial; industrial – see Table 2.3 and Section 2.7 of the NPI.

Note: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

#### 3.1.4 Maximum Noise Level Assessment

The potential for sleep disturbance from maximum noise level events from a project during the night-time period needs to be considered. The NPI considers sleep disturbance to be both awakenings and disturbance to sleep stages.

Where night-time noise levels from a development/premises at a residential location exceed the following criteria, a detailed maximum noise level event assessment should be undertaken:

- $L_{Aeq}(15min)$  40dB or the prevailing RBL plus 5dBA, whichever is the greater, and/or
- $L_{Amax}$  52dB or the prevailing RBL plus 15dBA, whichever is the greater.

A detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period.

Other factors that may be important in assessing the impacts on sleep disturbance include:

- how often the events would occur;
- the distribution of likely events across the night-time period and the existing ambient maximum events in the absence of the development;
- whether there are times of day when there is a clear change in the noise environment (such as during early morning shoulder periods); and
- current understanding of effects of maximum noise level events at night.

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## 4 Noise Criteria

### 4.1 Historic Unattended Noise Monitoring

Historic noise data has been adopted as part of this assessment. Historic background noise data was sourced from 'Noise Impact Assessment – Proposed Modification to Drive-Thru Trading Hours, McDonald's Operation, Muswellbrook, NSW' (Report Ref MAC170483RP2, Muller Acoustic Consulting Pty Ltd – Dated 17 December 2018) (the 'historic report').

The historic report presented unattended noise monitoring undertaken surrounding the operation site which is considered representative of the area surrounding the project. The measured RBLs at measured at this location, outlined in Table 4 of the historic report, are reproduced in **Table 4**.

**Table 4 Historic Background Noise Monitoring Summary**

Monitoring Location	Period <sup>1</sup>	Measured Background Noise Level	
		(LA90), RBL, dBA	Measured dB LAeq
L1 (Motel Boundary)	Morning Shoulder	54	58
	Day	54	58
	Evening	54	57
	Night	38 (38) <sup>2</sup>	55 (53) <sup>2</sup>
	Evening Shoulder	40	55
L2 (Project Boundary)	Morning Shoulder	46	55
	Day	49	55
	Evening	47	54
	Night	36 (38) <sup>2</sup>	51 (49) <sup>2</sup>
	Evening Shoulder	38	50
L4 <sup>3</sup> 18 Shaw Street	Morning Shoulder	39	53
	Day	40	54
	Evening	41	52
	Night	32	49
	Evening Shoulder	34	47

Note 1: Morning Shoulder – the period from 5am to 7am; Day – the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening – the period from 6pm to 10pm; Evening Shoulder – the period from 10pm to 12am; Night – the remaining periods.

Note 2: Bracketed values denote RBL between 11pm to 6am when the project was not operational.

Note 3: Monitoring conducted by Global Acoustics Pty Ltd.

## 4.2 Operational Noise Criteria

### 4.2.1 Project Intrusiveness Noise Levels

The Project Intrusiveness Noise Levels (PINLs) for each receiver catchment are presented in **Table 5** and have been determined based on the RBL +5dBA and applies to residential receivers only.

**Table 5 Intrusiveness Noise Levels**

Catchment (Receivers)	Period <sup>1</sup>	Measured RBL dB LA <sub>90</sub>	PINL dB LA <sub>eq</sub> (15min)
L1 – (R1, R2, R22)	Night	38	43
L2 – (R3-R5, R15, R16, R19-R21)	Night	36	41
L4 – (R6-R14, R17, R18, FD1)	Night	32	37

Note: As per Section 2.1 of the NPI, Intrusiveness Noise Levels only apply to residences.

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

### 4.2.2 Project Amenity Noise Levels

The Project Amenity Noise Levels (PANLs) for residential receivers potentially affected by the project are presented in **Table 6**.

**Table 6 Amenity Noise Levels and Project Amenity Noise Levels**

Receivers	Noise Amenity Area	Assessment Period <sup>1</sup>	Recommended ANL dB LA <sub>eq</sub> (period) <sup>2</sup>	PANL dB LA <sub>eq</sub> (period) <sup>3</sup>	PANL LA <sub>eq</sub> (15min) <sup>3</sup>
R1, R2, R22	Suburban	Night	40	40	43
R3-R5, R15, R16, R19-R21	Suburban	Night	40	40	43
R6-R14, R17, R18, FD1	Suburban	Night	40	40	43
M01	Suburban	Night	45	45	48

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

Note 2: Recommended amenity noise levels as per Table 2.2 of the NPI.

Note 3: Includes a +3dB adjustment to the amenity period level to convert to a 15-minute assessment period as per Section 2.2 of the NPI.



## 4.2.3 Project Noise Trigger Levels

The Project Noise Trigger Levels (PNTLs) are the lower of either the PINL or the PANL. **Table 7** presents the derivation of the PNTLs in accordance with the methodologies outlined in the NPI.

**Table 7 Project Noise Trigger Levels**

Receiver	Period <sup>1</sup>	PINL	PANL	PNTL
		dB LAeq(15min)	dB LAeq(15min)	dB LAeq(15min)
R1, R2, R22	Night	43	43	43
R3-R5, R15, R16, R19-R21	Night	41	43	41
R6-R14, R17, R18, FD1	Night	37	43	37
M01	Night	N/A	48	48

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

### 4.3 Maximum Noise Assessment Trigger Levels

The maximum noise trigger levels shown in **Table 8** are based on night time RBLs and trigger levels as per Section 2.5 of the NPI. The trigger levels will be applied to transient noise events that have the potential to cause sleep disturbance.

Table 8 Maximum Noise Level Assessment Screening Criteria			
Residential Receivers R1, R2, R22			
dB LAeq(15min)		dB LAmax	
40dB LAeq(15min) or RBL + 5dB		52dB LAmax or RBL + 15dB	
Trigger	40	Trigger	52
RBL (38) +5dB	43	RBL (38) +15dB	53
<b>Highest</b>	<b>43</b>	<b>Highest</b>	<b>53</b>
Residential Receivers R3-R5, R15, R16, R19-R21			
dB LAeq(15min)		dB LAmax	
40dB LAeq(15min) or RBL + 5dB		52dB LAmax or RBL + 15dB	
Trigger	40	Trigger	52
RBL (36) +5dB	41	RBL (36) +15dB	51
<b>Highest</b>	<b>41</b>	<b>Highest</b>	<b>52</b>
Residential Receivers R6-R14, R17, R18,			
dB LAeq(15min)		dB LAmax	
40dB LAeq(15min) or RBL + 5dB		52dB LAmax or RBL + 15dB	
Trigger	40	Trigger	52
RBL (32) +5dB	37	RBL (32) +15dB	47
<b>Highest</b>	<b>40</b>	<b>Highest</b>	<b>52</b>
Temporary Accommodation Receivers M01			
LAeq(15min)		LAmax	
N/A		65	

Note: Monday to Saturday; Night 10pm to 7am. On Sundays and Public Holidays; Night 10pm to 8pm.

Note: As per Section 2.5 of the NPI, the highest of the two criteria are adopted as the trigger level.



## 5 Measurement Methodology

Night-time attended noise surveys were conducted on Tuesday 9 March 2021 and were completed in general accordance with the procedures described in Australian Standard AS 1055:2018, "Acoustics - Description and Measurement of Environmental Noise" and the Noise Policy for Industry (NPI). The measurements were carried out using one Svantek Type 1, 971 noise analyser, which carries current NATA calibration and complies with AS IEC 61672.1-2019-Electroacoustics - Sound level meters - Specifications. Calibration of all instrumentation was checked prior to and following measurements. Drift in calibration did not exceed  $\pm 0.5$  dBA.

Noise measurements were of 15-minutes in duration and where possible, throughout each survey the operator quantified the contribution of each significant noise source. Two measurements were conducted at the monitoring location during typical night-time operations for the project with mechanical plant and restaurant operational.

Due to restricted access to a number of residential receivers, intermediate monitoring locations were utilised as per NPI guidance to assess noise emissions from the operation, which are presented visually in **Figure 1**. To assess compliance at the nearest receiver, a correction factor to account for attenuation due to distance and / or intervening barriers (where relevant) was applied in accordance with the methodologies outlined in Section 7.1.1 of the NPI.

Extraneous noise sources were excluded from the analysis to calculate the  $L_{Aeq}(15min)$  operation noise contribution for comparison against the relevant criteria. The results of the attended validation noise monitoring are presented in **Table 9** along with the applicable noise criteria. Where the operation is inaudible, the contribution is estimated to be at least 10 dBA below the ambient noise level.

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## 6 Results

Table 9 presents the results of the attended measurements conducted at the monitoring locations.

Table 9 Operator-Attended Validation Noise Survey Results						
Location	Date / Time (hrs)	Descriptor (dBA re 20 µPa)			Meteorology	Description and SPL, dBA
		LAmax	LAeq	LA90		
ATT1	09/03/2021 00:00	63	46	43	WD: N	Insects 40-44
					WS: 0.2m/s	Passing Traffic 45-63
					Rain: Nil	Distant Train 46-48
						Operation Mechanical Plant 41-43
Metric		dB LAeq			dB LAmax	
Operation Contribution		43			45	
ATT1	09/03/2021 00:57	66	46	43	WD: N	Insects 40-43
					WS: 0.2m/s	Passing Traffic 43-52
					Rain: Nil	Birds 45-55
						Operator Noise 66
						Operation Onsite Vehicles 42-51 (65 secs)
						Operation Mechanical Plant 41-42
Metric		dB LAeq			dB LAmax	
Operation Contribution		42			51	
ATT2	09/03/2021 0:17	72	51	43	WD: N	Insects 43-50
					WS: 0.1m/s	Passing Traffic 46-72
					Rain: Nil	Operation Onsite Vehicles 43-50 (580 secs)
						Operation Mechanical Plant 36-37
Metric		dB LAeq			dB LAmax	
Operation Contribution		42			50	
ATT2	09/03/2021 01:32	70	51	42	WD: N	Insects 38-42
					WS: 0.1m/s	Passing Traffic 46-70
					Rain: Nil	Birds 42-51
						Operation Mechanical Plant 36-38
Metric		dB LAeq			dB LAmax	
Operation Contribution		38			39	





Table 9 Operator-Attended Validation Noise Survey Results

Location	Date / Time (hrs)	Descriptor (dBA re 20 µPa)			Meteorology	Description and SPL, dBA
		L <sub>A</sub> max	L <sub>A</sub> eq	L <sub>A</sub> 90		
ATT3	09/03/2021 0:33	63	48	45	WD: N WS: 0.1m/s Rain: Nil	Insects 43-46
						Passing Traffic 46-63
						Train 47-49
						Operation Onsite Vehicles
						44-50 (400 secs)
Operation Mechanical Plant						
35-36						
Metric		dB L <sub>A</sub> eq			dB L <sub>A</sub> max	
Operation Contribution		39			50	
ATT3	09/03/2021 01:16	62	50	45	WD: N WS: 0.1m/s Rain: Nil	Insects 49-52
						Passing Traffic 45-58
						Train 47-52
						Operator Noise 61-62
						Operation Mechanical Plant
36-37						
Metric		dB L <sub>A</sub> eq			dB L <sub>A</sub> max	
Operation Contribution		37			39	

### 6.1 Calculated Contribution at Receivers

As intermediary monitoring locations were utilised, to assess noise emissions from the operation at the residential facades a correction factor was applied to the measured contribution. The correction factor has been established utilising the predictive noise modelling, using the difference between the residential receiver location and a reference location. The correction factor included the attenuation due to distance and intervening barriers between the monitoring location and residential receiver location.

Table 10 Calculated Contributions

Location	Date / Time (hrs)	Nearest Receiver	Descriptor	Contribution at Monitoring Location	Correction	Calculated Contribution at Receiver
ATT1	09/03/2021	(M02)	L <sub>Amax</sub>	45	0	45
	00:00		L <sub>Aeq</sub>	43	0	43
	09/03/2021		L <sub>Amax</sub>	51	0	51
	00:57		L <sub>Aeq</sub>	42	0	42
ATT2	09/03/2021	(R3)	L <sub>Amax</sub>	50	-2	48
	0:17		L <sub>Aeq</sub>	42	-2	40
	09/03/2021		L <sub>Amax</sub>	39	-2	37
	01:32		L <sub>Aeq</sub>	38	-2	36
ATT3	09/03/2021	(R6)	L <sub>Amax</sub>	50	-2	48
	0:33		L <sub>Aeq</sub>	39	-2	37
	09/03/2021		L <sub>Amax</sub>	39	-2	37
	01:16		L <sub>Aeq</sub>	37	-2	35

## 6.2 Compliance Check

The compliance assessment for each of the assessed receiver locations are presented in Table 11.

Table 11 Noise Compliance Assessment Checks

Receiver	Date / Time (hrs)	Descriptor	Calculated Contribution at Receiver	Criteria	Compliant
M02	09/03/2021	L <sub>Amax</sub>	45	n/a	✓
	00:00	L <sub>Aeq</sub>	43	48	✓
	09/03/2021	L <sub>Amax</sub>	51	n/a	✓
	00:57	L <sub>Aeq</sub>	42	48	✓
R3	09/03/2021	L <sub>Amax</sub>	48	52	✓
	0:17	L <sub>Aeq</sub>	40	41	✓
	09/03/2021	L <sub>Amax</sub>	37	52	✓
	01:32	L <sub>Aeq</sub>	36	41	✓
R6	09/03/2021	L <sub>Amax</sub>	48	52	✓
	0:33	L <sub>Aeq</sub>	37	37	✓
	09/03/2021	L <sub>Amax</sub>	37	52	✓
	01:16	L <sub>Aeq</sub>	35	37	✓



### 6.3 Discussion of Validation Attended Monitoring

The results of the attended validation noise monitoring should be considered worst case as they are closer to the operation than the surrounding noise sensitive receiver and do not take into account any intervening boundary fences.

#### 6.3.1 Location ATT1

The results at monitoring location ATT1 demonstrates that the noise emissions associated with the operation are audible at this location, however complied with the applicable project noise trigger levels and maximum trigger levels. The audible operation noise sources at this monitoring location included the noise from the operation mechanical plant, however these sources were predominantly indiscernible when compared to passing traffic noise.

#### 6.3.2 Location ATT2

The results at monitoring location ATT2 demonstrates that the noise emissions associated with the operation are audible at this location, with customer light vehicles and mechanical plant audible. Notwithstanding the noise from passing traffic frequently masked the operation noise sources at this location. Noise emission contributions from the operation complied with both the project noise trigger levels and maximum noise trigger levels.

#### 6.3.3 Location ATT3

The results at monitoring location ATT3 demonstrates that the noise emissions associated with the operation are audible at this location and calculated noise contributions complied with the project noise trigger levels and maximum noise trigger levels.

Audible onsite noise sources included customer light vehicles. The noise of onsite vehicles were often indiscernible from traffic on Maitland Road with other dominant sources including wildlife noise from bats and insects.

## 7 Discussion and Conclusion

Muller Acoustic Consulting Pty Ltd (MAC) has completed a Noise Assessment to quantify emissions from the proposed 24-hour operation of the existing McDonald's Operation (the 'operation') located at the 83 to 89 Maitland Road, Muswellbrook, NSW.

Attended noise monitoring was completed during the temporary extension of trading hours under the COVID-19 Health Directive. Attended noise monitoring was completed at intermediate monitoring locations to assess noise emissions from the operation, as access to several residential receivers was not available. To assess compliance at the nearest receivers, a correction factor incorporating attenuation due to distance and intervening barriers was applied. Following the application of the attenuation factor to measured contribution at each monitoring location, the results of the noise monitoring demonstrate that emissions from the operation would satisfy the relevant PNTLs at all assessed receivers.

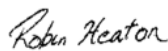
Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA Guideline for maximum noise events trigger levels following the application of the attenuation factor to measured contribution.

Audible operation noise sources included onsite vehicles, COD and mechanical plant. The operation noise sources were often masked by the passing of road traffic and wildlife such as bats and insects.

The results of noise monitoring supports the continuation of 24/7 trade from the operation.

We trust the above information is satisfactory and if you have any further question regarding the certification, please contact the undersigned.

Yours sincerely



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# PLAN OF MANAGEMENT

McDonald's Operation

83-89 Maitland Street, Muswellbrook NSW 2333

PREPARED FOR MCDONALD'S AUSTRALIA LIMITED | MARCH 2021





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## Plan of Management

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Final

Prepared for McDonald's Australia Limited, Muswellbrook Operation | March 2021

Approved by	Martin Bocking
Title	Development Consultant, NSW/ACT, McDonald's Australia Ltd
Date	March 2021





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## 1 Introduction

### 1.1 Purpose of Plan of Management

This Plan of Management (PoM) has been prepared for the McDonald's Operation located at 83-89 Maitland Street, Muswellbrook, NSW 2333 in association with a Development Application to seek extended operating hours to allow 24 hour, 7 days a week trading.

McDonald's Australia Limited (McDonald's) recognises the need to ensure the safety and security of customers, staff, workers, residents and the greater community in which the McDonald's Operation resides. The safety and security issues have been considered carefully to ensure the utmost safety of staff and patrons.

A Risk Assessment has also been included in this PoM to identify, understand, communicate and mitigate security related risks and threats associated with the McDonald's Operation and specifically, the early morning trading hours proposed.

The PoM is consistent with the principles of *Crime Prevention through Environmental Design* (CPTED) as described in the Crime Prevention and the assessment of development applications guideline prepared by the former Department of Urban Affairs and Planning (now Department of Planning and Infrastructure).

CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risks to offenders (increasing the likelihood of detection, challenge, and apprehension);
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

The policies and procedures outlined in this PoM will make the premises a safe, efficient and pleasant environment in which to work and visit. Additionally, the safety and security issues addressed, and mitigation measures proposed in this PoM have been devised to ensure the amenity of the area is maintained at *all* times during the operation of the premises.

All staff at McDonald's Muswellbrook, will be required to be familiar with this Management Plan.



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## 2 Risk Assessment

The provision of a safe environment is critical for the long-term success of any operation and presents an essential aspect of the duty of care that must be demonstrated by the various stakeholders.

While identifying and mitigating known safety issues is important, so too is safety planning, ensuring the systems and processes are in place to identify and deal with safety issues as they arise. Effective safety planning also limits the consequences that can arise from poor safety procedures.

The following sections of this report detail the various threats and security issues associated with the proposed McDonald's Operation and where necessary, mitigation measures to minimize the opportunities for crime and manage crime risk are presented.



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### 3 Security and Safety

The security and safety of employees and the general public are highly valued by the management of the premises.

#### 3.1 Surveillance

##### 3.1.1 CCTV Camera Systems

CCTV surveillance cameras are located within the premises in strategic places including (but not limited to) cashiers and service areas, see appendix B for further detail. This system has automated recording technology, longer video storage capacity, video motion detection and more advanced camera technology allowing greater video resolution and coverage.

All cameras will operate 24 hours a day. The surveillance tapes / videos will be kept for at least 1 month for viewing by the Police as required. The quality of the images filmed will satisfy Police requirements. Management will be trained to view and burn CCTV at the request of Police.

TV monitors are located within the premises and allow staff to monitor the activities on the camera.

Management will ensure the system is maintained in good working order. Management will also ensure that the coverage will be operated with due regard to the privacy and civil liberties of all persons within the development. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

McDonald's employees will be encouraged to assist with passive surveillance of all areas of the development and in particular the car park, by providing efficient reporting systems for any security or safety concerns on a 24-hour basis.

##### 3.1.2 Intruder Alarm Systems

McDonald's Muswellbrook operates with an extensive intruder alarm system including perimeter protection, movement detection and access control. This system achieves an added sense of crime prevention and security. The system will allow monitoring of who is accessing what areas, better response to alarms and audit breaches of security in a timely and efficient manner.

##### 3.1.3 Lighting

Perimeter lighting will be provided around the premises and car park to enable clear vision and will be designed in such a manner so as to prevent concealment and shadowing. The standard of lighting will not only reduce the fear of crime in accordance with Australian lighting standards, but also serves to provide clear identification of activity using the high technology CCTV cameras proposed.

All lighting other than security lights are to be turned off each night at the close of business.

Broken light fixtures and bulbs within the premises will be replaced within 24 hours.

##### 3.1.4 Clear Sight Lines

The McDonald's Operation has been designed to take into account the need to maximise clear sight lines. The building incorporates the maximum use of natural surveillance and minimises potential obstructions such as physical barriers to ensure these clear sight lines.



Good visibility to the interior of the premises is provided and will be maintained. No blinds, curtains, signage, displays, or internal fittings will obscure the front windows and doors of the premises.

### 3.2 Access Control

The McDonald's Operation will utilise access control and CCTV systems to monitor access to the car park. Upon commissioning the facility, a risk assessment will be undertaken to consider any pedestrian or vehicular access control issues which may arise.

#### 3.2.1 High Risk Areas

The McDonald's Operation was designed so as not to create a hostile environment. Access is restricted particularly in relation to nominated "secure areas" such as the kitchen / back of house areas, exits and the loading dock. The achievement of which is maintained by the installation of movement detectors and security hardware (locks, etc.).

#### 3.2.2 Signage

Clearly identifiable signage has been installed in and around the McDonald's to indicate which areas are open to customers and members of the public and which areas are restricted.

Signage and clear sight lines will assist with the anticipated pedestrian flows within the associated car park and McDonald's.

Warning signs, at strategic locations are to be placed around the premises, at entry / exits to warn people of security measures.

A sign at the entry of the premises advising residents to forward any complaints regarding the operation of the premises to the Duty Manager will be provided. The sign will include a phone number and state that complaints can be made 24 hours a day / 7 days per week.

#### 3.2.3 Security

High quality door and window locks are to be fitted to all openings. The locks will comply with the BCA.

No fewer than three (3) staff members will be working at the premises at any one time.

### 3.3 Space Management

#### 3.3.1 Seating Design

The McDonald's Operation takes into account the need to provide seating and other comforts for persons visiting without interfering or disrupting pedestrian flows. This philosophy is designed to encourage increased use of the common areas to reduce the potential for security breaches by natural surveillance.

#### 3.3.2 Toilets

Public toilets are clearly sign posted. The toilets are located in areas which maximise sight lines, are well lit and are in areas which engender an overall sense of safety to the user, particularly females, children and elderly.

### 3.4 Ejection of Patrons

The following procedure will apply to all staff and security personnel (if applicable) that are involved in the removal of a person from the premises who is intoxicated, drunk or disorderly:



- Verbal communication with the customer(s) will occur;
- The Duty Manager will be instructed to contact Police for assistance in removing any customer who exhibits anti-social or violent behaviour;
- An Incident Report will be completed following an altercation and/or disturbance stating all the relevant information for reference purposes; and
- The use of exclusion notices under the NSW Enclosed Lands Act is available if required to exclude people

### 3.5 Hold Up Procedure

#### 3.5.1 In the Event of an Armed Robbery

Primary advice to staff is to remain as calm as possible. Other advice is as follows:

- Contact 000 as soon as possible after incident;
- Staff are instructed to comply with the demands of the offender's;
- Assess the situation and remain calm;
- Focus on the offender/s making mental notes of their "appearance" with particular attention to;
  - Any distinguishing features such as clothing, scars, tattoos;
  - Weapon if used, such as firearm, bladed weapon; and,
  - Any language, accent, nicknames or speech peculiarities;
- Move slowly. Only do this with safety. Advise of any sudden movements you have to make;
- Observe the direction taken after the bandit leaves the premises;
- Look to see if a motor vehicle is being used and note any occupants;
- Separate staff involved to ensure they do not discuss the incident with anyone other than the Police and Senior Management; and,
- Provide access to McDonald's Counselling support agency as soon as possible after the incident.

### 3.6 Money Handling

An independent security company is employed to undertake all movement of cash to and from the premises. There will be no cash movements from the premises by the staff at any stage. There will be no movement of monies from the premises by Security Personnel at night. All appropriate safety alarms will be installed at the building including back to base security which involves the Intruder Alarm System being linked to the security company.

### 3.7 Theft

In the event that theft occurs involving a customer, every effort will be made to assist the customer in any way possible, i.e. forms, police report, telephone calls. All personal information must be recorded on the Incident Report Form in case any items are recovered at a future time.

Incidents involving staff members must also be documented on the Incident Report Form and any necessary policy reports must be completed. A list of all items missing must be recorded.

The theft of any property on the premises must be reported to the Police for insurance purposes. All thefts must be documented clearly and concisely on an Incident Report Form.



### 3.8 Weapons

Weapons of any type, i.e. knives, firearms, etc., will not be permitted at any time, unless in the hands of authorised security personnel or Police.



## 4 Operational Procedures

### 4.1 Communication and training

Staff training days will be held on a regular basis to reinforce safety and security procedures for the operation. Employees will be encouraged to report any suspicious activity or persons in and around the area to the Duty Manager and / or Local Police.

### 4.2 Incident Report

McDonald's uses Donesafe, an online Incident and Hazard Log Reporting system, to record details of incidents that occur in McDonalds Operations. Shift managers have been trained in usage of this system and are trained to "take control" when an incident occurs. The Shift Manager will ensure that an Incident Report is to be completed for all incidents that necessitate action by emergency services such as Police, Ambulance or Fire Brigade.

All incidents including vandalism and graffiti will be recorded, together with the response time taken to repair or remove the property affected or offending material. The frequency of incidents together with the respective response will be included in the regular site performance reviews to ensure the maintenance of acceptable standards.

Managers have been trained to call "000" immediately to report a serious crime or incident occurring in the McDonalds Operation that requires and immediate response from Police and other Emergency Services.

The NSW Police Assistance Line (131 444) will be used to report minor incidents of crime.

#### 4.2.1 Acts of Violence

When an incident involving an act of violence resulting in an injury to any person occurs on the premises, the duty manager will immediately, if safe to do so:

- Provide First Aid to any injured person;
- Contact "000" for assistance;
- Follow the NSW Police Crime Scene Preservation Guidelines by;
  - taking all practical steps to preserve and keep intact the area where the act of violence occurred;
  - isolate and retain all material and any weapons or implements associated with the act of violence;
  - provide information to the investigating Police as to the cause and circumstances of the incident;
  - Comply with any directions given by the senior Police Officer in attendance; and
  - Secure and produce a copy of all CCTV footage of the incident as required by the investigating Police Officer.

