

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

24 MAY 2022



ORDINARY COUNCIL MEETING, 24 MAY 2022

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
19 May, 2022

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Denman Memorial Hall, Ogilvie Street, Denman on **24 May, 2022** commencing at 6:00pm.

Fiona Plesman
GENERAL MANAGER

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	<i>Item 7.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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19.7 YOUTH PROGRAMS MUSWELLBROOK

Item 19.7 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.8 EXECUTION OF REFINANCING \$7.980M LOAN

Item 19.8 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.9 EXECUTION OF NEW \$2.5M LOAN

Item 19.9 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.10 LOXTON HOUSE WORKS ON HOLD

Item 19.10 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.11 COUNCIL HOSPITALITY SERVICES

Item 19.11 is classified CONFIDENTIAL under the provisions of Section10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

20	RESUMPTION OF OPEN COUNCIL	650
21	CLOSURE	650
	DATE OF NEXT MEETING: TUESDAY 28 JUNE 2022	650



**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 24 MAY 2022**

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

Moved: _____ Seconded: _____

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **5 April 2022**, and the Extra Ordinary Meeting held on **26 April 2022**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

- 5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of interest.

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

6 PUBLIC PARTICIPATION

7 MAYORAL MINUTES

8 GENERAL BUSINESS

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 2021/32 - BOARDING HOUSE, 41 MAITLAND STREET, MUSWELLBROOK

Attachments:	A. DA 2021/32 Section 4.15 Assessment Report ↓ B. DA 2021/32 Plans of Proposal ↓ C. DA 2021/32 Recommended Conditions of Consent ↓ D. DA 2021/32 Statement of Environmental Effects ↓ E. Consolidated submissions - redacted ↓
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i>

PURPOSE

The report has been prepared to assist Council in the determination of DA 2021/32 involving the erection of a two-storey boarding house at 41 Maitland Street, Muswellbrook (Lot 8 DP 18699).

The development application is being reported to Council for determination as a total of five (5) public submissions were received objecting to the proposal during public consultation.

OFFICER'S RECOMMENDATION

Council approves DA 2021/32, involving the construction of a two-storey boarding house at Lot 8 DP 18699, 41 Maitland Street, Muswellbrook, subject to the conditions in Attachment C.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the demolition of existing residential buildings and the construction of a two-storey boarding house at 41 Maitland Street, Muswellbrook.

The boarding house would include:

- Twenty two (22) boarding rooms
- A site manager's residence
- Common room
- Common laundry
- Outdoor common space
- Thirteen (13) off-street parking spaces together with five (5) motorcycle/cycle parking spaces
- Landscaping and associated works.

The proposed development has been amended through the assessment of the development application and additional information provided to respond to issues raised by Council Officers through that

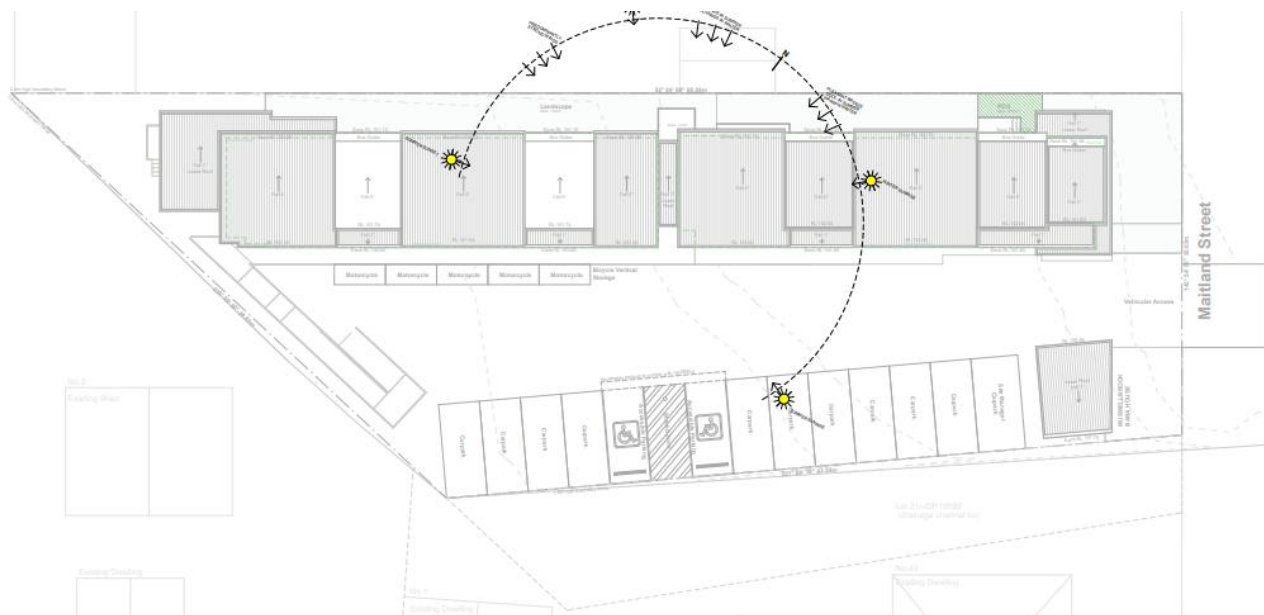
assessment.