### 4.3 Telephones

Telephones are to be pre-programmed with the emergency number '000'. Telephone lines are to be secured with an approved lock to avoid unlawful tampering.



#### 4.4 Public Transport Awareness

Staff members that are working in the store during its operation are to be aware and be able to provide information to visitors of the store, of the public transport facilities that are within the area, at all times of the day or night.

#### 4.5 Registering of Complaints

Any complaints received will be documented in a register and followed up by the Duty Manager. The register will include details of the complainant's name, the date the problem occurred, the nature of the complaint and outcome of the complaint.

#### 4.6 Noise Management

The Duty Manager will closely monitor the following noise management procedures:

- The premises will comply with the relevant acoustics requirements in relation to noise emanating from the premises;
- The Duty Manager will ensure that customers keep noise to an appropriate level upon entering and leaving the premises. The Duty Manager will ask customers making in-appropriate noise to leave quietly and quickly and ask any customers loitering to move on (including the use of any horns in the drive thru);
- Security Notices will be placed at the points of exit requesting customers leave quietly and in a prompt manner so as not to cause any disturbance to the surrounding neighbourhood (in order to cease any yelling or screaming in the car park); and
- Reports of all noise complaints received by the Duty Manager will be documented in a register.

Reports of all noise complaints received by the Duty Manager will be documented in a register and 12 monthly reviews of this document to ensure that the operation of the business is not having an unacceptable impact on the area.

Particular attention will be made to cars which enter the site and either park or enter the drive-thru facility where noise from these vehicles (including noise generated from any car stereo) exceed acceptable noise levels. Should this occur, the owners of such vehicles will be instructed to reduce noise levels or move on. McDonald's will not provide a service to customers or vehicles in the drive-thru facility who refuse to comply.

#### 4.7 Cleaning of Surrounding Public Domain

The Duty Manager will ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

Bins are located through-out the premises. This will help mitigate the potential litter impact upon the surrounding environment.

Vandalism and graffiti will be removed (where possible) within 24 hours.

#### 4.8 Litter Patrol Guidelines

Litter patrols are to be undertaken at the following times:

- After the breakfast period (approximately 11am)
- After the lunch period (approximately 3pm)



- Before Sunset
- Additional litter patrols will be carried out on Saturdays and Sundays
- As weather permits

A litter patrol path has been provided at Appendix A. Litter patrols are to be carried out on the western side of the New England Highway adjacent to the site and on both sides of the New England Highway following the commission of the Thompson Street/ New England Highway signals.

#### 4.9 Waste Management

Waste generated on site primarily consists of general waste (food wastes and miscellaneous customer waste) and paper and cardboard.

The site contains a number of disposal areas comprising general waste bins throughout the store and two (2) skip bins, one (1) for general waste and one (1) for recycling. Waste shall be collected by a recognized private contractor in accordance with the approved Site Waste Management Plan.





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## 5 Consultation and Assessment

McDonald's are committed to ongoing consultation with adjoining property owners, Police and Council to foster a better understanding of relevant security issues at the site.



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## Appendix A – Litter Patrol Path

SLR Consulting Australia





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## Appendix B – CCTV Locations

SLR Consulting Australia





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Our ref: 631.30066

23 March 2021

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

## **CRIME RISK ASSESSMENT**

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### **1 INTRODUCTION**

The purpose of this report is to identify and assess crime risk associated with the proposed extension to trading hours of the McDonald's located at 83-89 Maitland Street, Muswellbrook to identify any design elements of the McDonald's that may contribute to opportunities for crime, so that these may be 'designed out' to maximise safety during the extended hours.

### **2 CRIME OPPORTUNITY**

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

### **3 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 (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.

631.30066\_CPTED\_Muswellbrook\_McD\_Trading Hours\_March2021



In accordance with the 4 key strategies, the principals of Crime Prevention and Public Safety are addressed in relation to the existing store and the proposed extension to trading hours:

### 3.1 NATURAL 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 existing McDonald's affords natural surveillance by the strategic placement of physical features and buildings to maximise visibility within the site, particularly the carpark. The specific design elements include:

- + Clear sight lines between the site and adjoining streets and businesses, allowing maximum visibility and surveillance at the vehicular entry into the site;
- + The maintenance levels for paths of travel comply with AS1680;
- + Appropriate day and night lighting ensures potential problem areas like car parks and corners are well lit; and
- + No 'hidden spots' have been created within the site. Any external areas not visible from the building are captured on closed circuit television (CCTV) and this is advertised.

### 3.2 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 limit access and control flow by:

- + The creation of attractive open spaces within the development;
- + Clear delineation of the property boundary with landscape treatment;
- + Use of landscaping that supports pedestrian access within the site; and
- + Appropriate lighting and signage for customers.

### 3.3 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 McDonald's operation has been designed to clearly delineate spaces that are to be used for congregation and areas that are not. This will ensure that any potential intruders or people who are not customers of the store will stand out and be easily identified. Elements of territorial reinforcement included in the original design and ongoing management of the McDonald's include:

- + The premises and landscaping is maintained such that it communicates an alert and active presence occupying the space;
- + Clearly defined boundaries of the development. This can be seen in the large car parking area that is for the parking of vehicles and not loitering; and
- + Provision of directional signage that assists in controlling activities and movements throughout the premises (knowing how and where to enter/exit and find assistance can impact on safety).

### 3.4 SPACE MANAGEMENT

Space management strategies such as site maintenance, target hardening, and target removal are included in the development.

#### 3.4.1 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 McDonald's self-interest of to maintain the site to a high standard so that customers continue to visit the site both during the day and night periods. Routine maintenance checks and reporting will be carried out to ensure the property is maintained and to reduce the likelihood of crime or vandalism.

Furthermore, robust materials (including graffiti resistant materials) have been used where appropriate. Any vandalism or graffiti is repaired and removed promptly by personnel or contractors.

#### 3.4.2 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; however, the site allows opportunities for natural surveillance from within the site, with clearly defined boundaries, and allows opportunities for natural access control. The site design has ensured that there is a safe environment for customers and workers within the site.

#### **4 CONCLUSION**

The above-mentioned measures that have been designed and constructed into the existing McDonald's operation at the site located at 83-89 Maitland Street Muswellbrook creates an environment that dissuades offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.

The proposed trading hours of the Muswellbrook McDonald's premises 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)

**Associate**

**SLR Consulting Australia**



Muswellbrook Shire Council  
MUSWELLBROOK. NSW. 2333

19 May 2021

Attention: Alisa Evans  
Project Planner

RE: Development Application No. DA 2021 - 30.  
Proposal: Change of Trading Hours to 24/7.

Location: 83 – 89 Maitland Street, Muswellbrook

Dear Elisa,

Hunter Valley Police District has received the application that was prepared by KDC and this included a Crime Risk Assessment and a Plan of Management (POM).

The Hunter Valley Police do not object to the application and are aware that during the COVID 19 pandemic that the Store has been operating under a COVID order with extended hours since 25 October 2020.

Hunter Valley Police have recorded several events in late 2020 relating to persons loitering in the carpark but they were dealt with at the time by Police. The POM sets out the process of calling and reporting incidents to Police and this appears to be adhered to and working. Since the Store has been operating the extended hours, there has been less loitering occurring in the carpark and this could be attributed to the increase in the perceived passive surveillance from the store being operational 24 hours. We encourage positive relationship between the store and the Police to continue, with a shared goal of maintaining the peace and quiet order of the neighbourhood.

In July 2018, Hunter Valley Police commented on a similar application for the same location. At the time it was recommended to have temporary barriers be placed in the carpark to deter vehicles from stopping in the carpark after hours leading to loitering and antisocial behaviour. Hunter Valley Police revise this recommendation and do not pursue this recommendation from that report.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report feel free to contact Senior Constable Sheree Gray, Crime Prevention Officer, Hunter Valley Police District, Phone 6542-6999.

Yours faithfully



Chief Inspector Guy Guiana APM  
Officer In Charge Muswellbrook & Upper Hunter  
Hunter Valley Police District.

Hunter Valley Policing District

26 William Street, Muswellbrook NSW 2333

T 02 65426999 E [hunintervalley@police.nsw.gov.au](mailto:hunintervalley@police.nsw.gov.au)

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously



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19 August 2021

Muswellbrook Shire Council  
PO Box 122  
Muswellbrook NSW 2333

**Attention: Hamish McTaggart**

Dear Hamish

**Re: DA 2021-20 - Response to Councillors Concerns**

This letter has been prepared by SLR Consulting Australia, in relation to DA 2021-20 for the extension to operation hours at the Muswellbrook McDonald's, 83-89 Maitland Street, Muswellbrook.

This letter is provided in response to the decisions made by Councillors at the Muswellbrook Council Ordinary Meeting on 27th July 2021. The application was recommended for approval by Council's Development Coordinator, however, Councillors resolved to defer the matter, and requested additional information regarding community consultation.

Prior to initiating the 24/7 trade under the NSW Ministerial Order the local General Manager Samantha Belcher visited local residents to discuss the stores operating hours. On the 20<sup>th</sup> October 2020 Samantha went around the local community and undertook a letterbox drop. The letter provided to the local residents explained Muswellbrook McDonald's proposed trading hours and included the contact details of Phil (Local Operator) which enabled an informal avenue to directly provide feedback to the store and voice any potential concerns. Refer to Enclosure A for the letter provided to local residents.

McDonald's Australia also have formal channels for members of the public to register complaints. Refer to the letter from McDonald's Australia at Enclosure B which provides a high-level summary of how the corporate complaints are handled, specifically in relation to the Muswellbrook store. It is noted that through community consultation McDonald's became aware of concerns from residents with regard to loitering around the picnic table at the corner of the site. McDonald's proactively responded to these concerns and the picnic table has been removed out of respect for the neighbours.

We would also like to highlight that Muswellbrook McDonald's appreciates and respects feedback from the community and takes these concerns seriously. McDonald's has demonstrated via its actions in the past that community concerns are listened to and mitigated (past examples include the removal of the table at the corner, additional signage around the site, acoustic treatment under the drive-thru awning and upgrading to the line marking within the car park area). It is acknowledged that there is a single individual who has continued to raise concern and complaint, directed to the local operator Phil via the informal channel of communications provided. Council should be aware that these concerns were listened to, however soon turned vexatious given the repetitive, regular and unreasonable nature of the demands. With support and input from the Muswellbrook Police, and in the interest of the safety of our staff, proactive steps were taken to reduce the amount of contact between the parties.

We would also like to reiterate that in relation to this DA, the Hunter Valley Police District have reviewed the current application before Council. In their response, the Police clearly stated their support for the extended hours application and highlighted the processes outlined in the Plan of Management are being adhered to and working. In addition, the Police referral stated,

*"since the store has been operating the extended hours, there has been less loitering occurring in the carpark and this could be attributed to the increase in the perceived passive surveillance from the store being operational 24 hours".*

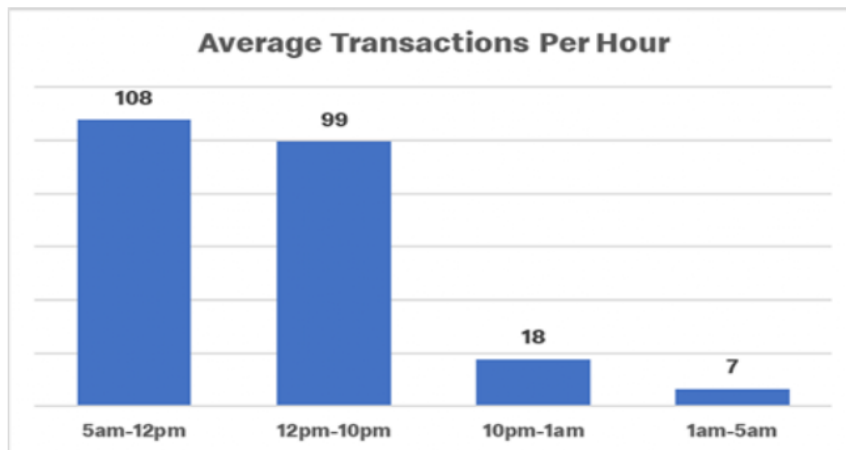
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This outlines from the Police that the extended trade provides significant safety benefits for the local community and clearly demonstrates the correlation between the extended trade and a reduction in late-night loitering. In addition, to assist Councillor's in having a holistic picture McDonald's have provided the below weekly average snapshot of transaction at the operation on a per hour basis. (Refer to Figure 1). This data provides evidence that there are less customers during the late night hours than what may have been illuded to previously demonstrated to Council.

**Figure 1** Average Transaction Per Hours at Muswellbrook McDonald's



Furthermore, the Acoustic Certification Report, provided to Council at lodgement, demonstrated that the proposal for extended trade would satisfy the relevant Project Noise Trigger Levels at all assessed receivers and sleep disturbance is not anticipated, as noise emissions remain below the EPA Guideline for maximum noise.

By operating under the COVID 19 Ministerial order the Muswellbrook store has been able to certify the acoustic modelling, with the acoustic consultants able to assess actual, real life data to demonstrate the stores compliance with all relevant noise criteria.

We would like to thank Council for the opportunity to provide this supplementary information for consideration. We hope this aids in Council's positive consideration and determination of the proposal, however if you require any further information, please do not hesitate to contact the undersigned on 0481 205 578.

Yours sincerely

YANNIS COMINO  
Project Consultant - Planning

Checked: RM  
Authorised by: RM

**Enclosure A:** Letter provided to local residents

**Enclosure B:** McDonald's Australia customer relations statement

20/10/2020

Dear Neighbour,

**McDonald's Muswellbrook – Extended Trade Update**

My name is Phil Wilson and I am the local operator at Muswellbrook McDonald's. You may know that Muswellbrook recently received a Development Approval to permanently extend trade from 5am – 6am. This was supported by the Council following a successful trial of those trading hours by the store. During that time we took feedback from neighbours and the community to ensure we were responding to and addressing any concerns raised. We are happy to report that these were very limited.

Given the ongoing impacts resulting from Covid-19 the Minister for Planning has put in place legislation which allows businesses, like McDonald's, to temporarily trade 24 hours.

Over the coming months we are going to utilise this legislation to trial 24 hour trade at the store. This will give us the chance to provide additional convenience to the community and also create new employment opportunities.

I am aware of the concerns that are often raised around extended trade and remain committed to ensuring that we respect the amenity of our surrounding neighbours.

We welcome your feedback once we are operating on any concerns you have as a result of the extended trade. Depending on the level of feedback we would also look to arrange a Feedback Event at the store where our neighbours can collectively share their experiences from the extended trade and give us the opportunity to address any concerns collectively.

In the meantime, please feel free to contact me with any comments or queries.

My contact details are as follows:

Phillip Wilson

0488 007001

My team and I welcome ongoing communication as we move into and commence this new operating pattern.

Kind Regards,

Phil Willson



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

Thursday 19<sup>th</sup> August 2021

To Whom it May Concern,

Please see below a summary of Guest Counts and Customer Feedback for McDonald's Muswellbrook - 83-89 Maitland Road, Muswellbrook NSW 2333.

At McDonald's Australia, we capture feedback from our customers and patrons by 2 key pathways:

**Corporate Customer Service Department**

This department receives emails and phone calls from customers and then passes the feedback onto the local operation for actioning.

In reference to McDonald's Muswellbrook, the Corporate Customer Service Department:

- Received 117 Customer Contacts out of the 660,000 + Guest Counts, over the trailing twelve months; and
- In the last two years, only two customer complaints have been received that reference litter, noise or rubbish. Both complaints were received in March 2021.

**Medallia**

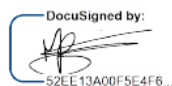
Medallia is an online Customer Feedback Portal. This Portal allows customers to provide feedback by QR Codes which are available in store, on receipts and through the myMacca's App (Mobile Ordering Portal). This feedback is then sent directly to Owner and Managers at the local operation for immediate actioning.

In the last twelve months, McDonald's Muswellbrook have:

- Received 554 Customer Contacts;
- Received 98 requests for contact and feedback;
- The average time to address and contact the customer is 4.4 hours; and
- Only one feedback submission noted litter or rubbish outside of the restaurant. This feedback was received on Monday 5<sup>th</sup> May, 2021.

If you have any further questions, please don't hesitate to reach out.

Kind Regards,

DocuSigned by:  
  
52EE13A00F5E4F6...

Martin Bocking  
Project Delivery Manager  
McDonalds Australia Limited

McDonald's Australia Limited | ABN 43 008 496 928  
21 - 29 Central Avenue | Thornleigh | PO Box 392 | Pennant Hills | NSW 2120 | Australia  
P: +61 2 9875 6015 | F: +61 2 9875 6588  
www.mcdonalds.com.au

## 13 Floodplain Management

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### 13.1 Introduction

The management of flood prone land in NSW is primarily the responsibility of councils by implementing the provisions in the NSW Government's *Flood Prone Land Policy* and the associated *NSW Floodplain Development Manual 2005*.

### 13.2 Application of this Part

This part applies to land within the Muswellbrook Council area which is flood prone or partially flood prone land.

Land is identified as flood prone:

- In flood studies prepared under the provisions of the *NSW Floodplain Development Manual 2005* and adopted by Council;
- in overland flow studies undertaken by or on behalf of Council, being the best available information at the time; or
- where flood studies are not available, but the land contains an intermittent or permanent watercourse.

### 13.3 Objectives

The **objectives** of this part are to:

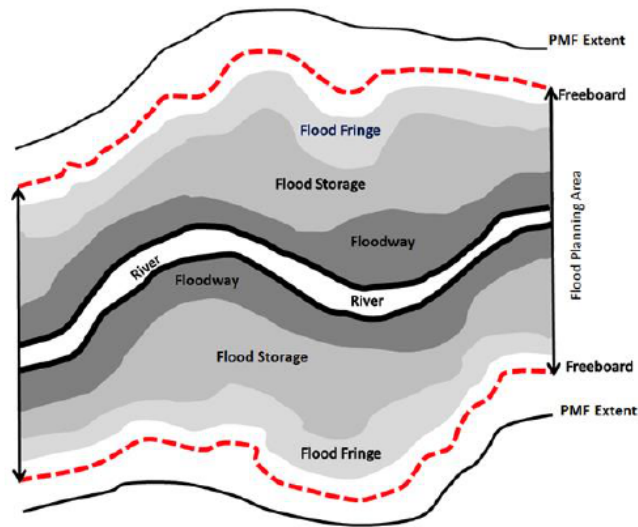
- To establish guidelines for the development of flood prone land that are consistent with the NSW Flood Policy and NSW Floodplain Development Manual (2005) and as updated by the associated Floodplain Risk Management Guides;
- limit the intensification of residential uses and other inappropriate uses in flood affected areas;
- To promote flood compatible design and building that considers requirements for the development of flood prone land and does not adversely impact on adjoining properties or pose unnecessary risk or cost to the public or emergency services;
- ensure measures are implemented to reduce private and public losses resulting from flooding and manage risks to property and life from flood events;
- To ensure that the development or use of floodplains waterways and riparian corridors does not adversely impact upon aesthetic, recreational and ecological values and takes into account potential changes resulting from climate change;
- Provide guidance for assessing the LEP criteria for Development Consent, taking into account Council's responsibilities for floodplain management and flood related development standards as specified in other relevant legislation including the Local Government Act and Water Management Act 2000.

### 13.4 Definitions and flood planning concepts

The terms that are used in this part are consistent with the *NSW Floodplain Development Manual 2005* and can be found in the Dictionary.

Flood Planning concepts are summarised in the following figure.

Figure 1: Plan of floodplain and hydraulic categories



### Key terms

**AEP** means Annual Exceedance Probability

**AHD** means Australian Height Datum. A common national surface level datum approximately corresponding to mean sea level.

**ARR** means the publication - Australian Rainfall and Runoff.

**Effective warning time** means sufficient warning time to enable complete evacuation of people who could be expected on the site, to a non-flood affected area by a reliable access path.

**Habitable room** in a residential situation is a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom. In an industrial or commercial situation it is an area used for offices or to store valuable possessions susceptible to flood damage.

**PMF** means Probable Maximum Flood level

**Reliable Access** means a path of travel for people of all abilities to move from a flood affected area to a non-flood affected area

**Non - urban use** means a use more typically located on rural or environmental land, such as farm sheds, grain silos, greenhouses, stockyards and rural fire sheds.

### Additional Guidance material:

#### 13.5 Application Requirements

The extent of **flood related information** required to be submitted with an application depends on several factors, including;

1. the type of development proposed;
2. the scale of the development proposed;
3. the extent to which the site is affected by flooding; and
4. the amount of flood related information already held by Council regarding flood behaviour at that site and within its catchment.

Item	When required	Plans or information to be provided
A. Survey plans	<p>All applications</p> <p>Note: some applications for ancillary development may not require survey details if certified by a structural engineer. This is at the discretion of Council.</p>	<p>A survey plan prepared by a registered surveyor indicating the following:</p> <ol style="list-style-type: none"> <li>1. Existing ground levels at each corner of the proposed building envelope;</li> <li>2. The floor levels of existing buildings or structures that are to be retained, as well as proposed finished floor levels for all new buildings and structures; and</li> <li>3. The location of any existing buildings or structures.</li> <li>4. Any earthworks proposed or filling of land; and</li> <li>5. All contours to be minimum of 250mm.</li> </ol> <p>All levels must be relative to <i>Australian Height Datum (AHD)</i>. Levels relating to an arbitrary assumed datum are not acceptable.</p>
B. Flood Risk Assessment (FRA)	<p>Where the development site is not within the area of a Flood Study adopted by Council, but the development site:</p> <ol style="list-style-type: none"> <li>a) is within 40 metres of a defined watercourse; or</li> <li>b) is within 10 metres of a major drainage system or drainage easement; or</li> <li>c) has a history of flooding; and</li> <li>d) the development will result in intensification of development on flood prone land (i.e. not minor development, such as carports, garden sheds, cattle yards and farm sheds under 50sqm).</li> </ol>	As specified in the section following titled <b>Flood Risk Assessment</b>
C. Flood Impact Assessment (FIA)	<p>The development site (other than minor development such as carports, small sheds, and farm sheds less than 50sqm):</p> <ol style="list-style-type: none"> <li>a) is on land below the 1% AEP Flood level and is identified as Flood Hazard category H3, H4, H5 or H6 in a Council adopted Flood Study; or</li> <li>b) is on land that a Flood Risk Assessment has identified is unsafe for vehicles, or wading by elderly people or children during a 1% AEP flood; or</li> <li>c) is on land below the 1% AEP Flood level and the development includes land</li> </ol>	As specified in the section following titled <b>Flood Impact Assessment</b>

Item	When required	Plans or information to be provided
	filling or solid structures that may increase local flooding during a 1% AEP flood by more than 100mm within 10m of the development.	
D. Floodplain management compliance	All applications  Note: may be Included in the Statement of Environmental Effects rather than as a separate report.	A detailed assessment, prepared by a suitably qualified engineer, on how the proposed development will achieve the objectives (Section 13.3) and development controls (Sections 13.5, 6, 7, 8 and 9) of this Part. All relevant controls are to be listed and an explanation is to be given on how each control has been met.
E. Flood plan	<b>Evacuation</b> At the discretion of Council, but generally: a) if the access to the development site is identified as Flood Hazard category H3, H4, H5 or H6 in a Council adopted Flood Study, or b) where wading depths to evacuate the property during a 1% AEP flood event exceed 500mm.	An evacuation plan prepared by a suitably qualified person, being an outline of measures proposed for the timely, orderly and safe evacuation of persons from the development.  It must take account of the effective warning time during periods of flood, any floodplain risk management plan, relevant state government disaster plan, advices received from the State Emergency Services (SES) or as determined by Council.  It must be prepared in accordance with the principles of the <i>NSW Floodplain Development Manual 2005</i>



**Flood Risk Assessment**

Flood Risk Assessments shall be prepared under the following guidelines:

1. The assessment shall be undertaken and certified by a suitably qualified Civil/Hydraulic Engineer. A suitably qualified professional is a member of a recognised organisation and has suitable experience, education, qualifications and indemnity insurance to undertake the work competently.
2. All levels shall be relative to Australian Height Datum (AHD).
3. Topographic levels shall be to an accuracy of 100mm, structures and the like shall be to an accuracy 10mm.
4. Rainfall intensity/frequency/durations shall be determined from Australian Rainfall and Runoff (ARR) 2019 or later.
5. Flows shall be assessed using a rainfall-runoff hydrologic model and compared to peak flows using the Rational Method from ARR for urban or rural catchments as appropriate.
6. The 1% AEP and the PMF flood events shall be assessed using a steady state backwater analysis technique (or better) with a sensitivity analysis on assumed or assessed parameters.
7. Flood heights shall be reported in metres to two (2) decimal places, while flood velocity shall be reported in metres per second to one (1) decimal place.
8. The assessed flood levels shall be compared to historic flood levels in the vicinity, if available.
9. Anecdotal data and assessments based on extrapolating levels or flows from other parts of the catchment or adjacent catchment will not be accepted unless it can be demonstrated that such an assessment is clearly conservative and results in an upper bound design level.
10. Developers will make data available to Council free of cost, to form part of a local government area database.

The Flood Risk Assessment shall:

1. Clearly set out the methodology adopted and provide enough detail to enable easy checking of calculations and validity of assumptions used.
2. Present available historical rainfall and flood height data.
3. Present complete model results including those for sensitivity testing
4. Include maps/figures of the catchment, site, model layout and cross section locations.
5. Include tabulations and/or figures model parameters and results.
6. Identify appropriate access routes and emergency management procedures over the full range of floods up to the PMF.
7. Provide survey data including Digital Terrain Model (in a format compatible with Council's GIS) and model data files arranged in an orderly file structure.

Where the development site is proposed on land below the 1% AEP flood level, or where otherwise required by this Plan, a Flood Impact Assessment shall also be undertaken.

**Flood Impact Assessment**

Flood Risk Assessments shall be prepared under the following guidelines:

1. The assessment shall be undertaken and certified by a suitably qualified Civil/Hydraulic Engineer. A suitably qualified professional is a member of a recognised organisation and has suitable experience, education, qualifications and indemnity insurance to undertake the work competently.
2. All levels shall be relative to Australian Height Datum (AHD).
3. Topographic levels shall be to an accuracy of 100mm, structures and the like shall be to an accuracy of 10mm.
4. A description of the watercourse, creek or drainage system that is relevant to the flood characteristics of the site, whether located on, adjacent to or remote from the development site;
5. Clearly set out the methodology adopted and provide enough detail to enable easy checking of calculations and validity of assumptions used;
6. Present complete model results including flood heights (levels), flow distributions, velocities and flood storage variations for all calibration, validation and design events demonstrating the change in hydraulic behaviour at the structure, within 10m of the structure and all sites across the floodplain affected by the development.
7. Consider the effects of climate change on rainfall and flood patterns.

8. Include tabulations and/or figures depicting the spatial distribution of model parameters, flow and velocity at each section.
9. Identify appropriate access routes and emergency management procedures over the full range of floods up to the PMF;
10. Provide survey data including Digital Terrain Model (compatible with Council's GIS) and model data files arranged in an orderly file structure;
11. Clearly demonstrate the flood impacts associated with the development (if applicable) and that the development is consistent with the current version of the NSW Floodplain Development Manual, any relevant local flood study, floodplain management study or plan applying to the land that has been endorsed by Council.

### 13.6 Flood Controls

1. Development must be consistent with the current version of the NSW Floodplain Development Manual, any relevant local flood study, floodplain management study or plan applying to the land that has been endorsed by Council, or a Flood Impact Assessment prepared for the development. Buildings and other structures, including fences, must be designed so as not to impede the flow of floodwaters or entrap debris.
2. Filling within the floodplain is not permitted except where a detailed flood impact assessment is provided from a suitably qualified consulting engineer that can adequately demonstrate:
3. Filling required on site:
  - I. Is not within a core riparian zone.
  - II. Must not substantially impede the flow of floodwater and must not contribute to flooding or ponding of water on any other property; and
  - III. For a dwelling pad in a rural area, is minimal and is balanced by a borrow pit at the same site, and neither are situated in high hazard floodwaters (H3 or higher).
4. New structures are to meet the flood planning levels and floor heights specified in the Table 2 below.
5. Flood planning levels and floor heights for additions or alterations to existing development will be assessed on the merits of the situation, having regard to meeting an acceptable level of risk of flood damage. In general, additions that will increase the existing floor area by more than 20% as it exists in December 2021 will be required to meet the floor heights in Table 2.
6. The construction methods and materials that form part of the development below the 1% AEP flood level, including filling, must be capable of withstanding the force of flowing floodwaters, including debris and buoyancy forces and immersion for a prolonged period.
7. Development on land below the 1% AEP will only be permitted where effective warning time and reliable access is available for evacuation to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy where in existence.
8. Evacuation Plans are to be prepared by a suitably qualified consulting engineer to Council's satisfaction demonstrating the Plan provides for:
  - i. Low flood hazard emergency vehicle road access (NSW SES, NSW RFS) during a 1% AEP flood event; and
  - ii. Maintenance-free, comprehensive flood-alert measures.

Alternative shelter in place arrangements will need to be justified and comply with guidance issued by NSW SES.

9. No subdivision is to occur on land wholly inundated by flooding up to PMF event, unless it is demonstrated that the risk of flooding can be effectively and appropriately mitigated without impacting the adjacent floodplain or unnecessary risk or cost to the public or emergency services.
10. Subdivision of land wholly inundated by flooding up to PMF event may be considered where it can be demonstrated that all resultant lots are able to provide adequate flood free land suitable for future development and effluent disposal (if applicable) and satisfactory Flood Evacuation Plan.

**Table 2 - Flood Planning Levels and floor height requirements in areas affected by flooding**

Type of Development	When required	Minimum Floor Height Requirements
<b>Residential development</b>	Habitable rooms	1% AEP flood level + 500mm freeboard
	Non-habitable rooms, carports, garages and at grade parking	5% AEP flood level
	Garden sheds and other ancillary structures (excluding garages and carports)	No requirement
	Basement car parking	Constructed to preclude entry of floodwater at levels up to the 1% AEP flood level. Additional requirement for basement levels to implement a means of evacuation, and a pump-out system to remove flood waters.
	Unsealed electrical installations	1% AEP flood level + 500mm freeboard
<b>Commercial, Retail and Visitor Accommodation</b> (i.e. anything that is not captured by one of the other development types).	Internal floor height	1% AEP flood level or an alternative solution that precludes floodwater up to the 1% AEP flood level
	Basement car parking	Constructed to preclude entry of floodwater at levels up to the 1% AEP flood level. Additional requirement for basement levels to implement a failsafe means of evacuation, and a pump-out system to remove flood waters.
	Unsealed electrical installations	1% AEP flood level + 500mm freeboard
<b>Industrial, Mining and Quarry related development</b>	Offices	2% AEP flood level
	Other workspaces	No requirement
	Unsealed electrical installations	1% AEP flood level + 500mm freeboard
<b>Caravan Parks and Camping Grounds, Recreation and emergency buildings (e.g. Fire Stations)</b>	Habitable rooms in structures with a slab or fixed foundation flooring system	2% AEP flood level
	Non-habitable rooms;	5% AEP flood level
	Structures that are mounted on skids, wheels or other non-fixed foundations and can be moved within effective flood warning times.	No requirement
	Unsealed electrical installations	1% AEP flood level + 500mm freeboard

Type of Development	When required	Minimum Floor Height Requirements
Sensitive residential facilities, respite care, child care centres etc.) that are difficult to evacuate.	Habitable floor height	Probable Maximum Flood level
	Non-Habitable rooms/areas	Probable Maximum Flood level
	Parking areas	1% AEP flood level
	Driveway providing access between a public road and the Development	Probable Maximum Flood level unless an alternative solution is approved as part of an evacuation plan
	Unsealed electrical installations	Probable Maximum Flood level

### 13.7 DEVELOPMENT PROTECTED BY A LEVEE

In addition to achieving the objectives and Flood Planning Controls (other than Flood Planning Levels and Floor Heights), development must also achieve the following:

1. Minimum floor levels for all developments in the township of Denman protected by the levee shall be 107.25m AHD (Australian Height Datum). Minimum floor levels for all developments in the township of Muswellbrook protected by the levee shall be 146.3 AHD (Australian Height Datum).
2. Where new buildings or additions are proposed within 40m of the existing levee an engineer's certificate shall be submitted with certifying that the proposed structure has been designed to withstand the flood pressures, including debris and buoyancy forces, imposed in the event of an adjacent levee failure. Loads imposed will be assessed from the velocity/depth data indicated in **Table 3**.

**Table 3: Velocity and depth of flood waters due to a levee breach**

Height of Adjacent Levee	Distance from Levee							
	5.0		10.0		20.0		30.0	
	V (m/s)	D (m)	V (m/s)	D (m)	V (m/s)	D (m)	V (m/s)	D (m)
1.0	2.6	0.25	1.0	0.3	*	*	*	*
2.0	5.0	0.4	3.7	0.35	2.0	0.5	*	*
3.0	6.4	0.6	5.5	0.5	4.0	0.5	3.2	0.7

NOTE: V = velocity of flow; D = depth of flow; \* = values not determined

### 13.8 INTEGRITY OF THE HUNTER VALLEY FLOOD MITIGATION SCHEME

Development on and within the vicinity of structures (including levees, floodgates, spillways and drains) operated by Council, but constructed under the *Hunter Valley Flood Mitigation Scheme*, will be managed by Council under the *Water Management Act* to ensure the continuing integrity of those structures.

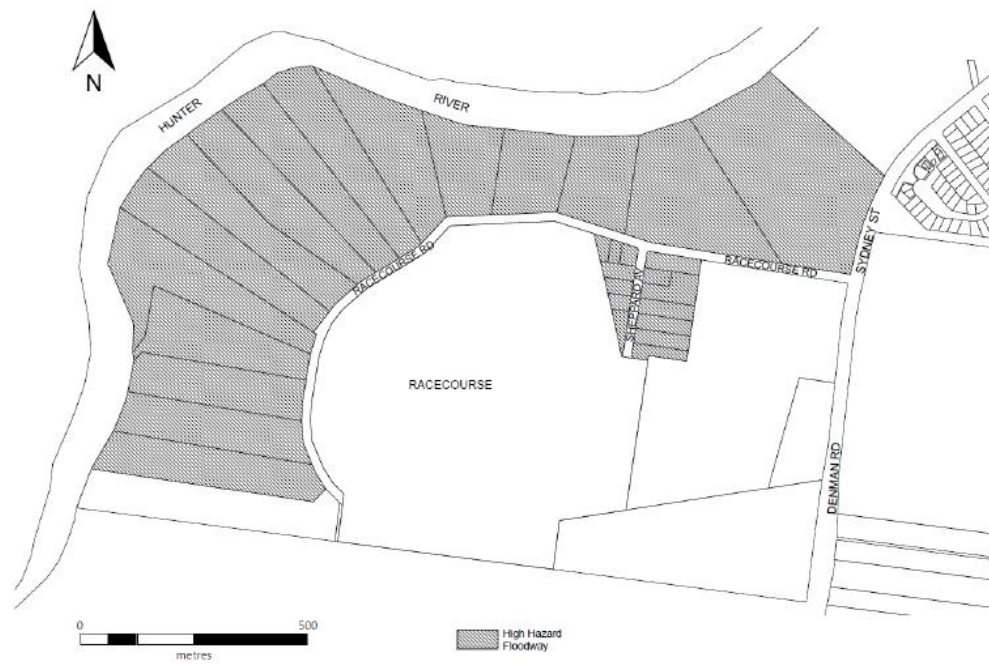
The Guidelines in the NSW Office of Environment and Heritage document '*Guidelines for Development within the Hunter Valley Flood Mitigation Scheme*', as updated from time to time, shall be applied to land in and around the towns of Denman and Muswellbrook where the structures are placed.

### 13.9 FENCING IN RACECOURSE ROAD AREA

This section applies to proposals to fences on land shown as a high hazard floodway on Map 1. Racecourse Road area –Fencing Provisions

Council will require lodgement of a development application for the erection of fencing in this area, other than rural fences such as 5-wire fences and post and rail fences.

In determining the application, Council will require a report from a Structural Engineer to verify that the construction will not result in increased flood hazards or flood damage to other properties or increase afflux by more than 100mm.



Map 1. Racecourse Road area – Fencing Provisions

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**SECTION 16 – CAR PARKING AND ACCESS****PARKING AND ACCESS****16.1 INTRODUCTION**

This chapter requires applicants to consider the impact of new development on the existing road network and to make adequate provision for off-street car parking to meet the needs of the general public, employees and service vehicles **now and in the future**.

**16.1.1 Application**

All land to which this DCP applies and to all forms of development.

**16.1.2 Purpose**

To ensure that adequate off street car parking is provided within Muswellbrook Shire to meet the demand for such parking created by development.

**16.1.3 Aims and Objectives**Aims

- a) ~~to provide a guide for developers of Council's minimum requirements for off-street vehicular parking.~~
- b) ~~to ensure that adequate off-street vehicular parking is provided for traffic generating developments.~~
- c) to ensure adequate car parking facilities are provided in association with developments;
- d) to ensure each development proposal is assessed consistently and equitably in relation to the provision of off-street vehicular parking;
- e) to ensure vehicular parking areas are designed in such a manner as to be functional, aesthetically pleasing in terms of landscaping, and safe for motorists and pedestrians;
- f) **To ensure new development makes provision for charging electric vehicles where appropriate; and**
- g) to ensure all vehicles entering or leaving properties are driven in a forward direction.

**16.2 RESIDENTIAL DEVELOPMENT**Objectives

- a) To ensure adequate on site parking is provided to service residential developments
- b) To ensure that activities relating to car parking provision are undertaken to an acceptable standard to ensure residential amenity.

Controls

- (i) Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP.
- (ii) The location and construction of car parking complies with Section 6 of this DCP.



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- (iii) On site parking facilities are designed and constructed to comply with the provisions of AS2890.1.

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**16.3 NON-RESIDENTIAL DEVELOPMENT**Objectives

- a) To ensure adequate provision of off-street parking to maintain the existing levels of service and safety of the road network.
- b) To ensure a consistent and equitable basis for the assessment of parking provisions.
- c) To ensure the design of parking areas, loading bays and access driveways which function efficiently.
- d) To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.
- e) To ensure that all traffic generating developments are generally in accordance with those sections of the Traffic Authority of NSW Policies and Guidelines, for traffic generating developments as adopted by this Code.

Controls

- (i) Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP.
- (ii) On-site parking facilities are designed and constructed to comply with the provisions of AS2890.1/AS2890.2.
- (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.

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**16.4 DESIGN GUIDELINES FOR OFF-STREET VEHICULAR PARKING AREAS**

Off-street car park design mainly involves engineering and landscape disciplines. Engineering principles are important and ensure that a facility will function efficiently in regard to surface durability, traffic movement, access, drainage and lighting requirements.

Landscape principles are applied to make the facility more attractive for the users (both drivers and pedestrians) by providing trees for shelter, pedestrian walkways, and screening to boundaries to integrate the facility into its surrounds.

Generally car parks should be designed to meet the requirements of AS 2890.1 Off-Street Car Parking and AS 2890.2 Commercial Vehicle Facilities for design and layout and Council's "Engineering Requirements for Development" for construction.

**16.4.1 Access to the Site**Objectives

- a) To ensure that access to sites operate in a safe and efficient manner.

Controls

- (i) all works required to service the development are to be designed and constructed in accordance with the relevant provisions of AS2890
- (ii) any works on public land or in the public road reserve that are to revert to the care and control of Council are to be designed and constructed in accordance with the relevant provisions of AUSPEC.
- (iii) A vehicular driveway must:
  - be located no closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary.
  - not be located within 12 metres on the approaches to a "stop" or "give way" sign.
  - cross the footpath or footway at right angles to the centreline of the road.
  - be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street;
  - be clear of obstructions which may prevent drivers having a timely view of pedestrians;
  - be properly signposted by the use of "in" or "entrance" and "out" or "exit" signs, where appropriate; and
  - be designed and constructed to suit design traffic loads.

The Roads and Traffic Authority has adopted seven types of access driveways – Type 1 to 5 for cars (or light vehicles) and types 6 and 7 for heavy vehicles. Table 1 shows entry and exit driveway widths and separation between the two where applicable. Table 2 shows types of driveways to serve certain numbers of parking spaces.

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**TABLE 1: Recommended Driveway Types**

Type	Entry Width (Metres) W	Exit Width (Metres) W	Minimum Separation of Driveways (Metres)	Splay at Kerbline (Metres)	Kerb Return Turnout Radius (Metres) R
1	3-6	Combined*	N/A	0.5	-
2	6-9	Combined*	N/A	1	-
3	6	4-6	1-3	1	2-9
4	6-8	6-8	1-3	1	2-9
5	Direct feed from a controlled intersection via a dedicated public roadway via an intersection controlled by STOP and GIVE WAY signs, traffic signals or a round about.				
6	8-10	8-10	3	1	2-9
7	10-12	10-12	3	1	2-9

\* Driveways are normally combined, but if separate, both entry and exit widths should be a minimum of 2.9 metres.

**SOURCE:** RTA of NSW: *Guide to Traffic Generating Developments*.  
Australian Standard 2890.1-1993 – Parking Facilities

**TABLE 2**  
**Selection of Driveway Type Based on Parking Spaces**

Road Frontage	Number of Car Parking Spaces Served by the Driveway					
	Less than 25	25-100	101-300	301-600	More than 600	Heavy Vehicles
<b>Major</b>	1-2	2-3	3-4	4	5	7
<b>Minor</b>	1	1-2	2-3	3-4	4	6

**SOURCE:** RTA of NSW: *Guide to Traffic Generating Developments*  
Australian Standard 2890.1-1993 – Parking Facilities

#### 16.4.2 Car Park Design

##### Objectives

- b) To ensure that the design of on site car parking is provided to an acceptable standard.
- c) To ensure the convenient use and operation of car parking facilities.

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Controls

- (i) The minimum dimensions of each off-street parking space and the distance separating parking spaces shall be in accordance with AS2890.1.
- (ii) Adequate on-site manoeuvring and circulating areas shall be provided to ensure that all vehicles enter and leave the site do so in a forward direction.
- (iii) Parking spaces for visitors and customers should be provided where they are clearly visible from the street so their use is encouraged.
- (iv) Parking spaces for employees and for longer duration parking may be located more remotely from the street.
- (v) All signage (whether viewed from internal areas on the site or from external areas) are to be provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA.
- (vi) The location of the parking area on the site should be determined having regard to:
  - (a) site conditions such as slope and drainage;
  - (b) visual amenity;
  - (c) the location of the building; and
  - (d) the proximity to any neighbouring residential development.

**16.4.3 Parking for People with Disabilities**

Special parking spaces for people with disabilities are to be provided at the rate of two percent (2%) of the overall spaces provided for a retail/business/industry development. These spaces must be clearly signposted and marked and have a minimum width of 3.2 metres, and comply with the provisions of AS2890.1.

**16.4.4 Loading/Unloading Facilities**Objectives

- a) To ensure that loading and unloading can be undertaken on site.
- b) To ensure that loading and unloading operations do not adversely interfere with vehicle and pedestrian movements.

Controls

- (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.
- (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.
- (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.
- (iv) The loading/unloading areas is to be designed to accommodate the turning path of appropriate service vehicles detailed in Table 3.

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- (v) The loading/unloading areas must be designed to ensure that vehicles stand entirely within the site during loading and unloading operations.

**TABLE 3**  
**Service Vehicle Dimensions (Metres)**

Vehicle Type	Length	Width	Max Height	Turning Circle (kerb to kerb)
Station Wagon	4.7	1.9	1.4	11.0
Utility	4.7	1.9	1.4	11.0
Van	5.4	2.1	2.5	13.5
Small Rigid Truck	6.6	2.1	4.3	14.4
Large Rigid Truck	11.0	2.5	4.3	21.7
Large Articulated Truck	17.5	2.5	4.3	16.2

**Note:** For courier vehicles, standard car parking space dimensions are usually satisfactory.

**SOURCE:** RTA of New South Wales: *Guide to Traffic Generating Development*

#### 16.4.5 Internal Roads

##### Objectives

- a) To ensure that internal roads are sufficient to cater for expected vehicle movements.

##### Controls

- (i) For internal roads between the driveway and the parking area the recommended minimum carriageway width depends on the number of parking spaces and service bays. These minimum widths are provided in Table 4.

**TABLE 4**  
**Recommended Minimum Circulation Roadway Width – Two Way Traffic**

Number of Parking Spaces/Service Bays		
1-24 spaces and length not exceeding 40m	25-50 spaces OR 1-24 spaces OR 1-24 spaces plus service bay(s)	Over 50 spaces, OR Over 24 spaces PLUS Service bay(s)
3.5 m wide	5.0 m wide	6.0 – 6.5 m wide

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**16.4.6 Construction Materials**Objectives

- a) To ensure that construction materials used are sufficient to withstand intended loads and use.

Controls

- (i) All parking areas and access ways shall be designed and constructed in accordance with AS2890.1 and AS2890.2.
- (ii) In choosing the most suitable pavement type the following factors should be considered:
  - (a) anticipated vehicle loads;
  - (b) run-off gradients and drainage requirements; and
  - (c) construction constraints.

**16.4.7 Landscaping**Objectives

- a) To ensure that the visual impacts of car parking are minimised.

Controls

- (i) A minimum of 10% of the total area of the car park shall be appropriately landscaped.
- (ii) Long stretches of parking bays are to be dispersed with screen planting. A good rule of thumb would be to have no more than 10 parking bays before breaking with planting.
- (iii) Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter.
- (iv) Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which attract large numbers of birds should be avoided in parking areas.

**16.4.8 Electric Vehicle Charging**Objectives

- a) To require a minimum number of electric vehicle charging points in certain developments; and
- b) To ensure new development makes adequate provision for electric circuitry to accommodate future installation of electric vehicle charging points.

Three types of electric vehicle charging levels have been considered:

- A. Level 1 charging consists of a regular, single phase power point;
- B. Level 2 charging consist of single and three-phase power with a power range of 7kW-22kW, as defined by *NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019)*. Level 2 electric vehicle charging provides



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a superior, faster and more stable charging option. This are generally required as follows:

- Privately available spaces. Level 2 slow – single phase with 7kW power; and
- Publicly available spaces. Level 2 fast – three phase with 11kW-22kW power.

**Controls**

- (i) Parking spaces with electric vehicle charging points are to be provided on site in accordance with the requirements of 16.6 of this section of the DCP.
- (ii) In developments with 6 or more new parking spaces, electric vehicle charging points are to be shown on parking plans submitted with development application and the spaces are to be provided with appropriate signage to identify them as electric charging spaces once constructed.
- (iii) The requirement to provide electric vehicle charging points will not apply to alterations or additions to non-residential premises where the total increase in parking spaces required is below six (6) spaces;
- (iv) The requirement to provide electric vehicle charging points will not apply to alterations or additions to residential premises where no additional dwellings will result.
- (v) The requirement to provide electric vehicle charging points will not apply to a change of use from one commercial premises (as defined in the Local Environmental Plan) to another commercial premises if there is no increase in gross floor area, although owners are encouraged to retrofit electric vehicle charging points in existing parking areas over time.
- (vi) Electric vehicle charging points may be provided on a user-pays basis.

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**16.5 QUALIFICATIONS AND EXCEPTIONS TO PARKING STANDARDS****16.5.1 Calculation of Numbers**

Where the calculation of parking spaces results in a fraction of a space, the total number of parking spaces shall be the next highest whole number.

**16.5.2 Extensions/Additions to Existing Development**

Where existing premises are being extended to create additional gross floor area, the additional parking requirement shall be calculated in accordance with the parking standards contained in this code on the basis of the increased floor space.

**16.5.3 Small Scale Additions**

Council may, at its discretion, waive the car parking requirements for small scale additions where:

- (a) the proposed extension is of a minor nature requiring the provision of not more than one additional car parking space; or
- (b) the extension is not directly related to the parking generation potential of the development.

**16.5.4 Low Intensity Uses**

Where the proponent of a development is able to demonstrate that it is unnecessary to provide the total number of parking spaces on site as required by this Plan, a lesser provision may be accepted by Council. In such circumstances suitable justification and a detailed analysis should be submitted with the development application.

**16.5.5 Change of Use**

Parking requirements for the proposed use shall be in accordance with the rates prescribed in the attached schedule. Any non-compliance will need to be accompanied by justification and may not be supported by Council if it is not satisfied that adequate parking will be provided.

**16.5.6 Mixed Use Development**

In the case of a combination of land uses on the site, the parking requirement for each separate use shall be calculated and then added together to provide the total parking requirement. Any departure from this method will only be considered by Council where it can be demonstrated that the peak demand for each land use component of the development is staggered.

**16.5.7 Undefined Development**

Where a proposed development does not fall within any of the land use categories identified in the Car Parking Standards section of this Plan, Council shall calculate the on site parking requirements having regard to the experience of similar existing development and an assessment of the likely traffic generating potential of the proposed development.

**16.5.8 Major Traffic Generating Developments**

Parking requirements for major new developments will be assessed on merit, with particular reference to:

- (a) the likely demand for off street parking generated by the development;
- (b) the mix of uses and their parking requirements;
- (c) the availability of public transport to service the development;

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- (d) the probable mode of transport to be used by employees and/or customers;
- (e) the likely peak usage times of the proposed development; and
- (f) the existing traffic volumes on the surrounding street network including, where relevant, the potential traffic volumes.

Where it is considered that a traffic generating development may have a major impact on traffic movement within a given locality, Council will require the applicant to submit a traffic and parking study prepared by a suitably qualified consultant prior to determining the application. Early consultation with Council is recommended in such cases.

**16.5.9 Contributions**

Council's Section 94 Plan may make provision for a contribution to be payable where there is a shortfall of parking spaces that can be provided on site to service a development as required by this section of the DCP.

**16.5.10 Referrals**

In accordance with State Environmental Planning Policy No. 11 (SEPP No. 11) Council is required to refer proposals for major traffic generating developments to the New South Wales Roads and Traffic Authority or for consideration by Council's Traffic/Development Committees.