Images depicting the building elevations have been included in Attachment B.

Image.1 (Site Location)



Image.2 (Site layout)



ASSESSMENT SUMMARY CONSULTATION

Council Officers have assessed the DA under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A).

To inform the assessment and determination of the development application, the applicant submitted the following documentation to council:

- Statement of Environmental Effects (see attachment D)
- Proposed Plans (see attachment B)
- Traffic Impact Assessment
- Stormwater Management Report
- Flood Impact Assessment
- Draft Plan of Management

A copy of the technical reports and information referenced above can be provided to Councillors under separate cover if requested.

Key section 4.15 assessment key findings are:

- The proposed development was referred to transport for NSW, NSW Police, Council's Building Surveyor, Senior Environmental Health Officer, Community Services Section, Water and Wastewater Engineers and Roads and Drainage Engineers. No objection was raised to the proposed development however they did recommend conditions of consent.
- The proposed development has been considered against relevant provisions of the former SEPP Affordable Rental Housing (ARH) 2009. The SEPP (ARH) 2009 prevents the refusal of a development application for a boarding house for reasons related to floor space ratios, building height, landscaping, solar access, private open space, vehicle parking and accommodation size where the development meets the SEPP ARH criteria for each of these matters. The proposed development complies with the SEPP ARH requirements for these matters.
- Updated provisions of the State Environmental Planning Policy (Housing) 2021 have been considered so far as they relate to the proposed development. The provisions of this SEPP are generally comparable with the SEPP ARH requirements except for a new control that restricts the operation of boarding houses to providing affordable housing. In line with Clause 26 of this draft SEPP (not in force at the time the application was lodged) Council Officers have recommended a condition of consent to require evidence that the boarding house will provide affordable housing and be managed/operated by a 'registered community housing provider' prior to the issue of an Occupation Certificate. A further condition has been recommended to require an 88B instrument is registered over the land to ensure the boarding house operation complies with this requirement in perpetuity.
- The proposed development was considered against the provisions of other relevant State Environmental Planning Policies (SEPP's) and the development is compliant.
- The proposed development is in accordance with all relevant provisions of the Muswellbrook Local Environmental Plan (MLEP) 2009.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan 2009 (MDCP 2009). The proposal is generally in accordance with MDCP 2009. The proposal is inconsistent with a DCP control related to the location of residential development on the ground floor of land in the B2 Local Centre. However, it is compatible with the related DCP objectives. The relationship of the proposed development with the DCP is discussed in greater detail under the related heading of the attached Section 4.15 Assessment.
- The proposed development is located on flood liable land. A Flood Impact Assessment has been submitted to Council in relation to the proposal. In accordance with Council DCP requirements the finished floor level for habitable rooms will be constructed 0.5m above the identified 1% flood height.

- Submissions objecting to the proposed development have raised a number of issues. The submissions have been included as attachments to this report. Key issues raised include the height of the proposed development comparative to adjoining residential buildings, the potential for overlooking, overshadowing and noise impacts affecting the amenity of nearby neighbours. Council Officers have had regard to these concerns when assessing the application.

While Council Officers recognise the proposed development would have an impact on the amenity of adjoining neighbours it is not considered to be such a significant impact that would warrant the refusal of the proposed development after considering the proposal's compatibility with relevant development controls, mitigation measures put forward in updated designs to address potential impacts and opportunity for conditions to be imposed to further manage impacts.