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**16.6 CAR PARKING SCHEDULE FOR SPECIFIC LAND USES**

Land Use	Parking Requirement	Comments
<b>Community</b>		
Child Care Centre	1 space per employee (with 30% of the spaces to be provided with 'Level 2 slow' electric vehicle charging points), <b>PLUS</b> 1 space per 15 children enrolled (if provision of 3 set down/pick up areas) or 1 per 10 children.	Council may give consideration to varying the specified parking requirement, depending upon the nature and type of street frontage available for the setting down and picking up of children or if home based child care is proposed.
Community facility	1 space per 20 m <sup>2</sup> of gross floor area (with 30% of the spaces to be provided with 'Level 2 slow' electric vehicle charging points).	
Educational Establishment	<p>Tertiary - 1 space per 2 employees, <b>PLUS</b> 1 space per 5 students. A minimum of 30% of the spaces are to be provided with 'Level 2 slow' electric vehicle charging points.</p> <p>Secondary - 1 space per 2 employees, <b>PLUS</b> 1 space per 10 students. A minimum of 30% of the spaces are to be provided with 'Level 2 slow' electric vehicle charging points.</p> <p>Primary - 1 space per 2 employees (with 30% of the spaces to be provided with 'Level 2 slow' electric vehicle charging points), <b>PLUS</b> 1 space per 12 students</p> <p>Other education facility - 1 space for every employee or staff member.  <b>PLUS</b> 1 space for every 30 students over 17yrs.  A minimum of 30% of the spaces are to be provided with 'Level 2 slow' electric vehicle charging points.</p>	<p>The parking requirements for each school site may vary. In general a detailed traffic and parking study should be submitted with the application. It is recommended that a school traffic management plan be prepared annually and issued to parents at the start of each school year.</p> <p>Where required by Council, provision shall be made for the access and parking of buses and pick up – drop off areas, which may only need to operate during certain hours.</p>
Hospital	Car parking will be assessed in accordance with RTA Guidelines. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points).	
Place of public worship	1 space per 10 fixed seats, <b>OR</b> 1 space per 10 m <sup>2</sup> of gross floor area if seats not affixed, <b>WHICHEVER IS THE GREATER.</b> A minimum of 30% of the	

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Land Use	Parking Requirement	Comments
	parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Public administration building	1 space per 40 m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
<b>Home activities</b>		
Home based child care or family day care home	Sufficient space on site for drop off/pick up for one vehicle <b>PLUS</b> The street must have sufficient parking capacity during peak periods to accommodate pick up/drop off, and such areas must be within 50m walking distance from entry.	Car parking for residents in accordance with this table cannot be counted as parking spaces for this home based use.
Home Business / Home Industry	1 space for each employee other than residents of the dwelling.	
<b>Industry and storage</b>		
Industry (General & Light)	1 space per 75 m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Vehicle Repair Station	1 space per 40 m2 of gross floor area, <b>OR</b> 3 spaces per workshop bay, WHICHEVER IS GREATER. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Warehouse or distribution centre	1 space per 300 m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
<b>Recreation and Entertainment</b>		
Entertainment facility	1 space per 10 fixed seats, <b>OR</b> 1 space per 10 m2 of gross floor area if seats not affixed, WHICHEVER IS THE GREATER A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Recreation Facility (indoor)	1 space per 25 m2 of gross floor area, <b>PLUS</b> 1 space per 2 employees. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast'	

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Land Use	Parking Requirement	Comments
	electric vehicle charging points.	
Recreation facility (outdoor)	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Recreation facility (major)	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Recreation area	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points if a mains power source is available.	
Squash Courts, Tennis Courts	3 spaces per court, <b>PLUS</b> 1 space per 3 employees or part thereof. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Bowling Alleys	3 spaces per lane, <b>PLUS</b> 1 space per 3 employees or part thereof. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Bowling Greens	30 spaces for first green and 15 spaces for each additional green. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Conference Facilities	1 space per 5 fixed seats <b>OR</b> 1 space per 15m <sup>2</sup> of gross floor area if seats are not affixed. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	Council may consider a reduced parking rate depending on the nature of use the facility is put to (eg: if used for student conferences and transport to and from the site is by bus).
<b>Residential Accommodation</b>		

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Land Use	Parking Requirement	Comments
Boarding Houses	1 space per 3 beds or 1 per bedroom, <b>PLUS</b> 1 visitor space per 5 beds or 1 visitor space per 5 rooms <b>PLUS</b> (whichever is the greater) <b>PLUS</b> 1 space per 3 employees 100% of the parking spaces are to be provided with 'Level 2 slow electric vehicle charging points.	
Caravan park (including camp site, moveable dwelling or manufactured home estate)	1 space per site, <b>PLUS</b> 1 space per 10 sites for visitor parking. 100% of the parking spaces are to be provided with 'Level 2 slow electric vehicle charging points	The visitor parking area should be appropriately located and sign posted. See also SEPP 21 & 36
Dual occupancy	1 space per dwelling if the GFA of the dwelling is less than 125m <sup>2</sup> <b>OR</b> 2 spaces per dwelling if the GFA of the dwelling is 125m <sup>2</sup> or more 100% of the parking spaces are to be provided with access to 'Level 1' electric vehicle charging points	The space shall be located in accordance with Section 6 of this DCP.
Dwelling house	1 space per dwelling if the GFA of the dwelling is less than 125m <sup>2</sup> <b>OR</b> 2 spaces per dwelling if the GFA of the dwelling is 125m <sup>2</sup> or more 100% of the parking spaces are to be provided with access to 'Level 1' electric vehicle charging points	The space shall be located in accordance with Section 6 of this DCP.
Group home	1 space per employee. A minimum of 50% of the parking spaces are to be provided with 'Level 2 slow electric vehicle charging points	
Hostel	1 space per 3 beds plus 1 per 5 beds visitor space OR 1 per room plus 1 per 5 rooms visitor space (whichever is the greater) bedroom, <b>PLUS</b> 1 space per 3 employees 100% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points	Spaces per bedroom may be reduced if in close proximity to public transport interchange or targeted market. The visitor parking area should be appropriately located and sign posted.
Multi dwelling housing (including residential flat buildings)	<b>Cars</b> 1-bedroom or studio: 1 space per unit 2-bedroom: 1.5 space per unit (the 0.5 space to remain as common property) 3-bedroom or more: 2 spaces per unit Visitors 1 per 5 units or part thereof <b>Bicycles</b>	

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Land Use	Parking Requirement	Comments
	Residents: Minimum 1 space per 5 units or part thereof Visitors: Minimum 1 space per 10 units or part thereof <b>Car Wash Bay</b> Any development containing 10 dwellings or more shall provide a minimum of 1 car wash bay/area 100% of the parking spaces (other than wash bays) are to be provided with 'Level 2 slow' electric vehicle charging points	
Shop top housing	1-bedroom or studio: 1 space per unit 2-bedroom: 1.2 space per unit (the 0.2 space to remain as common property) 3-bedroom or more: 2 spaces per unit . 100% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points	Applications to Council must demonstrate due consideration of car parking arrangements, including availability of adjacent parking, access to public transport and/or historical lack of physical access to parking.
<i>Residential Care Facility:</i> (a) Self-contained Units (private developments)  (b) Self-contained units (public developments)  (c) Hostel, Nursing and Convalescent Home	0.5 spaces per bedroom  1 space per 5 dwellings  1 space per 10 beds, <b>PLUS</b> 1 space per 2 employees, <b>PLUS</b> 1 space per ambulance. 100% of the parking spaces (other than ambulance spaces) are to be provided with 'Level 2 slow' electric vehicle charging points	Council may consider varying these requirements based upon a plan of management for the facility detailing proximity and availability of services, and regular community transport services to be provided for residents.
<b>Retail and Business</b>		
Bulky Goods Premises	1 space per 45 m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Business Premises (office premises, financial institutions, real estate agents etc)	1 space per 35 m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	Provision should be made for the on site loading/unloading of service vehicles as appropriate.
Cellar Door premises	1 space per 7m2 of gross floor area accessible to public	
Food and drink premises	1 space per 6.5m <sup>2</sup> service area <b>PLUS</b> 1 space per 3 employees A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast'	A food outlet which provides no seating will also be assessed as a "shop".

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Land Use	Parking Requirement	Comments
Function centre	electric vehicle charging points. 1 space per 10 fixed seats, <b>OR</b> 1 space per 10 m <sup>2</sup> of gross floor area if seats not affixed, WHICHEVER IS THE GREATER A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Funeral Home or Chapel (including mortuary)	1 space per employee <b>PLUS</b> 1 space per 10 m <sup>2</sup> of gross floor used or accessed by the public A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Health Consulting Room	1 space per practitioner, <b>PLUS</b> 1 space per employee, <b>PLUS</b> 2 spaces for patients of each practitioner. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	If it is shown that not all surgeries operate at the same time, Council may consider reducing the parking requirement for patients.
Kiosk	1 space per 25m <sup>2</sup> GFA	
Landscape and garden supplies	1 space per 130 m <sup>2</sup> of gross display area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	Provision to be made for car / trailer combinations at strategic locations
Market	Minimum of two spaces per stall	Separate provision should be made for stall holder's vehicles. Where a market is located within an existing shopping centre, consideration will be given to multiple usage requirements and a lower parking provision may be acceptable.
Medical Centre	1 space per 25 m <sup>2</sup> of gross floor area. A minimum of 20% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Neighbourhood shop	1 space per 25m <sup>2</sup> GFA	
Pub	1 space per 4m <sup>2</sup> of licensed floor area <b>PLUS</b> 1 space per bedroom or motel unit A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. Council may consider relaxing this requirement depending on the characteristics of the proposed development. For this purpose a comparison survey of

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Land Use	Parking Requirement	Comments
		similar developments, in similar locations should be provided with the development application.
Registered Club	1 space per 7 m2 of licensed gross floor area, <b>PLUS</b> 1 space per 5 seats of auditorium, dining room and recreation area, <b>OR</b> 1 space per 10 m2 of auditorium, dining room and recreation area, <b>WHICHEVER IS GREATER,</b> <b>PLUS</b> 1 space per 3 employees. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole.  Council may consider relaxing this requirement depending on the characteristics of the proposed development, and comparison with similar developments in the locality.
Restaurant	1 space per 7m2 of gross floor area available for dining purposes. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Restricted premises	1 space per 20m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
<i>Retail Premises:</i>  (a) < or = to 1000 m2 gross floor area  (b) > 1000 m2 gross floor area (includes supermarkets, department stores, shopping centres)  (c) Video Stores	1 space per 20 m2 of gross floor area.  1 space per 15 m2 of gross floor area.  1 space per 15 m2 of gross floor area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Roadside Stall	A minimum of 4 off street parking spaces.	Line marking and sealing of the parking area may not be required for temporary or itinerant stalls and will be assessed on a merit basis.
Service Station	6 spaces per work bay, <b>PLUS</b> 1 space per 20 m2 of gross floor area of the convenience store, <b>PLUS</b> 1 space per 6.5 m2 of gross	All car parks must be located clear of vehicle pump paths.

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Land Use	Parking Requirement	Comments
	floor area <b>OR</b> 1 space per 3 seats if a restaurant facility is provided, <b>WHICHEVER IS GREATER.</b> A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Sex services premises	2 spaces per room used for the provision of sex services. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Take-Away Food or drink premises	1 space per 12 m2 of gross floor area <b>PLUS</b> 1 space per 3 seats. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	A food outlet that provides no seating will be assessed as a shop. An area for queuing of cars for a drive through facility is required.
Timber and building supplies	1 space per 130 m2 of gross display area. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	
Vehicle Showroom	0.75 spaces per 100 m2 of site area, <b>PLUS</b> 1 space per 2 employees  A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	If a vehicle repair station is included additional parking will be required at the adopted rate for such a facility (as a guide, 6 spaces per work bay is recommended)
Veterinary Hospital	3 spaces per practitioner, <b>PLUS</b> 1 space per employee. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points.	If it is shown that not all surgeries operate at the same time, Council may consider reducing the parking requirement for patients.
<b>Tourist and Visitor Accommodation</b>		
Backpacker's accommodation	1 space per bedroom, <b>PLUS</b> 1 space per 3 employees, <b>PLUS</b> 1 space for manager A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points.	
Bed and breakfast accommodation	1 space per bedroom. 100% of the parking spaces are to be provided with access to 'Level 1' electric vehicle charging points.	
Hotel accommodation	1 space per hotel unit,	The proposed hotel

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Land Use	Parking Requirement	Comments
	<b>PLUS</b> 1 space per 4 m2 of licensed floor area, <b>PLUS</b> 1 space per 6.5 m2 of auditorium, dining room and recreation area, <b>OR</b> 1 space per 3 seats of auditorium, dining room and recreation area, <b>WHICHEVER IS GREATER,</b> <b>PLUS</b> 1 space per 3 employees. 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points	development will be compared to similar existing developments.
Serviced apartment	1-bedroom or studio: 1 space per unit 2-bedroom: 1.2 space per unit (the 0.2 space to remain as common property) 3-bedroom or more: 2 spaces per unit 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points	
Tourist Accommodation Units	1 space per bedroom 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points	
Motel	1 space per unit, <b>PLUS</b> 1 space per 2 employees. A minimum of 30% of the parking spaces are to be provided with 'Level 2 fast' electric vehicle charging points	If restaurant and/or function room is to be included, additional parking will be required at the adopted rate for such facilities. Council is willing to review this requirement if it can be demonstrated that the time of peak demand at each facility does not coincide or if the facilities will serve motel customers. Submissions will be assessed on a merit basis.
<b>Transport and infrastructure</b>		
Freight transport facility	<b>Cars</b> 1 space per 100m2 of GFA <b>OR</b> 1 space per 2 staff, whichever is the greater <b>Bicycles</b> Minimum 1 space per 20 staff or part thereof. A minimum of 30% of the parking spaces (other than bicycle parking spaces) are to be provided with 'Level 2 slow' electric vehicle charging points	On-site parking for staff / visitors must be located in places that are readily accessible from the principal pedestrian entrances to buildings
Materials recycling or recovery centre	1 space per 100m2 of GFA <b>OR</b> 1 spaces per 2 employees.	

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	A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points	
Passenger transport facility	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions. A minimum of 30% of the parking spaces are to be provided with 'Level 2 slow' electric vehicle charging points	
Transport or truck depot	<b>Cars</b> 1 space per 2 on site staff <b>PLUS</b> 1 space per transport vehicle present at the time of peak vehicle accumulation on site. <b>Vehicle Wash Bay</b> Minimum 1 vehicle wash bay of a size that can accommodate the largest vehicle typically visiting the site <b>Bicycles</b> Staff: Minimum 1 space per 5 staff or part thereof. A minimum of 30% of the parking spaces (other than bicycle parking spaces) are to be provided with 'Level 2 slow' electric vehicle charging points	Under no circumstances is the parking of vehicles on a public street acceptable.

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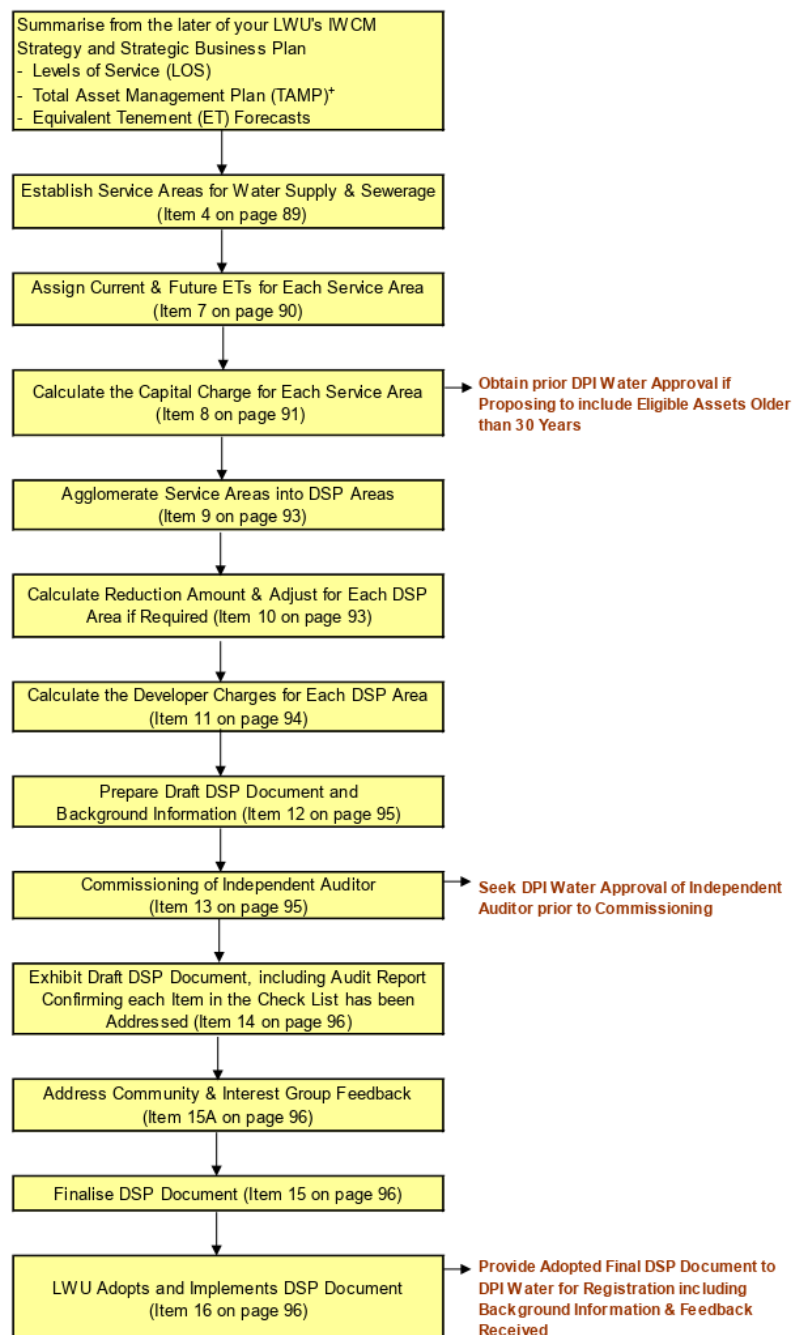
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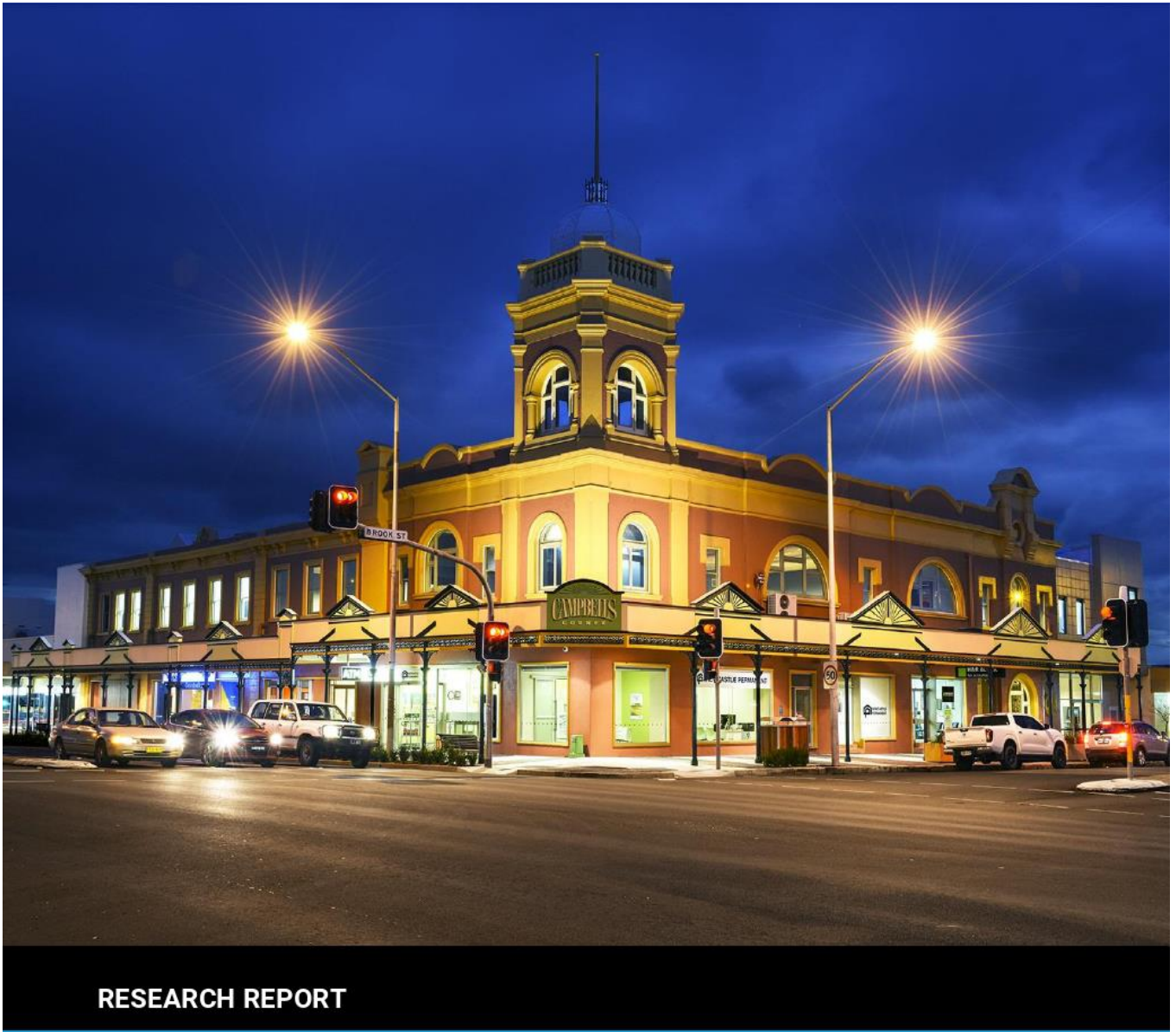
## APPENDIX D

## 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater

Figure 1: Process for Preparing a Development Servicing Plan (DSP) Document



+ A LWU's TAMP prepared in accordance with the Check Lists in footnote 16 on page 13 of the 2016 Guidelines, reflects the proposed levels of service and defines the required capital works (for each of growth, improved standards and renewals). The TAMP also shows the LWU's annual operating expenditures, including any cost-effective non-build solutions, as well as its annual maintenance expenditures.



## RESEARCH REPORT

# Muswellbrook Shire Council Community Satisfaction Survey 2021

July 2021





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## RESEARCH REPORT

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# Muswellbrook Shire Council Community Satisfaction Survey 2021

July 2021

Prepared by: James Parker

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Version: 6 (FINAL)



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## 1. EXECUTIVE SUMMARY



Muswellbrook Shire Council (MSC) has commissioned a random telephone survey of adult MSC residents to measure their satisfaction with Council facilities and services. The 2021 survey replicated a baseline study conducted in 2019, to ensure comparability over time. This latest wave of research was conducted from May 24<sup>th</sup> to June 8<sup>th</sup>, and involved interviews with 400 residents. Random sampling error for a sample size of n=400 is +/- 4.9% at the 95% confidence level.

### Among the major findings:

1. Of 28 different facilities and services measured, satisfaction was highest with libraries (mean satisfaction score of 4.13 on a 1-5 scale), sewage collection and treatment (3.89), food safety (3.82), sporting facilities (3.70), water supply (3.60) and cleanliness of streets (3.55).
2. Those facilities and services with the lowest satisfaction scores included unsealed roads (2.40), economic development/attracting new investment (2.40), development applications (2.49), public toilets (2.49), the way Council communicates with the community (2.56) and weed control (2.59).
3. In relation to 2019 scores, mean satisfaction rose for dog control (up 9%) and sewage collection and treatment (up 5%). However it fell 5 or more per cent for eight services, including Council pools (down 19%), unsealed roads (down 14%), weed control (down 11%) and development applications (down 10%).
4. Facilities and services of higher satisfaction and higher importance – deemed “strengths to maintain” – included food safety, cleanliness of streets, appearance of parks, reserves and playgrounds, public lighting in town centres, and bridges. Those services of higher importance but lower satisfaction – deemed “priorities for Council” – comprised footpaths and cycleways, Council’s website, Council pools, protection of the environment, parking facilities, services for the elderly, youth facilities and activities, local festivals and events, the way Council communicates with the community, public toilets, development applications, and economic development/attracting new investment.
5. Satisfaction with Council’s overall performance fell survey-to-survey, with a net satisfaction score (i.e. % satisfied less % dissatisfied) of -6% in 2021 against +11% in 2019.
6. Half of all respondents had contacted Council within the previous 12 months for a reason other than making a payment. Some 63% of first contacts were still made by phone, with a further 22% being made face-to-face.
7. Customer service satisfaction levels rose in this latest survey, from +3% net satisfaction in 2019 to +13% in 2021. The faster an issue was resolved (i.e. least numbers of contacts required), the greater the satisfaction – both in relation to that interaction, and with Council’s overall performance.
8. In relation to a series of quality of life statements, agreement was strongest with statements such as “I feel safe in my home at night”, “I feel proud of where I live” and “I feel part of my community” – all with 50+% agreement. However three statements had less than 25% agreement: “Council delivers good value for our rates dollar”, “Our local Council understands the community’s needs and expectations”, and “Council provides



## 1. EXECUTIVE SUMMARY



- opportunities for residents to have a say about the Shire's future".
9. The proportion of residents agreeing that "there are good employment prospects for locals" has risen 35% since MSC's last quality-of-life survey in 2016, while agreement that "I feel safe walking in my local streets at night" rise 9%. However agreement fell sharply with statements such as "Council delivers good value for our rates dollar" (down 14%) and "I feel that Council provides opportunities for residents to have a say about the shire's future" (also down 14%).
10. Major (perceived) opportunities for the region included additional retail, more coal mining, agriculture and agribusiness, and new energy sources.
11. The biggest perceived threats were to the future of the coal industry and coal-fired power generation, and (related to this) the fear of job insecurity or unemployment.
12. When asked how they should spend a hypothetical \$5m windfall, residents focussed predominantly on the need for additional youth facilities and services. Roads and parking were the second most-mentioned item, along with community events and facilities, and enhanced sporting facilities.
13. In light of recent debate around the shire's economic future, Council asked respondents: *"Some people think the Muswellbrook Shire should continue to focus on coal mining for its future prosperity, while others think it should be trying to diversify into other industries. Which category do you fall into?"* A slightly higher proportion of residents felt the shire should be trying to diversify away from coal and into other industries (46%), while 37% said the shire should continue to focus on coal mining. A further 14% had alternate views, with the balance (3%) unsure.
14. Council also sought feedback (from the 14% of respondents who had someone with a disability living in their home) what Council could do to make their lives easier or better. Of those (slightly more than half) able to provide suggestions, that majority focussed on: (a) improved public or community transport; (b) more level pavements; and/or (c) improved access to health services.

## 2. BACKGROUND AND METHODOLOGY



### 2.1. BACKGROUND AND OBJECTIVES

Muswellbrook Shire Council (MSC, or Council) has commissioned Jetty Research to conduct a random and statistically representative telephone survey of 400 adult residents to measure their satisfaction with Council service levels. The survey was designed to replicate a baseline survey conducted in 2019, to provide for longitudinal (i.e. time-based) comparisons going forward.

Council also used the 2021 survey to explore resident attitudes to a wide range of local issues, including their perceptions of key challenges and opportunities for the region.

### 2.2. METHODOLOGY

The survey was conducted using a random fixed line (40%) and mobile (60%) telephone poll of residents aged 18+. Respondents were selected at random from a verified random sample residential telephone database of 3,552 telephone numbers within the LGA. The survey form was designed collaboratively between Jetty Research and MSC to ensure comparability with 2019 data (see Appendix 1).

Polling was conducted from May 24<sup>th</sup> to June 8<sup>th</sup> (inclusive) from Jetty Research's Coffs Harbour CATI<sup>1</sup> centre. A team of eight researchers called MSC residents on weekday evenings from 3.30 to 8pm and on weekends from midday to 5pm. Where phones went unanswered, were engaged or diverted to answering machines, researchers phoned on up to five occasions at different times of the afternoon or evening.

The poll was conducted on a purely random basis, other than ensuring an adequate mix of respondents across different sub-regions. Respondents were screened to ensure they were aged 18 or over, lived within the LGA, and were not councillors or permanent Council employees.

A total sample of 401 was achieved. Survey time averaged 18 minutes.

Results have been post-weighted by age and gender to match the demographic profile of the MSC LGA adult population as per 2016 ABS Census data.

Please note that due to the nature of the survey, not all respondents answered every question. The number of respondents answering each question is marked as "n = XXX" in the graph accompanying that question. Caution should be taken in analysing some questions due to the small sample size.

Where differences in this report are classed as significant, this implies they are statistically significant based on independent sample t-scores or other analysis of variation (or ANOVA) calculations. In statistical terms, significant differences are unlikely to have been caused by chance alone. Cross analysis was undertaken by a number of demographic and attitudinal characteristics. Only where differences by groups were statistically significant they are mentioned in the report commentary.

It is important to note that fieldwork for this survey was conducted immediately after the closely contested by-election for the State seat of Upper Hunter (which encompasses much of the Muswellbrook Shire). The conflating of state and local government issues, and possible poll-induced weariness, may have affected results in this latest survey.

<sup>1</sup> Computer-assisted telephone interviewing

## 2. BACKGROUND AND METHODOLOGY

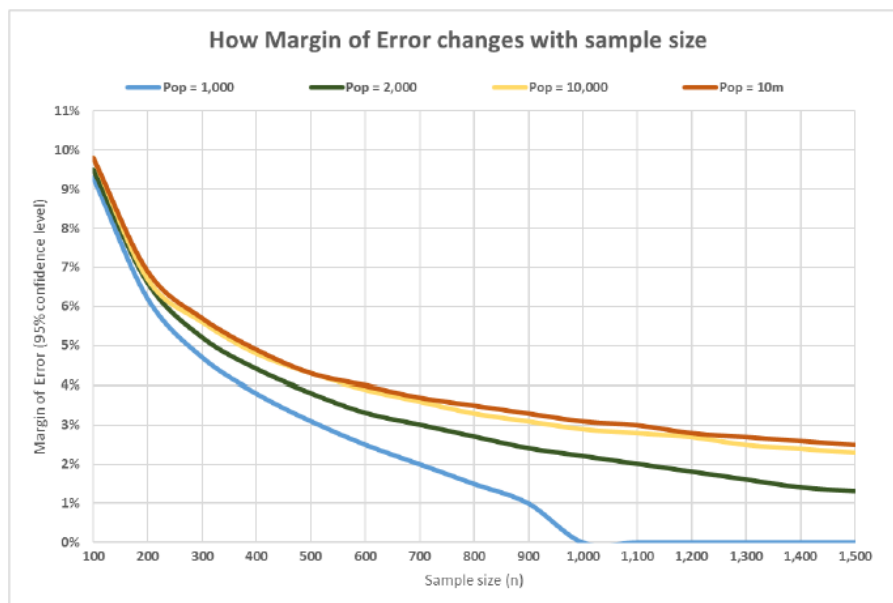


### 2.3. SAMPLING ERROR

According to the 2016 ABS Census (Usual Resident Profile) the total adult population (aged 18+ years) of the Muswellbrook LGA was 11,851. Based on this latter survey population, a random sample of 401 adult residents implies a margin for error of  $\pm 4.9\%$  at the 95% confidence level. (This means in effect that if we conducted a similar poll twenty times, results should reflect the views and behaviour of the overall survey population to within a  $\pm 4.9\%$  margin in 19 of those 20 surveys.)

As Graph i shows, margin for error falls as sample size rises. Hence cross-tabulations or sub-groups within the overall sample will typically create much higher margins for error than the overall sample. For example using the above population sizes, a sample size of 100 exhibits a margin for error of  $\pm 9.8\%$  (again at the 95% confidence level).

**Graph i: How sampling error varies with sample and population size**



In addition to the random sampling error, above, there may also be some forms of non-random sampling error which may have affected results. These include unreachable respondents, the proportion of non-respondents (refusals, no answers etc.) and/or imperfections in the survey database. However, steps have been taken at each stage of the research process to minimise non-random sampling error wherever possible.



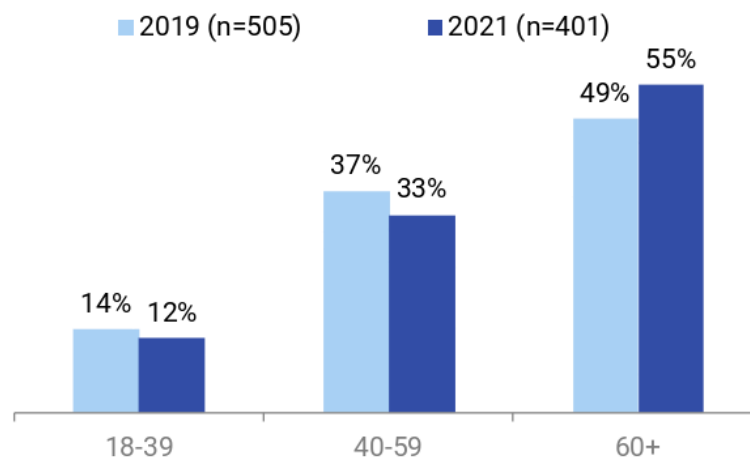
## 2. BACKGROUND AND METHODOLOGY



### 2.4. SAMPLE CHARACTERISTICS

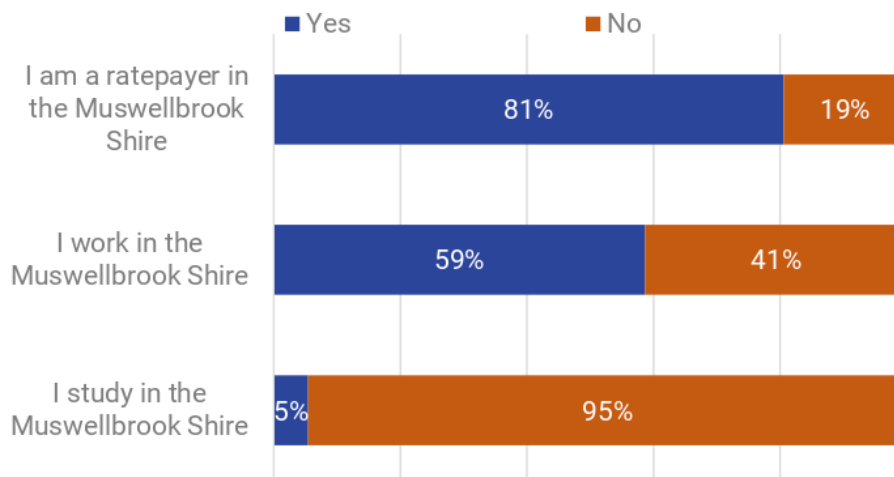
The following breaks down the survey sample by age, gender, place of residence, and owner/renter status:

Figure 1: Sample by age



As in 2019, the sample was skewed to older residents. However as previously noted, this was corrected through weighting records by age and gender to match the demographic profile of the MSC LGA adult population as per 2016 ABS Census data.

Figure 2: Sample by ratepayer/work/study



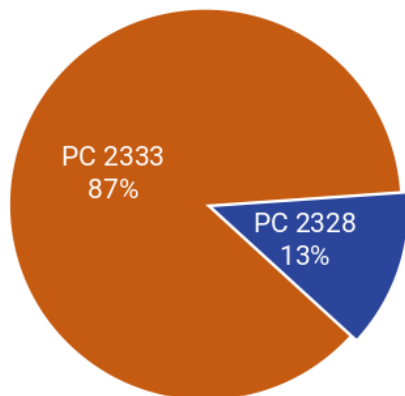
Just over four in five respondents were ratepayers (81%, up from 76% in 2019), while 59% worked in the shire (up slightly from 56% in 2019). The proportion studying locally fell from 8% to 5% survey-to-survey.



## 2. BACKGROUND AND METHODOLOGY

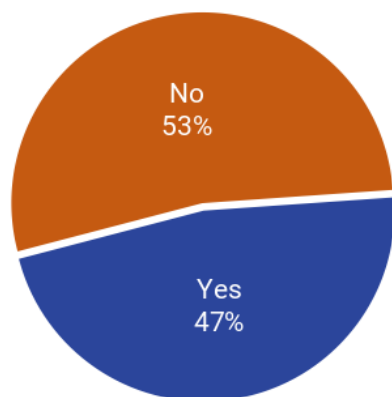


Figure 3: Sample by postcode



Thirteen per cent of respondents lived in the 2328 postcode, approximately reflecting the proportion of MSC's adult population living in that postcode.

Figure 4: Sample by children at home



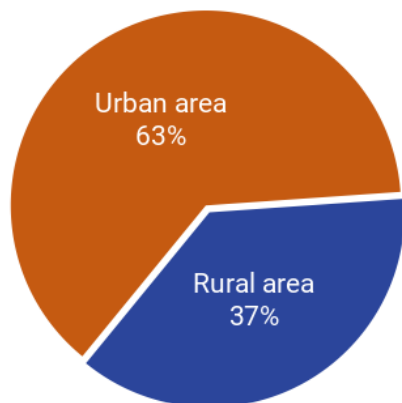
There is an almost even split between those with and without children under the age of 18 living in their home.



## 2. BACKGROUND AND METHODOLOGY

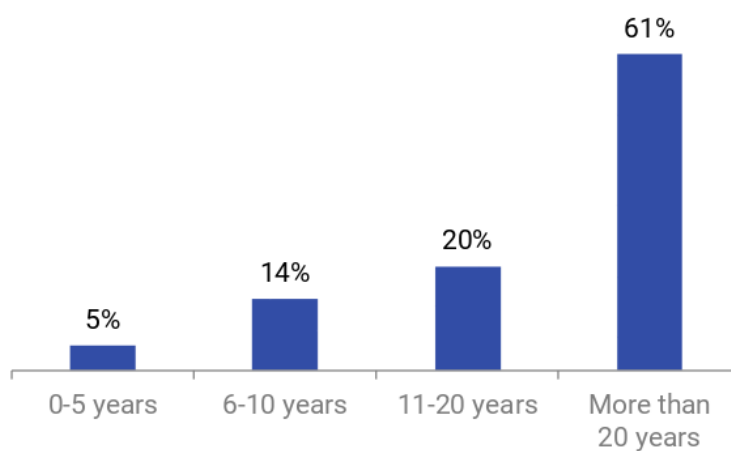


Figure 5: Sample by urban vs. regional



The proportion of urban residents fell from 73% in 2019 to 63% in this latest survey.

Figure 6: Time lived in region



Six in ten respondents had lived in the shire for more than 20 years – up from 58% in 2019.

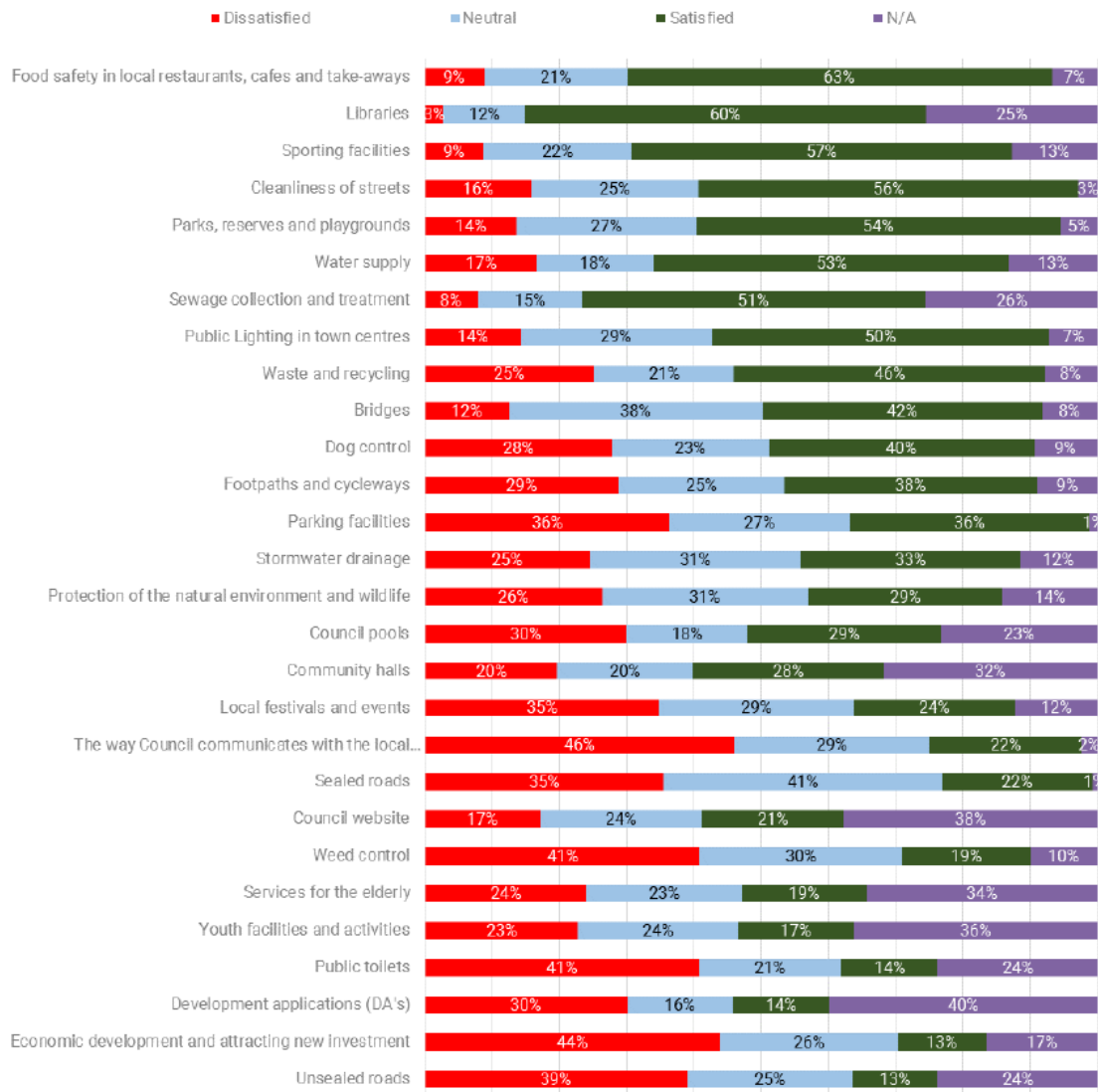


### 3. SATISFACTION WITH SERVICES AND FACILITIES



The survey commenced with residents being asked to rate their satisfaction with selected Council facilities and services, using a 5-point satisfaction scale. In Figure 7 (below) responses are ranked from highest to lowest satisfaction, while in Figure 8, next page, they are ranked from highest to lowest mean scores:

**Figure 7: Satisfaction with Council facilities and services (2021 only)**



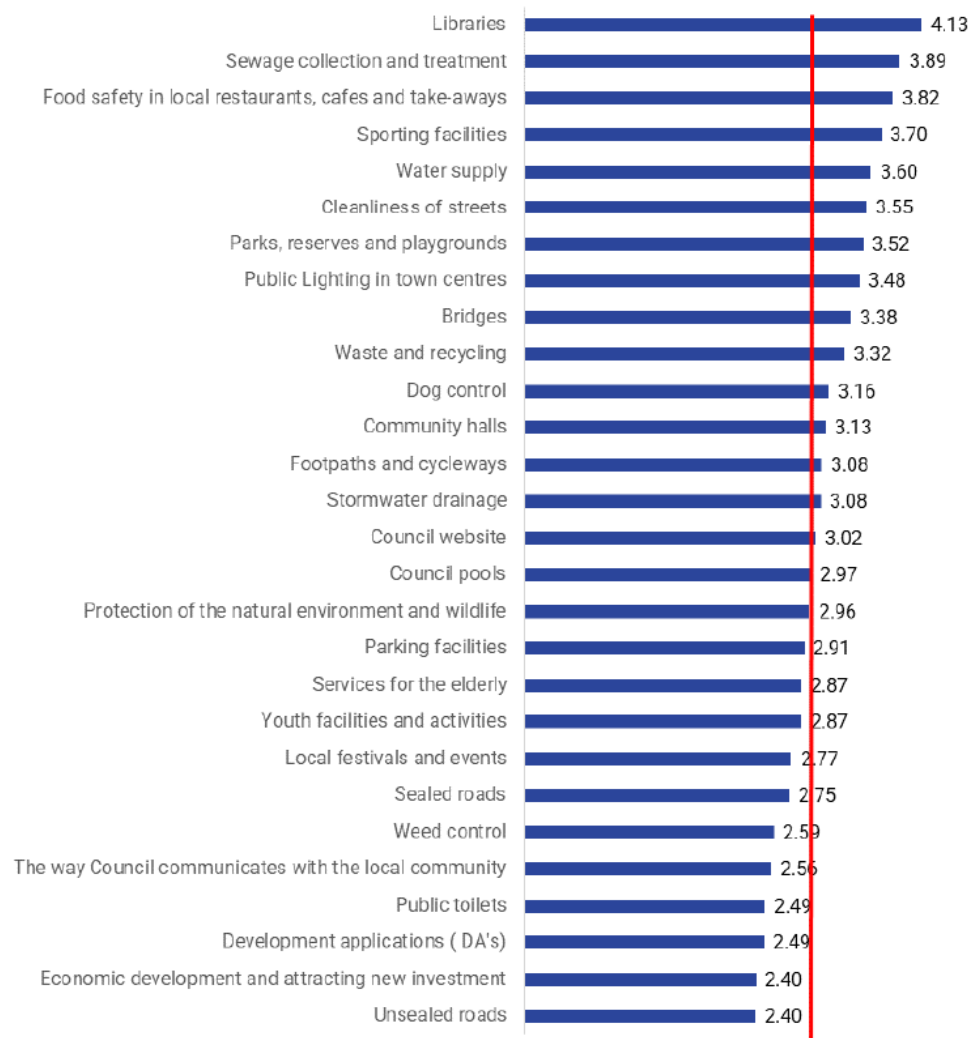
Q2: Please rate your satisfaction with the following Council facilities and services. We'll use a scale of 1-5, where 1 means you are very dissatisfied, 3 is neutral and 5 means you are very satisfied. If you don't use the service just say so and we'll move onto the next one. (n=401)



### 3. SATISFACTION WITH SERVICES AND FACILITIES



Figure 8: Mean satisfaction with Council facilities and services (2021 only)



Q2: Please rate your satisfaction with the following Council facilities and services. We'll use a scale of 1-5, where 1 means you are very dissatisfied, 3 is neutral and 5 means you are very satisfied. If you don't use the service just say so and we'll move onto the next one. (n=401)

In both cases, high levels of satisfaction are shown for services such as libraries, sewage treatment, food safety regulations, sporting facilities and water supply. Services ranked well below the "neutral" mean rating of 3 included unsealed roads, economic development, DAs, and public toilets.

While results were generally consistent by age, gender and location, residents aged 60+ were happiest with Council pools and economic development. And those living in urban areas were happier than their rural counterparts with the state of sealed roads.

### 3. SATISFACTION WITH SERVICES AND FACILITIES



Table 1, below, shows changes in satisfaction ratings from 2019 to this latest survey:

Table 1: Satisfaction mean scores, 2021 vs. 2019

<i>Satisfaction with Council services</i>			
Services	2019	2021	% Difference
Dog control	2.91	3.16	9%
Sewage collection and treatment	3.72	3.89	5%
Footpaths and cycleways	3.01	3.08	3%
Sporting facilities	3.65	3.70	1%
Libraries	4.12	4.13	0%
Parks, reserves and playgrounds	3.54	3.52	-1%
Cleanliness of streets	3.59	3.55	-1%
Water supply	3.65	3.60	-2%
Bridges	3.45	3.38	-2%
Council website	3.09	3.02	-2%
Youth facilities and activities	2.94	2.87	-2%
Community halls	3.26	3.13	-4%
Public toilets	2.60	2.49	-4%
Waste and recycling	3.47	3.32	-4%
Stormwater drainage	3.24	3.08	-5%
Economic development and attracting new investment	2.58	2.40	-7%
Services for the elderly	3.11	2.87	-8%
Sealed roads	3.00	2.75	-9%
Development applications ( DA's)	2.76	2.49	-10%
Weed control	2.91	2.59	-11%
Unsealed roads	2.80	2.40	-14%
Council pools	3.67	2.97	-19%
Parking facilities	N/A	2.91	N/A
Public Lighting in town centres	N/A	3.48	N/A
Food safety in local restaurants, cafes and take-aways	N/A	3.82	N/A
Local festivals and events	N/A	2.77	N/A
Protection of the natural environment and wildlife	N/A	2.96	N/A
The way Council communicates with the local community	N/A	2.56	N/A

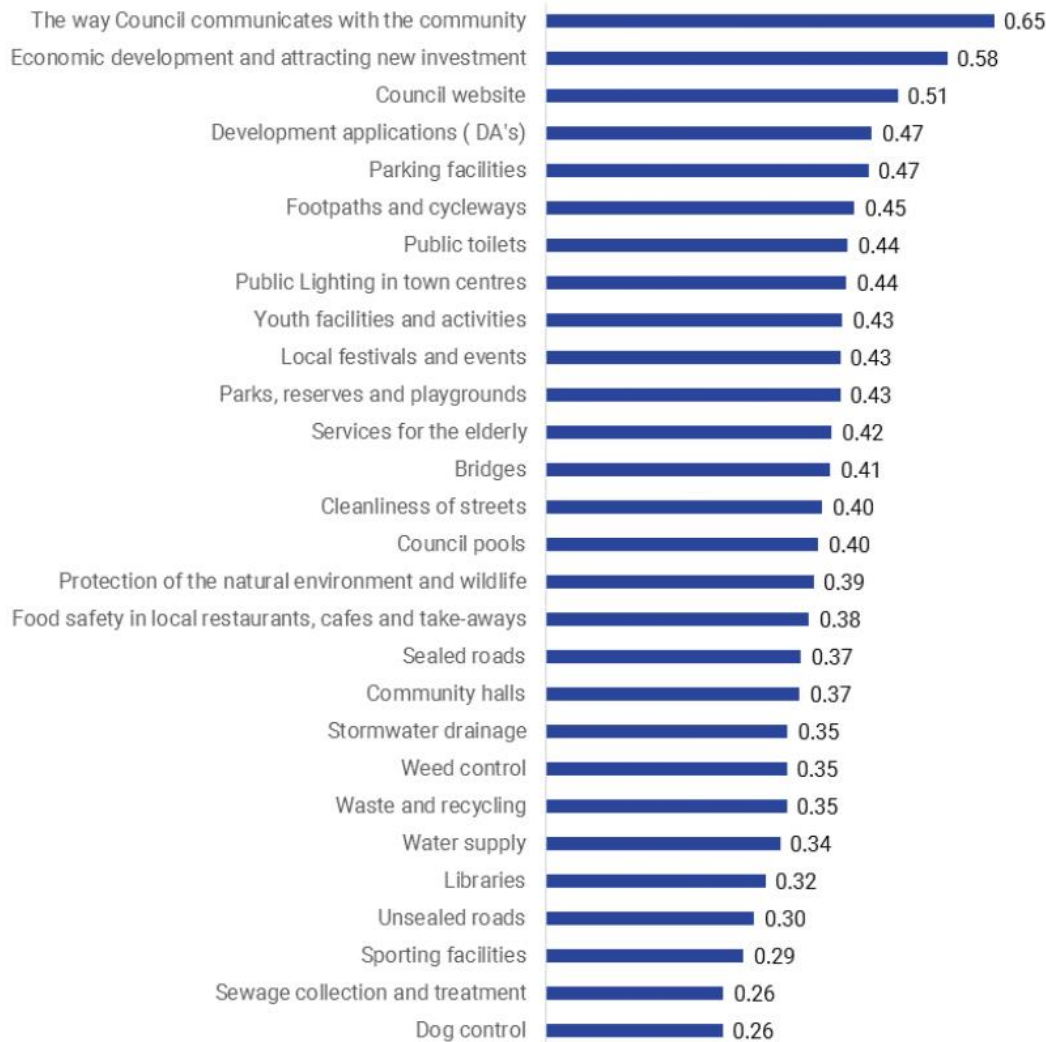
This indicates that satisfaction with dog control and sewage collection has risen in this latest survey. However there have been 10+% declines in average satisfaction scores for DAs, weed control, unsealed roads and Council pools.

Figure 9, next page, shows the derived importance for all facilities and service measured. The derived importance "correlation efficient" outlines the ranking of specific service tasks according to how influential they are on impacting overall satisfaction. The closer the correlation coefficient is to 1.0, the stronger it is as a driver of overall satisfaction.

### 3. SATISFACTION WITH SERVICES AND FACILITIES



Figure 9: Derived importance scores for Council facilities and services (2021 only)



This suggests that the strongest drivers of overall satisfaction are: the way Council communicates with the community; economic development/attracting new investment, Council's website, and DAs.

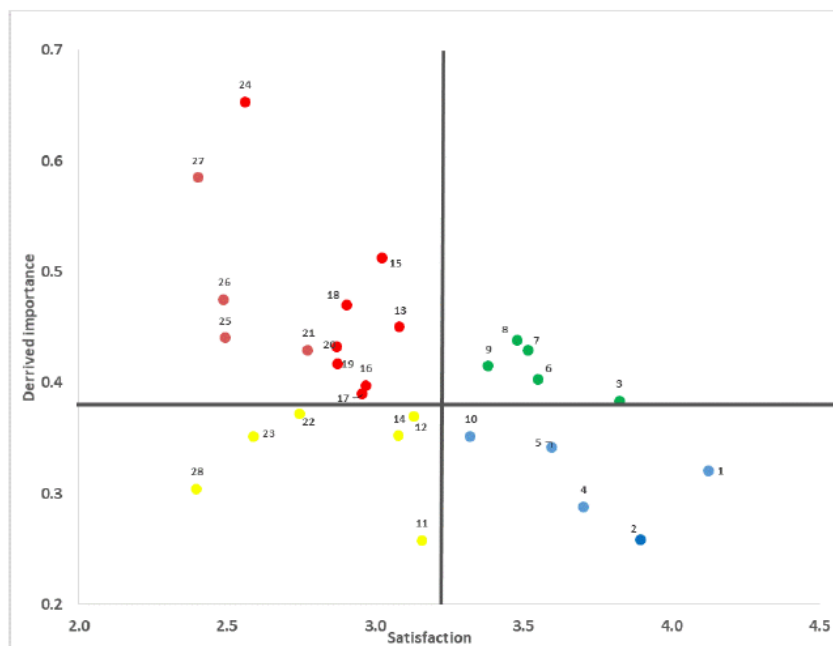
(The lower ranked services, while still important, appear to have less influence on overall satisfaction.)