PUBLIC CONSULTATION

The proposed development was notified in accordance with the provisions of the Muswellbrook Community Participation Plan on two occasions between the 3 May 2021 and 17 May 2021 and following the receipt of amended plans between the 16 September 2021 and 1 October 2021.

On each occasion the application was notified five (5) submissions were received by Council objecting to the proposed development. The submissions received following the second notification period have been included as attachments to this report.

After having regard to the issues raised, development amendments and the ability for conditions of consent to address some of the issues raised Council Officers have recommended the proposed development for approval as a development compatible with the relevant Section 4.15 assessment criteria.

OPTIONS

Council may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 2021/32 has been reported to Council to determine given the number of submissions objecting to the proposed development.

An assessment of the proposed development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment report recommends that the proposed development be approved subject to the recommended conditions outlined in Attachment C.

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 8 DP: 18699 41 Maitland Street MUSWELLBROOK																																																																																						
APPLICATION No:	32/2021																																																																																						
PROPOSAL:	Demolition of an existing dwelling and construction of a 23 Room Boarding House.																																																																																						
PROPOSED PLANS:	<table border="1"> <thead> <tr> <th>Plan No.</th> <th>Revision No.</th> <th>Plan Title.</th> <th>Drawn by.</th> <th>Dated.</th> </tr> </thead> <tbody> <tr> <td>20138 A000</td> <td>C</td> <td>Cover Sheet</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A001</td> <td>C</td> <td>Site Analysis</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A002</td> <td>C</td> <td>Site/Roof Plan</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A101</td> <td>C</td> <td>Existing Construction Management and Sediment Control Plan</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A201</td> <td>C</td> <td>Proposed Ground Floor Plan</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A202</td> <td>C</td> <td>Proposed First Floor Plan</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A301</td> <td>C</td> <td>Elevations</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A350</td> <td>C</td> <td>Sections & Internal Elevations</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A401</td> <td>C</td> <td>Winter Shadow Diagram</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A408</td> <td>C</td> <td>Summer Shadow Diagram</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A503</td> <td>C</td> <td>Area Calculations</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A602</td> <td>C</td> <td>Material Schedule</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> <tr> <td>20138 A901</td> <td>C</td> <td>Notification Plan</td> <td>Duplex Building Design</td> <td>29/03/2022</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Document Title.</th> <th>Version No.</th> <th>Prepared By.</th> <th>Dated.</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects</td> <td>V2 (Submitted 7 September 2021)</td> <td>Casson Planning and Development Services</td> <td>29 May 2021</td> </tr> <tr> <td>Traffic Impact</td> <td>➤</td> <td>Traffic Control Management and</td> <td>09/03/2021</td> </tr> </tbody> </table>					Plan No.	Revision No.	Plan Title.	Drawn by.	Dated.	20138 A000	C	Cover Sheet	Duplex Building Design	29/03/2022	20138 A001	C	Site Analysis	Duplex Building Design	29/03/2022	20138 A002	C	Site/Roof Plan	Duplex Building Design	29/03/2022	20138 A101	C	Existing Construction Management and Sediment Control Plan	Duplex Building Design	29/03/2022	20138 A201	C	Proposed Ground Floor Plan	Duplex Building Design	29/03/2022	20138 A202	C	Proposed First Floor Plan	Duplex Building Design	29/03/2022	20138 A301	C	Elevations	Duplex Building Design	29/03/2022	20138 A350	C	Sections & Internal Elevations	Duplex Building Design	29/03/2022	20138 A401	C	Winter Shadow Diagram	Duplex Building Design	29/03/2022	20138 A408	C	Summer Shadow Diagram	Duplex Building Design	29/03/2022	20138 A503	C	Area Calculations	Duplex Building Design	29/03/2022	20138 A602	C	Material Schedule	Duplex Building Design	29/03/2022	20138 A901	C	Notification Plan	Duplex Building Design	29/03/2022	Document Title.	Version No.	Prepared By.	Dated.	Statement of Environmental Effects	V2 (Submitted 7 September 2021)	Casson Planning and Development Services	29 May 2021	Traffic Impact	➤	Traffic Control Management and	09/03/2021
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		Assessment		Planning Pty td	
		Stormwater Management Report	➤	AE Consulting Engineers	04/10/2021
		Draft Plan of Management	➤	Casson Development Services	August 2021
		Flood Impact Assessment	➤	AE Consulting Engineers	6/09/2021
OWNER:	Mr N Gupta				
APPLICANT:	Mr N Gupta 324/158 Day Street SYDNEY NSW 2000				
AUTHOR:	Mr H A McTaggart				
DATE LODGED:	15/04/2021				
DATE OF REPORT:	8 May 2022				

1. Site Locality and Description

The development application relates to 41 Maitland Street (Lot 8 DP 18699), Muswellbrook.