### 3. SATISFACTION WITH SERVICES AND FACILITIES



Plotting the satisfaction (x-axis) against the derived importance (y-axis) allows us to understand how different facilities and services relate to each other in both dimensions. Figure 10, below, shows the 28 different services divided up into one of four satisfaction/importance quadrants, while Table 2, immediately beneath it, shows to which of the coloured dots each facility or service relates. Explanations for the four quadrant headings are provided on the following page:

**Figure 10: Satisfaction/importance matrix**



**Table 2: Satisfaction/Importance Quadrant**

PRIORITIES FOR COUNCIL	STRENGTHS TO MAINTAIN
13 Footpaths and cycleways 15 Council website 16 Council pools 17 Protection of the natural environment and wildlife 18 Parking facilities 19 Services for the elderly 20 Youth facilities and activities 21 Local festivals and events 24 The way Council communicates with the local community 25 Public toilets 26 Development applications ( DA's) 27 Economic development and attracting new investment	3 Food safety in local restaurants, cafes and take-aways 6 Cleanliness of streets 7 Parks, reserves and playgrounds 8 Public Lighting in town centres 9 Bridges
SECOND ORDER ISSUES	OPPORTUNITIES
11 Dog control 12 Community halls 14 Stormwater drainage 22 Sealed roads 23 Weed control 28 Unsealed roads	1 Libraries 2 Sewage collection and treatment 4 Sporting facilities 5 Water supply 10 Waste and recycling

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### 3. SATISFACTION WITH SERVICES AND FACILITIES

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- The upper right quadrant (high importance and high satisfaction) represents current service strengths or **'Strengths to Maintain'**.
- The upper left quadrant (high importance but low satisfaction) denotes services where satisfaction should be improved or **'Priorities for Council'**.
- The lower left quadrant (relatively lower importance and relatively lower satisfaction) represents lower priority service dimensions or **'Second Order Issues'**.
- The lower right quadrant (relatively lower importance and high satisfaction) represent Council's **'Opportunities'**. These are services with higher satisfaction but which are not currently driving overall satisfaction. By highlighting achievements in these areas, Council may be able to increase the link between the two.

This indicates that Council requires continued or increased focus (keeping in mind that this relates to both service delivery *and* external promotion of achievements in these areas) in areas such as footpaths and cycleways, Council website, Council pools, protection of the natural environment, parking facilities, services for youth and the elderly, local festivals and events, Council communication with the community, public toilets, DAs and economic development.

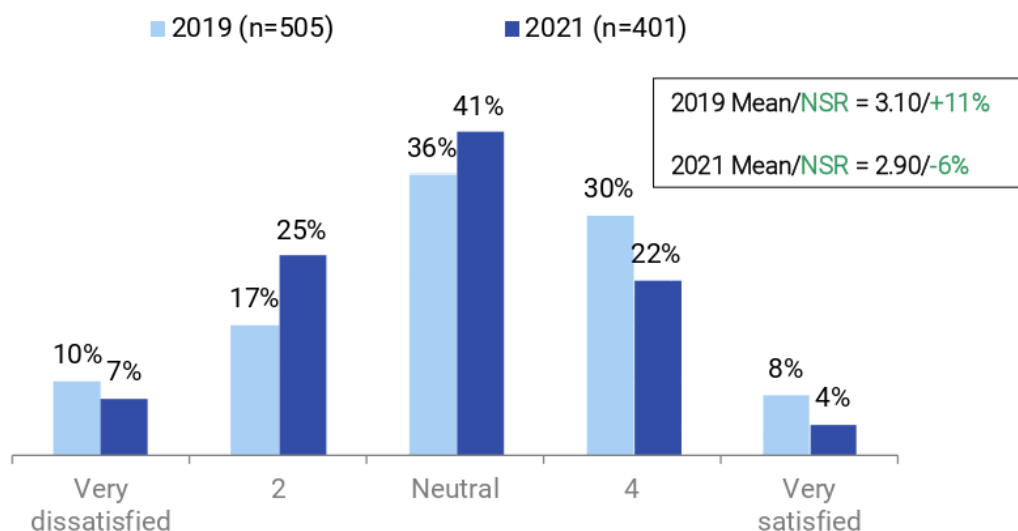


## 4. OVERALL SATISFACTION



As in previous surveys, residents were also asked to rate their satisfaction with Council's overall performance, on a scale of 1 (very dissatisfied) to 5 (very satisfied). The results are shown in Figure 11, below:

**Figure 11: Overall satisfaction with Council (2019 and 2021)**



Q3: Please rate your satisfaction with Council's overall performance on a scale of 1-5, where 1 is very dissatisfied, 3 is neutral and 5 is very satisfied (n=401)

Overall satisfaction with Council fell in this latest survey: from a mean of 3.10 (on a 1-5 scale) in 2019 to 2.90 in this latest survey. Likewise, the net satisfaction rating – i.e. percentage satisfied less percentage dissatisfied – fell from +11% to -6% survey-to-survey.

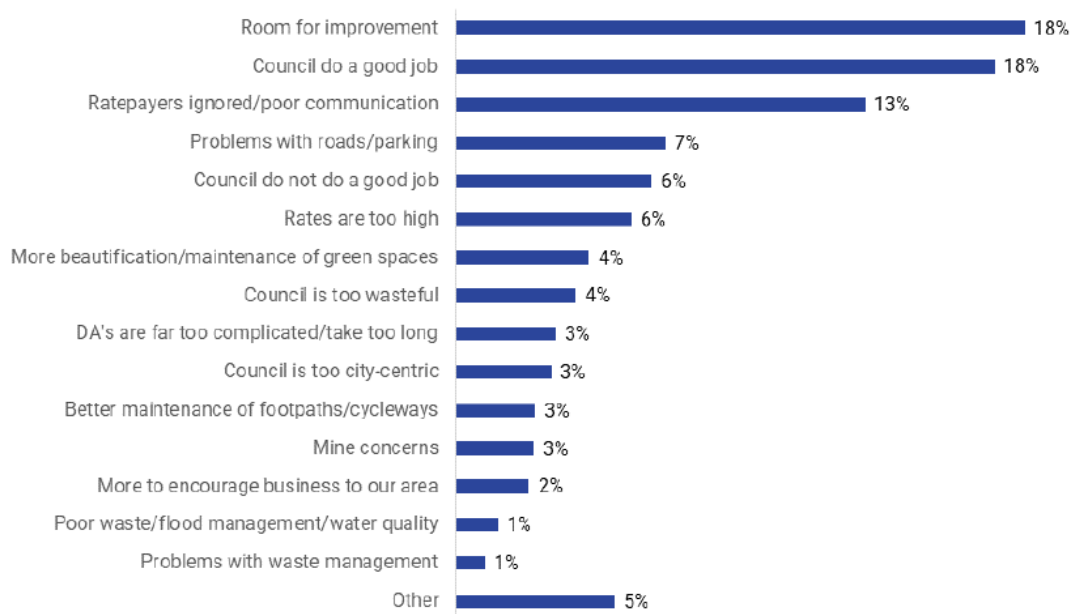
Results were consistent by age, postcode, urban vs. rural, and whether or not the respondent had children living in their home.

In an open-ended follow-up question, residents were asked to briefly provide reasons for their scores. These have been coded, with the major themes shown in Figure 12, next page:

## 4. OVERALL SATISFACTION



Figure 12: Reasons for overall satisfaction score



Q4: Can you briefly explain why you gave that rating? (n=401)

The majority of respondents struggled to think of a concrete reason for their satisfaction (or dissatisfaction) score. While this is quite usual for those who are satisfied – for many, seeing Council running smoothly “below the surface”, allows them to focus on other issues – it is unusual that the “dissatisfieds” are not more specific in the rationale for their low scores. This suggests a more general feeling of “crankiness” within the community – which may (for example) be related to having polled immediately after a fiercely contested by-election in the State seat encompassing the Muswellbrook Shire.

Of those with specific reasons, roads were a major issue along with perceived poor communication, rates being too high, or Council being “wasteful”. But even these may merely be rationalisations for another, broader issue or issues.



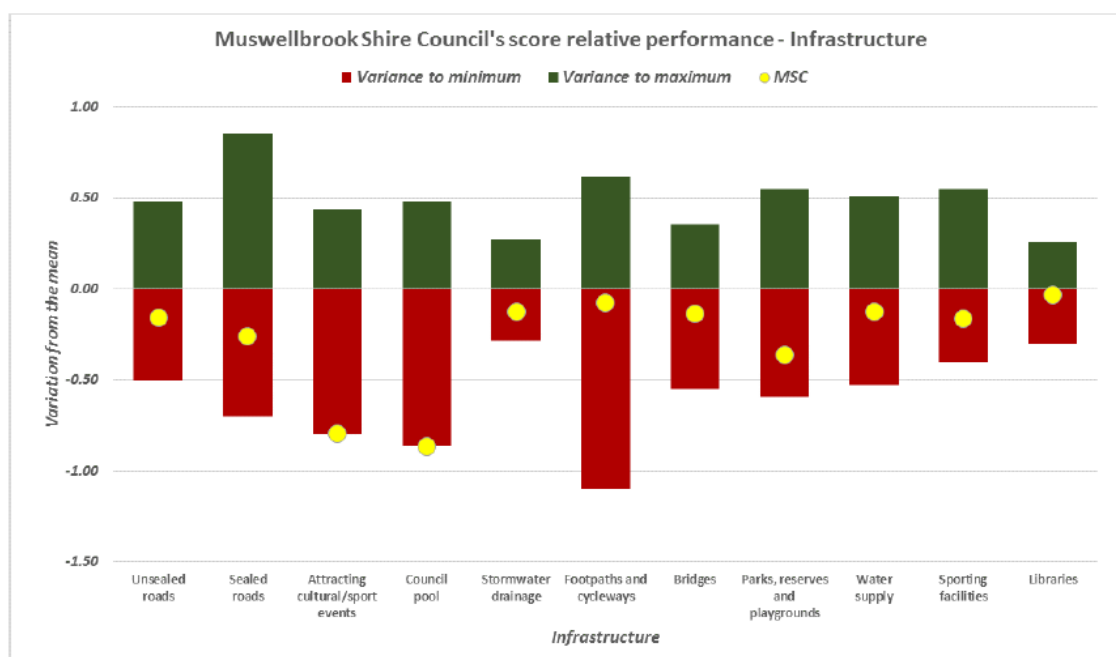
## 5. BENCHMARKING AGAINST OTHER COUNCILS



Jetty Research and its partners Taverner and IRIS Research maintain a database of satisfaction scores for over 25 NSW regional councils. Figures 14 and 15 show how Muswellbrook Shire Council satisfaction scores compared with their regional peers. In each case the length of green and red lines show the degree of variance in satisfaction scores between different councils: so for example, in Figure 14 there is a much higher variation in footpaths and cycleways than there is for stormwater drainage.

MSC's satisfaction score is shown in yellow, relative to the overall mean for that facility or service. So for libraries, the MSC mean score mirrors that of the mean for all Councils combined.

**Figure 13: Benchmarks - Infrastructure**



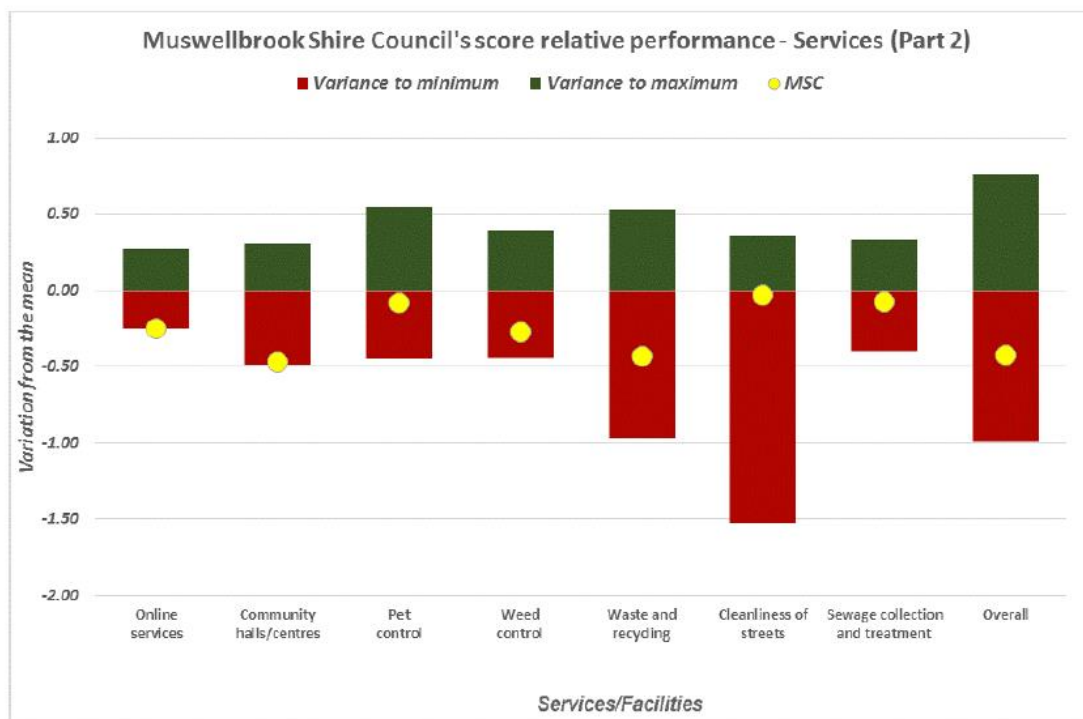
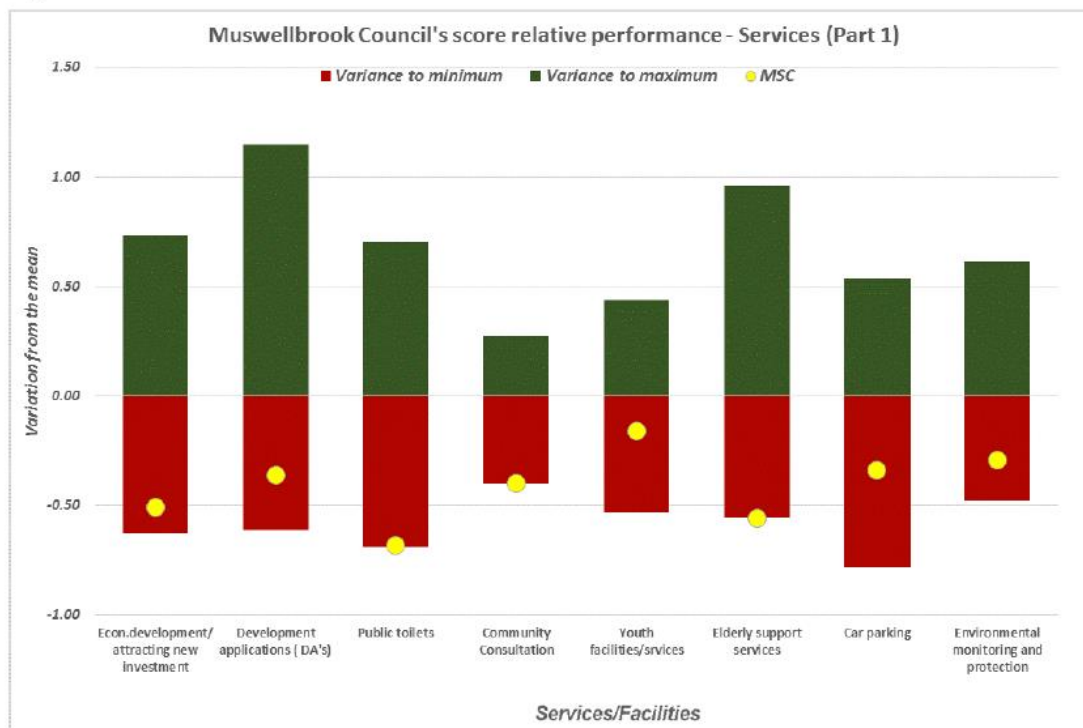
Among infrastructure criteria, MSC was on par with other councils in relation to libraries, and footpaths and cycleways. However it scored more poorly on most other factors, and had the lowest of all for attracting cultural/sporting events and Council pools.



## 5. BENCHMARKING AGAINST OTHER COUNCILS



Figure 14: Benchmarks - Services



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## 5. BENCHMARKING AGAINST OTHER COUNCILS

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MSC also scored relatively poorly in relation to services. While its mean was in line with its peers for cleanliness of streets, sewage collection and treatment and pet control, it ranked lower than other Councils for the other 12 services – and was bottom-ranked for public toilets, elderly support services, online services and community halls.

(It's important to note again at this point that resident satisfaction ratings are based on both reality and perception. In some cases the problem may lie with the service/s in question, but in others the perception may be based on poor or inadequate communication of changes or achievements. This is not a reflection of any individual Council, but rather the fact that Councils are generally better at *doing* things than they are at publicising their wins.)

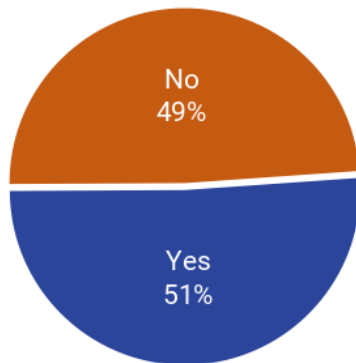


## 6. CUSTOMER SERVICE



This section of the report covers front line customer service, for those residents who have contacted Council within the preceding 12 months.

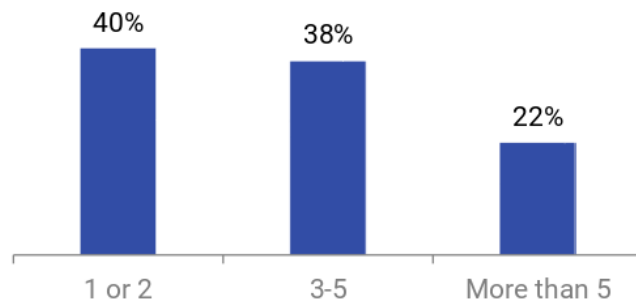
**Figure 15: Proportion of residents contacting Council**



Q6. Have you contacted Council within the past 12 months, for a reason other than to make a payment? (n=401)

Half of those surveyed had contacted Council (for a reason other than paying rates) in the preceding 12 months – up from 43% in 2019.

**Figure 16: Times Council contacted**



Q7. Can you please tell me how many times you have contacted Council in the past 12 months? (n=200)



## 6. CUSTOMER SERVICE



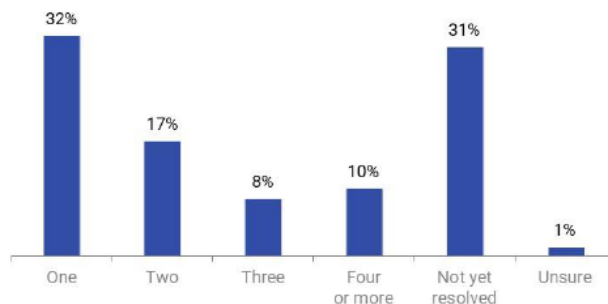
Figure 17: Matter to which contact related



Q8. Thinking about your most recent inquiry, what was that contact regarding? (n=200)

Development applications were the most cited reason for contact, followed by water or sewage issues, requests for road and footpath improvements, and tree/vegetation issues. However the fact that the full list comprised 26 different areas – plus a host of “others” – is another reminder of the huge breadth of Council activities and community expectations.

Figure 18: Times required to resolve issue



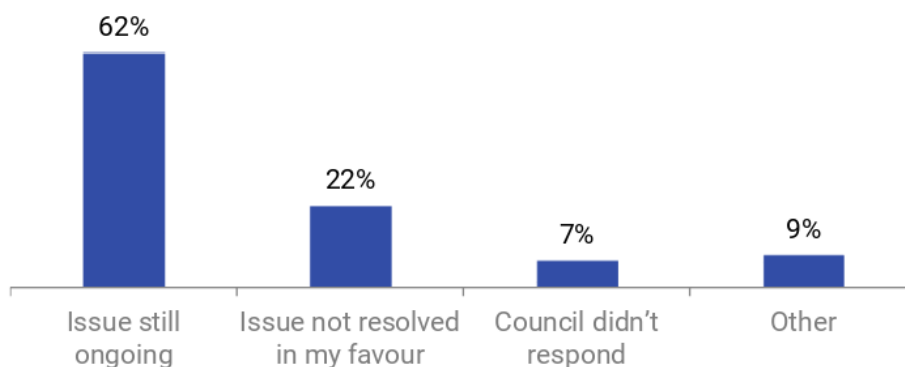
Q9. And regarding that issue, how many times did you need to contact Council to have your issue resolved? (n=200)

## 6. CUSTOMER SERVICE



While one-third of inquiries were sorted out on first contact, 35% took two or more – while a further 31% remained unresolved.

**Figure 19: Why issue was not resolved**

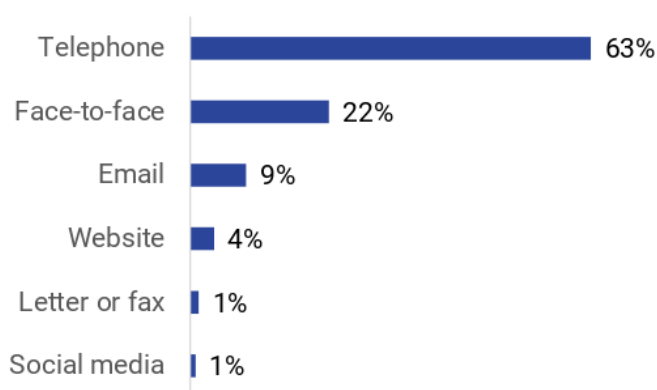


**Q10. Can you briefly explain why you don't believe your issue was resolved? (n=73)**

Ongoing issues are not necessarily a problem, unless this is because the respondent is refusing to accept "the umpire's decision" on something contentious. (This is not uncommon, as shown by the 22% of issues left "unresolved" because they were not resolved to the respondent's liking.) And in 7% of cases, the resident claimed that Council had not responded in the first place.

Note however that due to the small sample size for this question (n=73), results should be treated with caution.

**Figure 20: Mode of first contact**



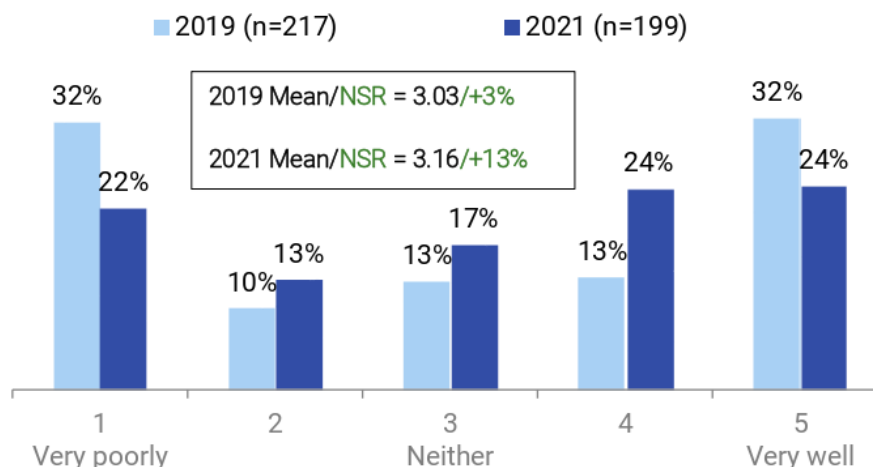
**Q11. Regarding your issue, how did you first make contact with council? (n=200)**

## 6. CUSTOMER SERVICE



Even in this age of new media, the majority of residents still contact Council by phone or face-to-face in the first instance. Although both these are in line with 2019 (when phone was 67% and face-to-face 21%), email has jumped from 4% to 9% - including 12% of residents aged 18-39. This may suggest that while slow, change is coming.

Figure 21: Satisfaction with how inquiry was handled



Q12. And on a scale of 1-5, where 1 means you think it was handled very poorly and 5 means you think it was handled very well, how satisfied were you with the way the local council handled your latest enquiry? (n=200)

Satisfaction levels rose slightly in this latest survey, with a mean satisfaction score of 3.16 (on a 1-5 scale) against 3.03 in 2019. Likewise, the net satisfaction rating – percentage satisfied less percentage dissatisfied – rose from +3 to +13%.

While results were consistent by age and gender, those in the 2333 postcode provided a significantly higher satisfaction score than those in 2328 (at 3.33 and 2.17 respectively).

As shown in Table 3, below, the other impact appears to be number of times required to resolve issue.

Table 3: Proportion of residents satisfied with interaction and overall based on number of contacts required to resolve an inquiry

NUMBER OF CONTACTS REQUIRED TO RESOLVE ISSUE	SATISFIED WITH WAY INTERACTION WAS HANDLED	SATISFIED WITH COUNCIL'S OVERALL PERFORMANCE
One	86%	35%
Two	69%	33%
Three	28%	22%
Four or more	25%	0%
Not yet resolved	18%	16%



## 6. CUSTOMER SERVICE



This shows clear and inverse relationship between: (a) number of contacts required and satisfaction with how that interaction was handled; and (b) the flow-on effect to overall satisfaction with Council.

The impact of this is powerful enough to suggest that improving customer service levels – and in particular resolving issues faster – will have a significantly bigger impact on improving overall satisfaction than addressing perceived shortfalls in any of the specific facilities and services shown in the top left quadrant of Table 2 (the Satisfaction/Importance matrix).

Equally important is finding ways to better communicate the rationale for decisions that may otherwise alienate residents. While the nature of Council activities and processes means there will always be the potential for contentious outcomes, the “damage” these decisions cause to customer satisfaction may sometimes be reduced by a plain English (i.e. non-bureaucratic) and empathetic explanation of the reasons such decisions are made.

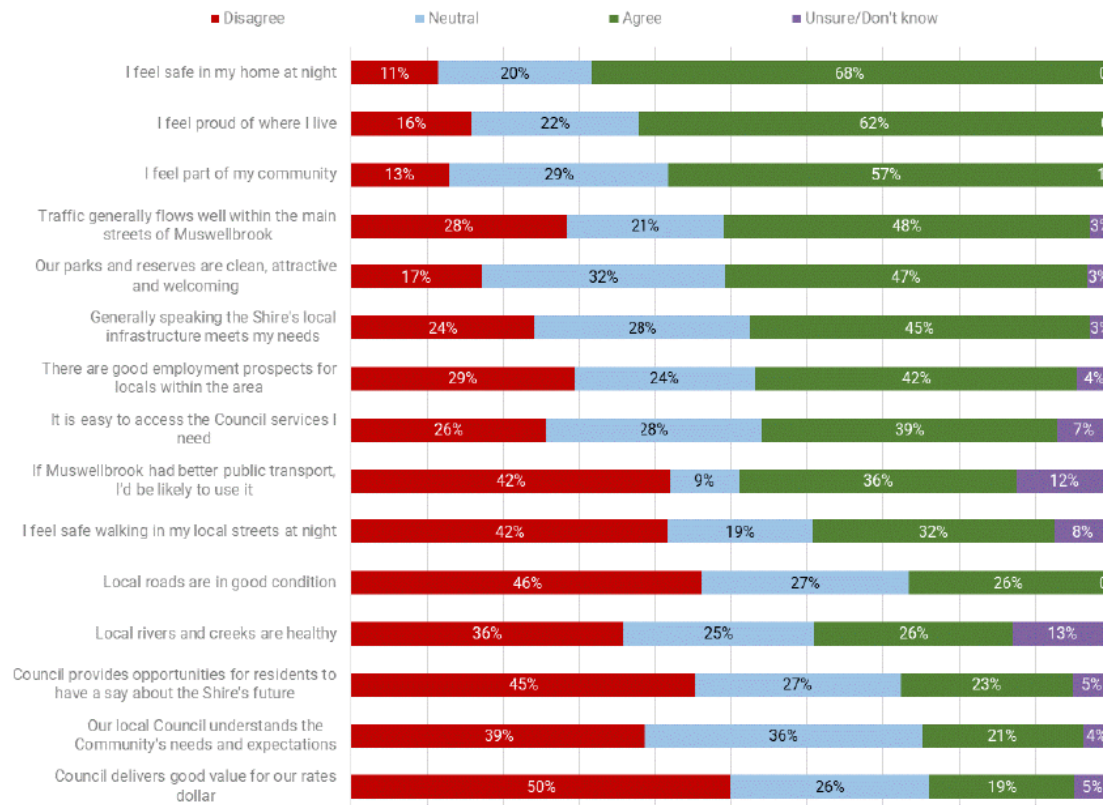


## 7. OPPORTUNITIES AND CHALLENGES



The survey concluded with some questions designed to measure a series of 15 quality of life statements. Figure 22, below, shows the statements from highest to lowest agreement, while Table 4, next page, shows how the mean agreement scores have changed since these questions were last asked in 2016:

**Figure 22: Attitudinal statements**



**Q5: On a scale of 1-5 where 1 means strongly disagree and 5 means strongly agree, please tell us to what extent you agree or disagree with the following statements (n=401)**

Agreement was strongest with statements such as "I feel safe in my home at night", "I feel proud of where I live" and "I feel part of my community" – all with 50+% agreement. However three statements had less than 25% agreement: "Council delivers good value for our rates dollar", "Our local Council understands the community's needs and expectations", and "Council provides opportunities for residents to have a say about the Shire's future".

Results were generally consistent by age, gender and postcode. However men were more likely than women to feel safe walking their local streets at night, while older (i.e. 60+) residents were most likely to agree that they got good value for their rates dollar - but least likely to agree that "traffic generally flows well within the main streets of Muswellbrook".

## 7. OPPORTUNITIES AND CHALLENGES



Table 4: Attitude comparisons 20121 vs. 2016

<i>Attitudinal Statements</i>			
Statement	2016	2021	% Difference
There are good employment prospects for locals	2.34	3.16	35%
I feel safe walking in my local streets at night	2.60	2.82	9%
I feel safe in my home at night	3.84	3.92	2%
I feel part of my community	3.67	3.59	-2%
I feel proud of where I live	3.83	3.71	-3%
Traffic generally flows well within the main streets of Muswellbrook	3.37	3.24	-4%
Generally speaking the Shire's local infrastructure meets my needs	3.38	3.23	-4%
Local rivers and creeks are healthy	2.96	2.80	-5%
Our parks and reserves are clean, attractive and welcoming	3.52	3.33	-5%
Local roads are in good condition	2.92	2.67	-8%
Our local Council understands the Community's needs and expectations	2.94	2.68	-9%
It is easy to access the Council services I need	3.50	3.18	-9%
I feel that Council provides opportunities for residents to have a say about the Shire's future	2.99	2.58	-14%
Council delivers good value for our rates dollar	2.81	2.43	-14%
If Muswellbrook had better public transport, I'd be likely to use it	N/A	2.85	N/A
Our local council are competent and honest	3.25	N/A	N/A

There have been a number of significant changes to scores since these questions were last asked in 2016. In particular job prospects for locals appear to be far stronger and people feel safer walking in their local streets at night.

Conversely, residents appear less likely to agree that "Council delivers good value for our rates dollar" or that "I feel that Council provides opportunities for residents to have a say about the shire's future".

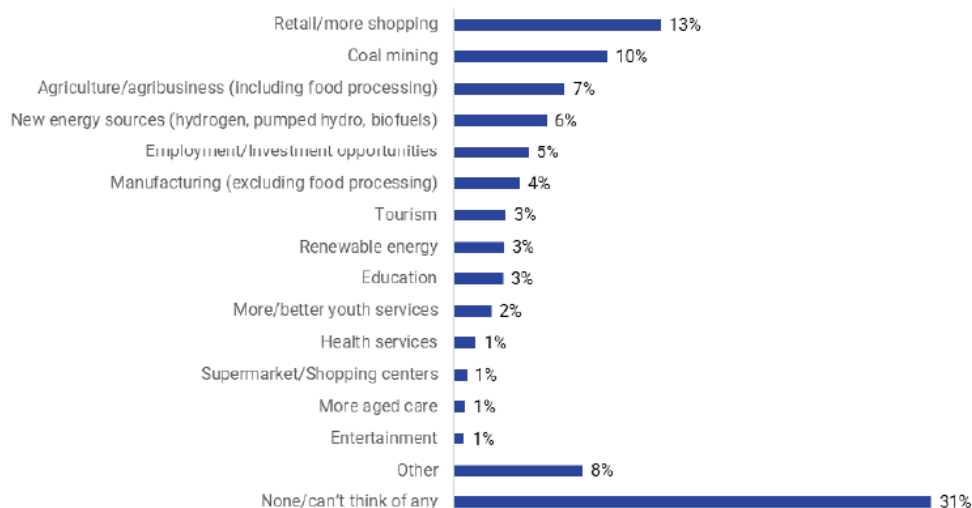
Respondents were then asked, in unprompted questions, what they felt were the major opportunities and threats to the Shire. Their responses have been coded, with the main themes shown in Figure 23 and Figure 24 (following page):



## 7. OPPORTUNITIES AND CHALLENGES

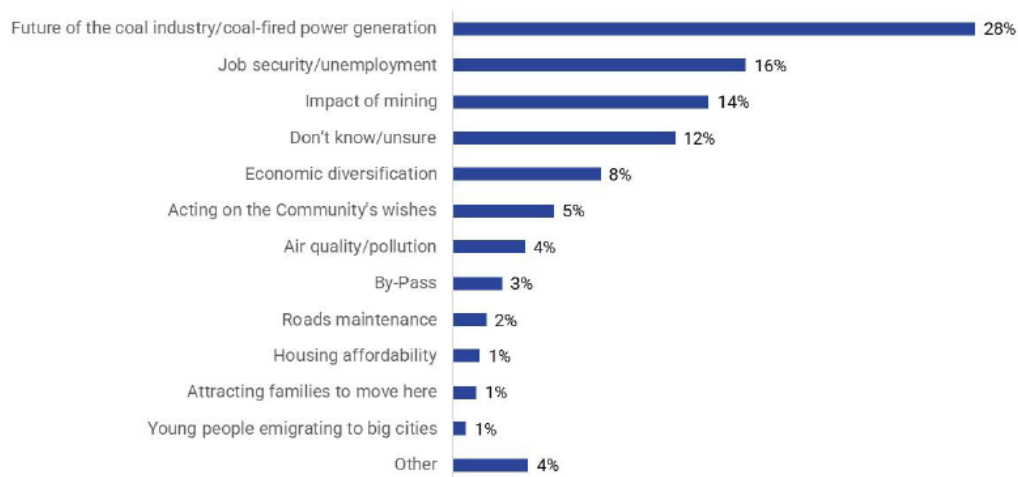


Figure 23: Perceived major opportunities for shire



Q13. What do you think is the MAJOR OPPORTUNITY for the future prosperity of the shire? (n=401)

Figure 24: Perceived major challenges for shire



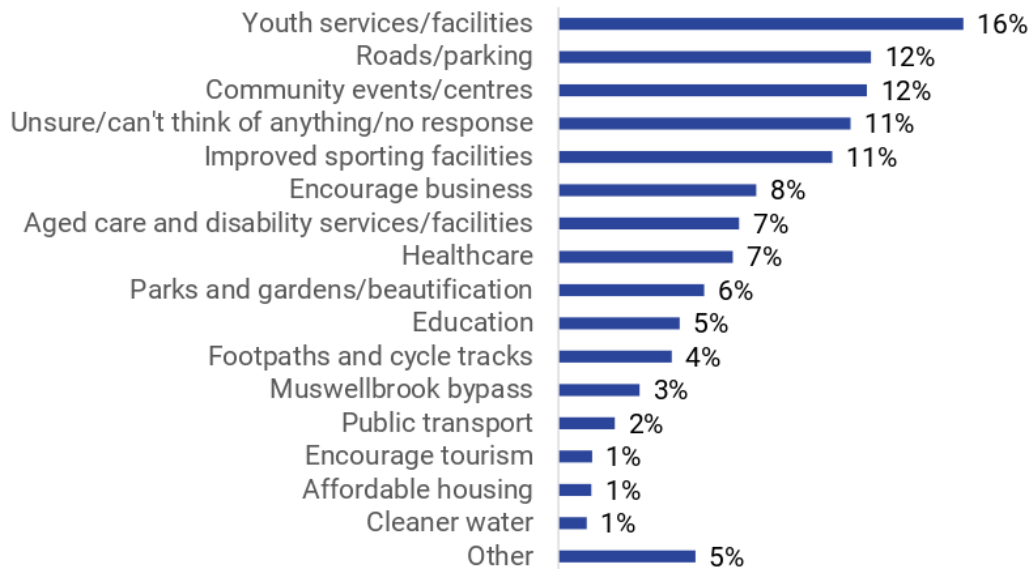
Q14. What do you think is the MAJOR CHALLENGE for the future of the Muswellbrook Shire going forward? (n=401)

Major (perceived) opportunities included additional retail, more coal mining, agriculture and agribusiness, and new energy sources. The biggest perceived threats were to the future of the coal industry and coal-fired power generation, and (related to this) the fear of job insecurity or unemployment.

## 7. OPPORTUNITIES AND CHALLENGES



Figure 25: How should Council spend a hypothetical \$5m?



Q15. If Council had a hypothetical \$5 million to spend on a new facility or service for residents, what would you like to see them spend the money on? (n=401)

When asked how they should spend a hypothetical \$5m windfall (again unprompted), residents focussed predominantly on the need for additional youth facilities and services. (This is significant, as it is very unusual for road improvements not to be the most suggested item on such "wish lists".)

Roads and parking were the second most-mentioned item, along with community events and facilities. And enhanced sporting facilities weren't far behind.

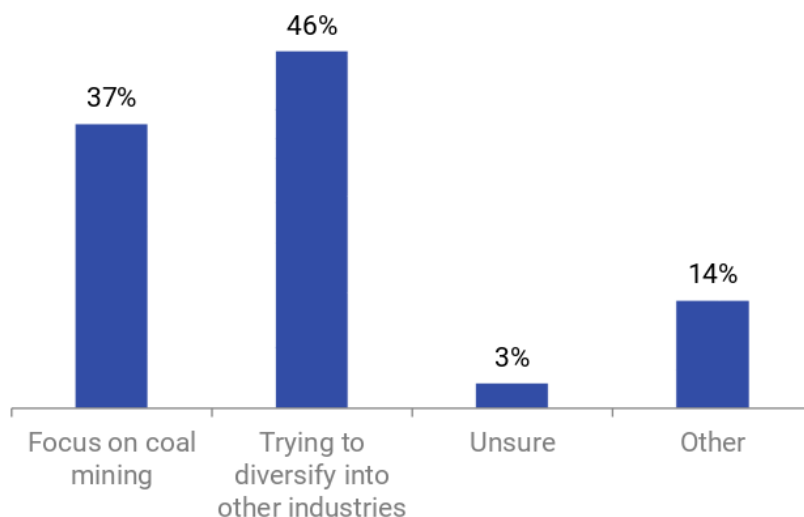
In light of recent debate around the shire's economic future, Council was also keen to understand residents' opinion on the "focus on coal mining" vs. "diversify into other industries" debate. To this end, respondents were asked the following question: "Some people think the Muswellbrook Shire should continue to focus on coal mining for its future prosperity, while others think it should be trying to diversify into other industries. Which category do you fall into?"

The results are shown in Figure 26, on the following page:

## 7. OPPORTUNITIES AND CHALLENGES



Figure 26: Coal mining vs. diversification



Q16. Some people think the Muswellbrook Shire should continue to focus on coal mining for its future prosperity, while others think it should be trying to diversify into other industries. Which category do you fall into? (n=401)

While opinion on this topic is clearly divided (and keeping in mind the survey's +/- 4.9% sampling error), there was a slightly higher proportion of residents who felt the shire should be trying to diversify away from coal and into other industries.

Within the 2328 postcode there was a clear preference for diversification, with 29% seeking a coal focus and 53% wanting a more diversified economy. But within the 2333 postcode the split was much closer: 38% seeking a focus on coal, 45% wanting diversification.

There was also a clear gender split, with 43% of males seeking a continued emphasis on coal against just 30% of females. And results also differed significantly by age: among those aged 18-30 there was a clear preference for coal (46%, against 31% for diversification) while for those 60+ the attitude was reversed (35% supporting a focus on coal vs. 58% seeking diversification).

Finally, Council sought feedback (from the 14% of respondents who had someone with a disability living in their home) what Council could do to make their lives easier or better. Of those (slightly more than half) able to provide suggestions, that majority focussed on either (a) improved public or community transport; (b) more level pavements; and (c) improved access to health services.

(The full list of comments will be supplied separately to Council.)

## 8. APPENDIX 1: QUESTIONNAIRE

### CATI Questionnaire

#### Survey Introduction

Hi my name is (name) and I'm calling from Jetty Research on behalf of Muswellbrook Shire Council. Council has asked us to call residents at random to conduct a short survey to seek community views about local council services and infrastructure and future priorities for the Shire. The survey takes less than 15 minutes, all answers are confidential, and we are not trying to sell anything. Would you be willing to assist Council by completing a short survey?

INSERT STANDARD PRIVACY AND CONFIDENTIALITY INFORMATION

1. Yes
2. No

#### Screening

ASK ALL  
SINGLE CHOICE  
TERMINATE IF S1=2

**S1. Thank-you. Before we proceed can I confirm you live in the Muswellbrook Shire?**

1. Yes
2. No – TERMINATE WITH THANKS AS FOLLOWS:  
Thank you, but for this survey we are only talking to people living in Muswellbrook Shire

ASK ALL  
SINGLE CHOICE  
TERMINATE IF S2=2

**S2. And are you a Councillor or permanent employee of Muswellbrook Shire Council?**

1. No
2. Yes – TERMINATE WITH THANKS AS FOLLOWS:  
Thank you, but unfortunately councillors and permanent employees are not eligible to take part in this survey



## 8. APPENDIX 1: QUESTIONNAIRE



ASK ALL

OPEN END – SHORT ANSWER

**S3. May I have your postcode?**

1. 2328 (Denman etc.)
2. 2333 (Muswellbrook, Sandy Hollow etc.)
3. Other **TERMINATE WITH THANKS AS FOLLOWS:**

Thank you, but for this survey we are only talking to people living in either the 2328 or 2333 postcode

ASK ALL

SINGLE CHOICE

**S4. Into which age range do you fall?**

1. 18-29
2. 30-39
3. 40-49
4. 50-59
5. 60-69
6. 70+

ASK ALL

OPEN ENDED - SHORT ANSWER

**S5. And could I just your first name for the survey?**

1. ANSWER

### Main Survey

ASK ALL

SINGLE CHOICE

**Q1. To kick things off, can you tell me which if any of the following apply to you:**

READ OUT (YES/NO)

1. I work in the Muswellbrook Shire
2. I study in the Muswellbrook Shire
3. I am a ratepayer in the Muswellbrook Shire



## 8. APPENDIX 1: QUESTIONNAIRE



### ASK ALL SINGLE CHOICE GRID

**Q2. Please rate your satisfaction with the following council facilities or services. We'll use a scale of 1-5, where 1 means you are very dissatisfied, 3 is neutral and 5 means you are very satisfied. If you don't use the service, just say so and I'll move to the next one.**

### COLUMNS

1. 1 – Very dissatisfied
2. 2
3. 3 – Neutral
4. 4
5. 5 – Very satisfied
6. 666 Not applicable

### READ OUT ROWS

1. Sealed roads
2. Unsealed roads
3. Bridges
4. Footpaths and cycleways
5. Cleanliness of streets
6. Dog control
7. Stormwater drainage
8. Public toilets
9. Weed control
10. Waste and recycling
11. Water supply
12. Sewage collection and treatment
13. Sporting facilities
14. Parks, reserves and playgrounds
15. Council pools
16. Libraries
17. Community halls
18. Youth facilities and activities
19. Services for the elderly
20. Economic development and attracting new investment
21. Council website
22. Development applications (DA's)
23. Parking facilities
24. Public Lighting in town centres
25. Food safety in local restaurants, cafes and take-aways
26. Local festivals and events
27. Protection of the natural environment and wildlife
28. The way Council communicates with the local community



## 8. APPENDIX 1: QUESTIONNAIRE



ASK ALL  
SINGLE ANSWER

**Q3. Please rate your satisfaction with council's overall performance on a scale of 1-5, where 1 is very dissatisfied, 3 is neutral and 5 is very satisfied.**

1. 1 – Very dissatisfied
2. 2
3. 3 – Neutral
4. 4
5. 5 – Very satisfied
6. 666 Not applicable

ASK ALL  
OPEN ENDED

**Q4. Can you briefly explain why you gave that rating?**

1. ANSWER

ASK ALL  
SINGLE CHOICE GRID

**Q5. On a scale of 1 to 5 where 1 means strongly disagree and 5 means strongly agree, please tell us to what extent do you agree or disagree with the following statements.**

COLUMNS

1. 1 – Strongly disagree
2. 2
3. 3 – Neither agree nor disagree
4. 4
5. 5 – Strongly agree
6. 666 – Unsure/Don't know

ROWS  
READ OUT

- A. Our local Council understands the Community's needs and expectations
- B. Council delivers good value for our rates dollar
- C. I feel that Council provides opportunities for residents to have a say about the Shire's future
- D. It is easy to access the Council services I need
- E. Generally speaking the Shire's local infrastructure meets my needs
- F. Traffic generally flows well within the main streets of Muswellbrook
- G. Local roads are in good condition
- H. If Muswellbrook had better public transport, I'd be ~~more~~ likely to use it
- I. Local rivers and creeks are healthy
- J. Our parks and reserves are clean, attractive and welcoming
- K. I feel safe in my home at night
- L. I feel safe walking in my local streets at night
- M. There are good employment prospects for locals within the area
- N. I feel part of my community
- O. I feel proud of where I live



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## 8. APPENDIX 1: QUESTIONNAIRE

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ASK ALL

SINGLE CHOICE

IF Q6 =2 or Q6=3, SKIP TO Q13, REST TO Q7

**Q6. Have you contacted Council within the past 12 months, for a reason other than to make a payment?**

1. Yes
2. No SKIP TO QUESTION 13
3. Don't know/unsure SKIP TO QUESTION 13

ASK ALL IF Q6=1

OPEN END – SHORT ANSWER

**Q7. Can you please tell me how many times you have contacted Council in the past 12 months?**

DO NOT PROMPT

1. 1 or 2
2. 3-5
3. More than 5

ASK ALL IF Q6=1

OPEN ENDED – SHORT ANSWER

**Q8. Thinking about your most recent inquiry, what was that contact regarding?**

DO NOT PROMPT

1. Garbage/Waste management/Recycling/Tips
2. Development application (DA)
3. Building inspection inquiries
4. Rates inquiry (including pensioner rebates and change of address)
5. Water billing
6. Water, sewage
7. Septic tanks
8. Drainage problem
9. Community services (availability of facilities, grants for projects, community events, aged and disabled services etc.)
10. Ranger matters - barking dogs, livestock, etc.
11. Vegetation and trees - e.g. requesting council to clear vegetation or mow grass
12. Other parks and gardens
13. Road and footpath improvements
14. Library
15. Cultural facilities
16. Cultural or sporting events
17. Traffic management/parking
18. Road or bridge closures
19. Fees and charges generally
20. Cemeteries
21. Pet registrations
22. Website content and access
23. Can't recall
24. Other (please specify)



## 8. APPENDIX 1: QUESTIONNAIRE



ASK ALL IF Q6=1  
UNPROMPTED

**Q9. And regarding that issue, how many times did you need to contact Council to have your issue resolved?**

DO NOT PROMPT

1. One
2. Two
3. Three
4. Four or more
5. Not yet resolved
6. Unsure

ASK ALL IF Q9 = 5  
UNPROMPTED – CODE ANY THAT APPLY OR ADD AS OTHER

**Q10. Can you briefly explain why you don't believe your issue was resolved?**

DO NOT PROMPT

1. Issue still ongoing
2. Council didn't respond
3. Issue not resolved in my favour
4. Other (record)

ASK ONLY IF Q6 = 1  
SINGLE CHOICE

**Q11. Regarding your issue, how did you first make contact with council?**

READ OUT

1. Telephone
2. Face-to-face
3. Letter or fax
4. Email
5. Website
6. Social media (FB, Instagram etc)
7. Don't know/unsure

ASK ALL IF Q6=1  
SINGLE CHOICE

**Q12. And on a scale of 1-5, where 1 means you think it was handled very poorly and 5 means you think it was handled very well, how satisfied were you with the way the local council handled your latest enquiry?**

1. Very poorly
- 2.
3. Neither
- 4.
5. Very well



## 8. APPENDIX 1: QUESTIONNAIRE



ASK ALL

SINGLE CHOICE

UNPROMPTED – TICK FIRST CHOICE OR ADD AS OTHER

**Q13. What do you think is the MAJOR OPPORTUNITY for the future prosperity of the shire?**

1. Coal mining
2. Renewable energy
3. New energy sources (hydrogen, pumped hydro, biofuels, batteries etc.)
4. Tourism
5. Agriculture/agribusiness (including food processing)
6. Education
7. Manufacturing (excluding food processing)
8. Other (please specify)

ASK ALL

SINGLE CHOICE

UNPROMPTED – TICK FIRST CHOICE OR ADD AS OTHER

**Q14. What do you think is the MAJOR CHALLENGE for the future of the Muswellbrook Shire going forward?**

1. Job security/unemployment
2. Future of the coal industry/coal fired power generation
3. Air quality/pollution'
4. Impact of mining
5. Housing affordability
6. Health services
7. Economic diversification'
8. Young people emigrating to big cities
9. Don't know/unsure
10. Other (please specify)

ASK ALL

OPEN-ENDED

**Q15. If Council had a hypothetical \$5 million to spend on a new facility or service for residents, what would you like to see them spend the money on?**

ASK ALL

OPEN-ENDED

**Q16. Some people think the Muswellbrook Shire should continue to focus on coal mining for its future prosperity, while others think it should be trying to diversify into other industries. Which category do you fall into?**

1. Focus on coal mining
2. Trying to diversify into other industries
3. Other
4. Unsure



## 8. APPENDIX 1: QUESTIONNAIRE



### DEMOGRAPHIC QUESTIONS

INTERVIEWER TO READ:

Thanks, we're very close to the end of the survey. I just have a couple more questions to ask you.

ASK ALL  
SINGLE CHOICE

**D1. Can you just tell me if you live in an urban or rural area?**

1. Rural area
2. Urban area

ASK ALL  
SINGLE CHOICE

**D2. Do you have any children under the age of 18 living in your home?**

1. Yes
2. No

ASK ALL  
SINGLE CHOICE

**D3. How long have you lived in the Muswellbrook Shire?**

1. Less than 12 months
2. 1-5 years
3. 6-10 years
4. 11-20 years
5. More than 20 years

ASK ALL  
SINGLE CHOICE

**D4. And do you identify as being Aboriginal or Torres Strait Islander?**

1. Yes
2. No
3. Prefer not to say

ASK ALL  
SINGLE CHOICE

**D5. And does anyone living in your home have a disability?**

1. Yes
2. No
3. Prefer not to say





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## 8. APPENDIX 1: QUESTIONNAIRE

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ASK ONLY IF D5=1

OPEN ENDED – SHORT OPEN ANSWER

**D5\_A. Is there anything Council could do to make their lives easier or better?**

1. ANSWER

ASK ALL

SINGLE CHOICE

**D6. And finally, when Muswellbrook Shire Council runs community workshops to gain resident views of service delivery for parks, playgrounds, roads etc., would you potentially like to be involved?**

Yes

No

ASK ONLY IF D6=1

FILL FORM

**D7. Thanks so much, I just need the following contact details and Council may be in touch at a later date with further information. May I have your:**

Name?

Surname?

Town/Suburb?

Email?

Best daytime phone?

INTERVIEWER TO READ: Thanks so much, that's the end of the survey. Muswellbrook Shire Council greatly appreciates your views. Did you have any questions about the survey? Have a great afternoon/evening.



## 9. APPENDIX 2: DATA TABLE

The data table (following page) shows mean scores for all satisfaction-based questions, and broken down by age, gender, postcode, urban/rural and whether there were children living in the home. Anything highlighted blue or red is classed as a statistically significant difference – i.e. a difference that is unlikely to have been caused by chance alone.



## 9. APPENDIX 2: DATA TABLE



Theme	Measure	Total	Postcode		Age			Gender		Urban/Rural		Children <18 living in home?	
			2328	2333	18-39	40-59	60+	Male	Female	Rural area	Urban area	Yes	No
Satisfaction with services (mean score, 1-5 scale)	Sealed roads	2.75	2.45	2.79	2.72	2.62	2.97	2.76	2.72	2.38	2.96	2.75	2.74
	Unsealed roads	2.40	1.89	2.48	2.37	2.45	2.36	2.49	2.31	2.07	2.60	2.46	2.33
	Bridges	3.38	3.50	3.37	3.27	3.39	3.55	3.39	3.37	3.35	3.40	3.29	3.47
	Footpaths and cycleways	3.08	3.04	3.09	3.15	2.92	3.20	3.06	3.11	3.14	3.05	3.01	3.16
	Cleanliness of streets	3.55	3.58	3.54	3.56	3.47	3.66	3.50	3.60	3.42	3.62	3.58	3.52
	Dog control	3.16	3.02	3.18	3.32	2.87	3.31	3.30	3.01	3.26	3.11	3.16	3.16
	Stormwater drainage	3.08	2.70	3.14	2.97	3.07	3.28	3.15	3.00	2.91	3.16	3.06	3.10
	Public toilets	2.49	3.01	2.42	2.38	2.47	2.75	2.55	2.44	2.55	2.46	2.33	2.65
	Weed control	2.59	2.39	2.62	2.57	2.53	2.73	2.58	2.60	2.38	2.71	2.51	2.67
	Waste and recycling	3.32	2.96	3.37	3.26	3.19	3.60	3.22	3.43	2.91	3.52	3.23	3.41
	Water supply	3.60	3.22	3.64	3.56	3.45	3.88	3.67	3.52	3.25	3.73	3.54	3.66
	Sewage collection and treatment	3.89	3.43	3.94	3.85	3.83	4.10	3.91	3.88	3.46	4.06	3.88	3.91
	Sporting facilities	3.70	3.85	3.68	3.61	3.70	3.89	3.61	3.80	3.66	3.73	3.63	3.78
	Parks, reserves and playgrounds	3.52	3.80	3.48	3.31	3.58	3.77	3.49	3.55	3.56	3.49	3.34	3.69
	Council pools	2.97	3.29	2.92	2.75	2.88	3.53	3.11	2.82	2.86	3.04	2.66	3.34
	Libraries	4.13	4.12	4.13	4.13	4.01	4.28	4.16	4.10	4.17	4.10	4.03	4.22
	Community halls	3.13	3.52	3.06	3.02	3.08	3.36	3.22	3.02	3.16	3.11	2.93	3.30
	Youth facilities and activities	2.87	2.92	2.87	2.69	2.83	3.27	2.92	2.82	3.17	2.73	2.69	3.11
	Services for the elderly	2.87	2.92	2.87	2.89	2.77	2.97	2.99	2.75	2.89	2.86	2.91	2.85
	Economic development and attracting new investment	2.40	2.62	2.37	2.19	2.38	2.78	2.39	2.42	2.47	2.36	2.34	2.46
	Council website	3.02	2.62	3.07	3.09	2.96	3.02	3.13	2.91	2.73	3.19	3.07	2.97
	Development applications (DA's)	2.49	1.99	2.57	2.44	2.39	2.76	2.39	2.64	2.18	2.69	2.52	2.46
	Parking facilities	2.91	2.94	2.90	3.10	2.65	2.98	2.94	2.87	2.67	3.04	2.94	2.87
	Public Lighting in town centres	3.48	3.49	3.48	3.50	3.45	3.51	3.48	3.48	3.28	3.58	3.50	3.46
	Food safety in local restaurants, cafes and take-aways	3.82	3.93	3.81	3.86	3.78	3.84	3.89	3.76	3.73	3.88	3.88	3.77
	Local festivals and events	2.77	2.85	2.76	2.75	2.65	3.02	2.76	2.79	2.81	2.76	2.86	2.68
	Protection of the natural environment and wildlife	2.96	2.56	3.02	3.11	2.71	3.10	2.94	2.97	2.69	3.12	2.85	3.05
	The way Council communicates with the local community	2.56	2.44	2.58	2.51	2.49	2.75	2.60	2.52	2.48	2.61	2.60	2.53
	Overall Satisfaction with MSC	2.90	2.95	2.90	2.89	2.80	3.07	2.93	2.88	2.81	2.96	2.87	2.93
Customer service	Council's handling of your latest enquiry	3.16	2.17	3.33	2.99	3.44	2.92	2.95	3.37	2.92	3.33	3.18	3.13
Strength of agreement (mean score 1-5 scale)	Our local Council understands the Community's needs and expectations	2.68	2.69	2.68	2.59	2.62	2.90	2.70	2.65	2.60	2.72	2.66	2.69
	Council delivers good value for our rates dollar	2.43	2.35	2.44	2.22	2.37	2.83	2.46	2.39	2.24	2.54	2.36	2.48
	Council provides opportunities for residents to have a say about the Shire's future	2.58	2.42	2.61	2.57	2.53	2.69	2.61	2.56	2.46	2.66	2.62	2.56
	It is easy to access the Council services I need	3.18	2.93	3.21	3.19	3.13	3.24	3.19	3.17	2.87	3.35	3.33	3.04
	Generally speaking the Shire's local infrastructure meets my needs	3.23	3.20	3.24	3.20	3.19	3.35	3.32	3.14	3.19	3.26	3.21	3.26
	Traffic generally flows well within the main streets of Muswellbrook	3.24	3.29	3.23	3.56	3.13	2.88	3.31	3.16	3.22	3.25	3.36	3.13
	Local roads are in good condition	2.67	2.52	2.70	2.65	2.52	2.95	2.66	2.69	2.40	2.84	2.63	2.71
	If Muswellbrook had better public transport, I'd be likely to use it	2.85	2.61	2.88	2.80	2.73	3.11	2.66	3.04	2.87	2.84	2.86	2.83
	Local rivers and creeks are healthy	2.80	2.35	2.88	2.87	2.64	2.94	2.83	2.78	2.76	2.83	2.72	2.88
	Our parks and reserves are clean, attractive and welcoming	3.33	3.32	3.34	3.21	3.29	3.60	3.37	3.30	3.27	3.37	3.24	3.42
	I feel safe in my home at night	3.92	3.87	3.93	3.90	3.85	4.06	4.07	3.77	4.13	3.80	3.79	4.04
	I feel safe walking in my local streets at night	2.82	2.92	2.81	2.93	2.79	2.67	3.23	2.40	2.91	2.77	2.81	2.84
	There are good employment prospects for locals within the area	3.16	3.04	3.18	3.14	3.28	3.00	3.36	2.95	3.06	3.22	3.21	3.12
	I feel part of my community	3.59	3.59	3.59	3.54	3.57	3.71	3.77	3.40	3.62	3.57	3.55	3.63
	I feel proud of where I live	3.71	3.73	3.71	3.75	3.56	3.89	3.82	3.60	3.72	3.71	3.70	3.73
Customer service	Council's handling of your latest enquiry	3.16	2.17	3.33	2.99	3.44	2.92	2.95	3.37	2.92	3.33	3.18	3.13
Direction for the future	Focus on coal mining	37%	29%	38%	46%	28%	35%	43%	30%	31%	40%	36%	37%
	Trying to diversify into other industries	46%	53%	45%	31%	54%	58%	42%	50%	51%	43%	43%	49%
	Other	14%	11%	14%	21%	13%	4%	11%	17%	14%	14%	17%	11%
	Unsure	3%	7%	3%	2%	5%	3%	3%	3%	4%	3%	4%	3%



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# Q4 2020-2021 Council Review

## 1 April 2021 – 30 June 2021

## Economic Prosperity

### Plan for Local Economic Prosperity

Support job growth.

*Facilitate the expansion of and establishment of new industries and business.*




Target: New growth achieved

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
1.1	Facilitate the expansion of and establishment of new industries and business.	1.1.1 Complete the design for a makerspace with educational and prototyping capabilities in the Muswellbrook TEC 2	Completed	100%	Design for the Makerspace has been completed and tenders issued for construction.	
		1.1.2 Advance 2 projects/initiatives identified in the Hunter Bio-ethanol Industry Study	Progressing	50%	The new Upper Hunter Economic Development Corporation will take responsibility for facilitating new industry and business to the Muswellbrook Shire and will review the Hunter Bio-ethanol Industry Study.	


Diversify the economy, facilitate the development of intensive agriculture and other growth industries, make the Shire a more attractive place to invest and do business.

**Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.**

Target: Facilitation leads to the establishment of new industries and business enterprise which diversify our economic base and create employment





DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.1	Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.	2.1.1 Complete the feasibility study for thermal baths in Denman	Progressing	60%	The study for thermal baths in Denman has been completed and council continues to seek funding to progress the development of thermal baths as part of the proposed development of the Denman Tourist Park .	
		2.1.2 Implement stage 1 of a farming productivity program	Not Progressing	30%	The farming productivity program is proposed for referral to the Upper Hunter Economic Development Corporation for review. This program will also be reviewed at the February 2022 Council Strategic Planning Conference.	
		2.1.3 Implement the STEM initiative with NSW Department of Education	Progressing	90%	The new Upper Hunter Economic Diversification Corporation/Loxton House is working closely with the Melt in the establishment of the new Muswellbrook Innovation Centre with the appointment of a STEM Coordinator planned by October 2021.	



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.1.4 Establish governance structure and promotion of business opportunities for the Hunter Pilot Biorefinery	Completed	100%	The Upper Hunter Shared Access Bio Refinery is progressing towards completion. This project has been delegated to the Upper Hunter Economic Development Corporation (UHEDC) for monitoring and support as required.	

*Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.*


Target: Research and innovation leads to the establishment of new industries.

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.2	Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.	2.2.1 Contribute to the Hunter transition efforts of the Hunter Joint Organisation	Completed	100%	Muswellbrook Shire Council has successfully tendered for delivery of economic development services and the establishment of the Upper Hunter Economic Development Corporation.	
		2.2.2 Continue to work with the Hunter Joint Organisation and others to advance economic diversification that leverages the Shire's competitive and comparative economic advantages	Completed	100%	Muswellbrook Shire Council has successfully completed negotiations with the winning tenderer as part of outsourcing economic diversification and transition services for the Shire. The Upper Hunter Economic Development Corporation has been formed and the STEM Learning Centre in Muswellbrook will be operational by October 2021.	
		2.2.3 Deliver Job Creation Fund Projects	Completed	100%	The Upper Hunter Economic Development Corporation - trading as Loxton House is operational. A permanent CEO is being recruited in August and the STEM Learning Centre Coordinator and Programs will be operational by October 2021.	
		2.2.4 Develop comprehensive investment prospectus.	Completed	100%	Council has finalised a Future Fund Prospectus which provides a comprehensive overview of Council's investments and long term financial investment strategy.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.2.5 Implement key recommendations in the Upper Hunter Tourism Strategy.	Progressing	50%	The Denman Visitor Information Centre is operational and temporarily closed due to the August COVID lockdown. Plans for the extension to the Muswellbrook Art Gallery are progressing and will include a tourist information kiosk. The new CEO of Loxton House and Manager of Community Services will liaise to progress recommendations within the Upper Hunter Tourism Strategy.	
		2.2.6 Action opportunities identified in the BioValley Study	Completed	100%	The Bio Valley Study is now complete.	




**Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.**






Target: New planning instruments lead to greater industry investment in the Shire

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.3	Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.	2.3.1 Prepare the Local Strategic Planning Statement for public exhibition	Completed	100%	The draft Local Strategic Planning Statement was exhibited for the period 8 July 2020 to 6 August 2020, and was adopted by Council at the 27 October 2020 Ordinary Council Meeting.	

**Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.**

Target: Implement the first stage of the Muswellbrook Town Centre Masterplan (Regional Entertainment and Conference Centre - subject to Special Variation) and the Denman town revitalisation project

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.4	Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.	2.4.1 Seek commercial opportunities consistent with Muswellbrook's Town Centre Strategy	Completed	100%	Concept designs for two new commercial buildings in the Civic precinct have been completed.	
		2.4.2 Implement the funded stages of the Muswellbrook Parking Strategy	Completed	100%	All on ground works to implement the Muswellbrook Parking Strategy are now complete, with new line marking behind Campbells Corner and the Muswellbrook Plaza improving accessible parking in the town centre. New line marking in Hunter Terrace has increased available parking spaces. Investigation into provision of additional parking and optimising parking in the Market Street / Williams Street area has also been carried out to inform future programs of work.	
		2.4.3 Review parking strategy for Denman	Completed	100%	The review of the parking strategy for Denman has included the preparation of a directional signage plan to direct buses and long vehicles such as caravans from the entrance to the town from the Golden Highway, to the appropriate parking areas within the town centre of Denman.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.4.4 Construct the Wilder St Bridge as part of the Olympic Park Masterplan	Progressing	60%	The project to construct the Wilder St Bridge as part of the Olympic Park Masterplan continues to progress, with a hydraulic assessment of the creek undertaken to inform the final bridge design. The designs for construction of the infrastructure have been prepared ready for construction in the new financial year.	
		2.4.5 Complete construction of funded stages of Muswellbrook Aquatic Centre upgrade	Progressing	75%	Outdoor pool complete and indoor aquatic centre works progressing.	
		2.4.6 Develop initial concept for a Denman CBD Walking Trail	Completed	100%	The Denman CBD Master Plan is complete. Stage 4 of this program includes a CBD Walking Trail. This will be presented to the next Council and be included in the Strategic Planning Conference scheduled for February 2022.	
		2.4.7 Facilitate improved accessible and pedestrian links to business and retail centres	Completed	100%	Design and cost estimates have been prepared for improving access to the Marketplace.	
		2.4.8 Develop a concept design for a Changing Places facility at Simpson Park, Muswellbrook	Progressing	60%	Consultation with relevant sections of Council is continuing to develop a concept design.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.4.9 Complete Sandy Hollow Town Centre / Central Village District Masterplan	Completed	100%	Works to complete the Sandy Hollow Town Centre / Central Village Masterplan have included the design and tendering for the construction of a pocket park on the corner of Goulburn Drive and Golden Highway.	



**Develop agricultural industry opportunities in the Shire.**


Target: Develop agricultural industry masterplan

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.5	Develop agricultural industry opportunities in the Shire.	2.5.1 Implement a Farm Productivity and Climate Change Resilience Policy	Completed	100%	A proposed Climate Change Resilience Policy and associated actions will come before the Strategic Planning Conference of the next Council in February 2022.	
		2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	Not Progressing	0%	Actions in relation to the Food Upper Hunter was impacted during the current term of Council by the prolonged drought, followed by the 2019/2020 fires and COVID. This goal will now go forward for consideration by the next council when it meets to form the next CSP in February 2022.	

### Facilitate greater access to higher education and participation in the knowledge and creativity economy.

*Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and other providers.*

Target: Additional education and creativity infrastructure constructed to support improved access to higher education and participation in the knowledge and creativity economy

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
3.1	Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and other providers.	3.1.1 Construct the Upper Hunter Innovation Precinct - Stage 2.	Progressing	75%	The construction tender has been awarded and works are progressing.	
		3.1.2 Review the Muswellbrook and Denman Walk & Cycle Plan	Progressing	70%	Consultants ACOR have been engaged to review the Muswellbrook and Denman Walk and Cycle Plan. The review will involve consultation with the Community and relevant stakeholders. The village of Sandy Hollow will be included in the revised plan.	

### Develop Muswellbrook as a Regional Centre

*Council will apply to IPART for a permanent continuation of IPARTs approved one-off Special Rate Variation for 2018/19 of 12.43% (plus 2.3% rate peg) and increasing the 2018/19 rate base for 2019/20 by IPARTs 2.7% rate peg*

Target: The special variation will support:

An additional allocation of \$300,000 per year for stormwater drainage and \$100,000 per year for roads and parks asset maintenance programs.

Development of the Olympic Park Sports Precinct and Regional Entertainment and Conference Centre with a combined value of \$26,010,000 (subject to receiving grants and voluntary planning agreements) is made up of:


an SRV contribution of \$11,800,000;

grants of \$10,500,000;

voluntary planning agreements contributions of \$3,710,000; and

annual operational maintenance and net yearly operational contributions of \$700,000.

An additional \$250,000 towards the Job Creation program and \$62,000 to offset a shortfall in rating revenues arising from a change in NSW Government policy with respect to biodiversity offsets.

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
4.1	Council will apply to IPART for a permanent continuation of IPART's approved one-off Special Rate Variation for 2018/19 of 12.43% (plus 2.3% rate peg) and increasing the 2018/19 rate base for 2019/20 by IPART's 2.7% rate peg	4.1.1 Report against IPART granted SRV projects and programs	Completed	100%	A report on SRV projects and programs will be included in the 2020/2021 Annual Report to be submitted to the Office of Local Government in October 2021.	

Social Equity and Inclusion

***Access to a wide range of community and government agencies appropriate for their age and needs.***

Continue to improve the affordability, liveability and amenity of the Shire's communities.

***Implement the outcomes of the Recreation Needs Study.***

Target: The recommendations from the Recreation Needs Study are implemented

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.1	Implement the outcomes of the Recreation Needs Study.	5.1.1 Report on the list of prioritised capital sport and recreation projects	Completed	100%	The 2020-21 General Recreation programme was reported to the 27 October 2020 Ordinary Council meeting.	





**Continue town centre revitalisation projects.**

Target: Revitalisation projects completed

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.2	Continue town centre revitalisation projects.	5.2.1 Deliver at least one piece of permanent public art as a part of the urban revitalisation project.	Completed	100%	The sculpture of artist Max Watters is complete and expected to be installed in August 2021.	


**Facilitate investment in entertainment opportunities, particularly for young people.**

Target: New entertainment opportunities provided

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.3	Facilitate investment in entertainment opportunities, particularly for young people.	5.3.1 Develop Library programs that increase social engagement with young people in our libraries	Completed	100%	The Muswellbrook Library in partnership with Muswellbrook Highschool have increased their collection based on the feedback from young people to include Manga & Graphic Novel Collections.	
		5.3.2 Develop Aquatic Centre and Gym programs that increase social engagement and wellbeing with young people in Council's pools and gym	Progressing	80%	Young people participation was on target however all programs at the Muswellbrook Aquatic & Fitness Centre are on hold due to the reconstruction of the Aquatic Centre facilities.	
		5.3.3 Support the Upper Hunter Youth Services Committee in the relocation and development of their facility at a new location	Progressing	80%	Development Application Plans have been finalized and are progressing to lodgement with Muswellbrook Shire Council.	
		5.3.4 Expand the home library service to include young people with mobility or accessibility issues	Completed	100%	The home Library service continues to provide home delivery services in both Denman and Muswellbrook. Participation has increased and has been an important ongoing service for people who have mobility and access issues.	






**Improve access to waterways**

Target: Greater appreciation and interaction by the community with our local rivers and creeks

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.4	Improve access to waterways	5.4.5 Construct approved stages of the Hunter Beach project	Progressing	25%	Project did not receive a conforming tender in second round of tendering closing 19th July 2021. Report to Council to request to allow alternatives to progress project.	

**Promote and facilitate increased participation in active and passive recreational activities.**

Target: Increased participation in recreation activities. Implement the Olympic Park Precinct Masterplan (subject to Special Variation)

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.5	Promote and facilitate increased participation in active and passive recreational activities.	5.5.1 Maintain the sporting and recreational facilities to the standard specified in the Precinct Specifications Manual	Completed	100%	Sporting and recreational facilities continue to be maintained to standard.	
		5.5.2 Continue matched funding Small Sport and Recreation Grants Programme.	Completed	100%	The small capital grants programme for 2020-21 has been awarded.	
		5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	Completed	100%	The large capital grants programme for 2020-21 has been awarded.	
		5.5.4 Continue user group consultation programme	Completed	100%	Monthly and biannual user group meetings held mostly as programmed with good participation. There has been some interruption and rescheduling due to COVID-19 restrictions.	
		5.5.5 Develop strategy for a Recreational Vehicle Rest Stop and associated facilities to promote economic and tourism activity	Progressing	50%	Recreation vehicles included in the endorsed concept design for Hunter Beach, including amenities.	







DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.5.6 Support the relocation of the Muswellbrook Amateur Theatrical Society to achieve storage and practice space for their organisation	Completed	100%	Council purchased the vacant Roads and Traffic Authority Building and has now rented this facility at an affordable rate to the Muswellbrook Amateur Theatrical Society.	
		5.5.7 Prepare Plans of Management for Crown lands managed by Council as community land, and Council-owned public land managed as community land	Progressing	75%	Plans of Management are being prepared for Olympic Park and Denman Recreation Area together with a template to be applied for other Crown lands.	

**Consider and deliver social inclusion principles across Council functions.**

Target: People with disability are continually included in improving the provision of accessible options across the Shire

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.6	Consider and deliver social inclusion principles across Council functions.	5.6.1 Seek external grant funding opportunities to support the interests and aspirations of the Shire's communities.	Completed	100%	<p>During this last quarter Council has applied for:</p> <ul style="list-style-type: none"> <li>* In Round 8 of the Resources for Regions Fund Council has been allocated funding of \$6,394,854.</li> <li>* Round Three of the NSW Fixing Local Roads fund, the NSW Council re-applied for the upgrading of a one kilometre section of Mangoola Road. Improvements to the value of approximately \$300,000 for asset renewal at Victoria Park, with funding of approximately \$150,000 from the NSW Government's Clubgrants Category 3 Fund - Infrastructure.</li> </ul> <p>Muswellbrook Shire Council was required to contribute matching funds for this project, with our contribution coming from the General Recreation Programme and/or the Large Capital Grant programme. Phase 2 of the Local Roads and Community Infrastructure (LRCI) Program for \$250,000 allocated to the Ironbark Road footpath (between Adams Street and Rutherford Road, Muswellbrook) and \$565,765 for the Muswellbrook Animal Shelter.</p>	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.6.2 Address the actions identified in accessibility building and property audits and ensure all designs include accessibility considerations as a core component of the design process	Completed	100%	Accessibility considerations are included as a high priority for all designs, capital works programmes and projects.	
		5.6.3 Deliver responsive actions in relation to changing needs of Information Services, ensuring compatibility with current systems design and direction of the organisation	Completed	100%	Installation of Exescan has been completed improving efficiency for financial services and administration. Authority upgrades continue to be rolled out and a revised ICT Strategy is under development to continue to maintain council's ICT capability and support service delivery. Website rebuild to be complete by the end of July 2021.	
		5.6.4 Implement Disaster Recovery infrastructure and the review of Disaster Recovery Plan	Progressing	95%	Finalisation and completion of council's Disaster Recovery Plan scheduled for December 2021.	
		5.6.5 Continued implementation of Asset Management System phase 2 - financial components.	Progressing	70%	The completion of phase 2 of the Asset Management System roll out is scheduled for project review in 2021/2022 period to identify and remove project road blocks.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.6.6 Consider all levels of abilities in the preparation of Council's plans and strategies	Completed	100%	All abilities access to Council's Website has been considered and reviewed and will be included during the rebuild of Council's Website scheduled for completion at the end of August 2021.	

**Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.**

Target: New affordable housing opportunities provided

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.7	Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.	5.7.1 Update and maintain an urban development program to monitor supply of land for housing	Completed	100%	The Ironbark Ridge Planning Proposal was finalised in June 2021 allowing for a significant increase in residential allotments in the future. Changes to the Affordable Housing State Environmental Planning Policy are currently on exhibition. No action has been required to amend the Local Environmental Plan or Development Control Plan.	

**Stabilise the tenancy turnover in the Shire's social housing.**

***Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.***

Target: Reduction in the turnover of tenants residing in social housing

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
6.1	Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.	6.1.1 Advocate for improvement in the standard and condition of community housing in the Muswellbrook Shire with NSW state agencies	Completed	100%	Council continues to advocate for the improvement of the standard and conditions of community housing in the Muswellbrook area, no update provided in this period.	

**Build social inclusion and improve the delivery of social services.**

**Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services**

Target: Improved social indicators across the Shire

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
7.1	Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services	7.1.1 Continue to work with and promote the Muswellbrook Healthy and Well Program	Completed	100%	Support has been provided to the Healthy & Well Program through the distribution of promotional materials through the Upper Hunter Community Services Interagency. The funding for this Program ceased in September 2020.	

**Facilitate and implement improved disability access and inclusion across the Shire.**

Target: Disability and inclusion improved to targeted facilities



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
7.2	Facilitate and implement improved disability access and inclusion across the Shire.	7.2.1 Apply Disability Access and Building Code of Australia (BCA) requirements to Development Applications and Construction Certificate applications across the Shire	Completed	100%	Requirements are being implemented for new Development Applications, Construction Certificates, and Complying Development Certificates submitted to Council for approval.	




### Facilitate opportunities to expand seniors' living.

*Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.*

Target: Improved services for older residents



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
9.2	Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.	9.2.1 Deliver funded components of the ageing strategy	Completed	100%	Ageing Strategies actions are now progressing due to the lifting of pandemic restrictions, Council has produced the Seniors Festival local event brochure and delivered a partnership information session about navigating the aged care system.	
		9.2.2 Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	Completed	100%	NSW Seniors Festival took place during April 2021, a local Seniors Festival Brochure was produced and made available to the community at key points in hard copy and via Councils website.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		9.2.3 Increase the membership of older people at both Muswellbrook and Denman Aquatic Centres, gym and Upper Hunter Regional Library Service	Progressing	70%	Participation of older people at the Muswellbrook Aquatic Centre was on target however all programs at the Muswellbrook Aquatic & Fitness Centre are on hold due to the reconstruction of the Aquatic Centre facilities. Participation of Older People at the Muswellbrook Shire Libraries is increasing as people relax regarding the COVID restrictions, participation and attendance in group activities such as the Craft Group is increasing as well as an increase in borrowing membership and utilisation of library and digital resources.	

### Further the process of reconciliation in the Shire.

#### *Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.*

Target: Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
10.1	Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.	10.1.1 Work with the Aboriginal community on the delivery of at least two events annually to celebrate and promote Aboriginal art and culture	Completed	100%	Work continues with the Aboriginal Community regarding the Treaty Project as well the provision of support to Upper Hunter NAIDOC Week Working Group to deliver the Upper Hunter NAIDOC Week Awards 2020/21.	
		10.1.2 Review the currency of the Working with ATSI website and make necessary changes to reflect changes in legislation and policy	Completed	100%	The workingwithindigenousaustralians.info website now has links to the upperhunter.workingwithindigenousaustralians.info/Index1.html which is the websites sub domain that hold the 'In Our Own Words' Aboriginal Oral History recordings. The website has been reviewed ensuring that the information is accurate and current.	
		10.1.3 Monitor the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required	Completed	100%	The conservation of the Reconciliation Mural will be included in the 2021/22 budget. The Widden Creek Aboriginal Artifacts have been relocated to the new foyer of the Council Administration Centre.	