The land has previously been developed for its residential use and a single storey dwelling and associated outbuildings are located on the site.

Although developed for a residential use, the land is zoned B2 Local Centre under the Muswellbrook Local Environmental Plan (MLEP) 2009. This land use zone promotes commercial development and employment opportunities. Land adjoining the site along Maitland Street is similarly zoned B2 Local Centre, while properties west of the site fronting Francis Street are zoned R1 General Residential.

Despite the mixture of land use zones, the properties immediately adjoining the site on both Maitland and Francis Streets are all developed for residential purposes, with the exception of the Remington Motel which is located diagonally opposite the development site on the opposite side of Maitland Street.

Maitland Street (New England Highway) is a Classified State road at this location, under the control of Transport for NSW.

The land is identified as flood liable. An open swale-drain, in the ownership and management of Council, is located immediately south of the development site.

The image below identifies the subject site in context with the adjoining locality.



2. Description of Proposal

The proposed development involves the demolition of existing buildings on the site and the construction of a multi-storey boarding house.

Through the assessment of the development application the applicant amended aspects of the proposed development. Key changes to the scope of the proposal were to remove the

initially proposed staging of the development, adjust aspects of the design and adjust the timing of the demolition of the existing dwelling.

The proposed development as amended involves:

- Demolition of existing buildings
- Construction of two two-storey boarding house buildings. The buildings would comprise:
 - Building one (building at rear of the site)
 - Twelve (12) single boarding rooms with ensuite and kitchenette, including one (1) accessible boarding room.
 - Communal room
 - Common laundry
 - Building two (building at front of the site)
 - Ten (10) single boarding rooms with ensuite and kitchenette, including one (1) accessible boarding room.
 - A site managers room to be located on the ground floor.
 - Common room
- Provision of waste storage area
- Provision of off-street car parking to comprise thirteen (13) off-street car parking spaces including a dedicated managers car park and two (2) accessible parking spaces.
- Five (5) motorcycle and cycle parking spaces.
- Provision of a waste storage area

The total number of boarding rooms proposed as part of the development application is twenty-two (22), with a twenty-third room provided as an on-site managers residence.

The images below include a site plan and elevations for the proposed development.

Figure 1. –Site Plan

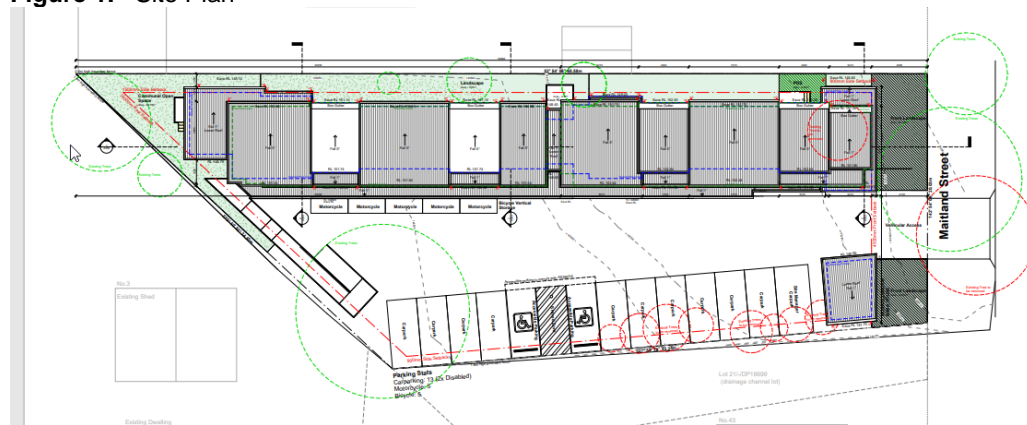
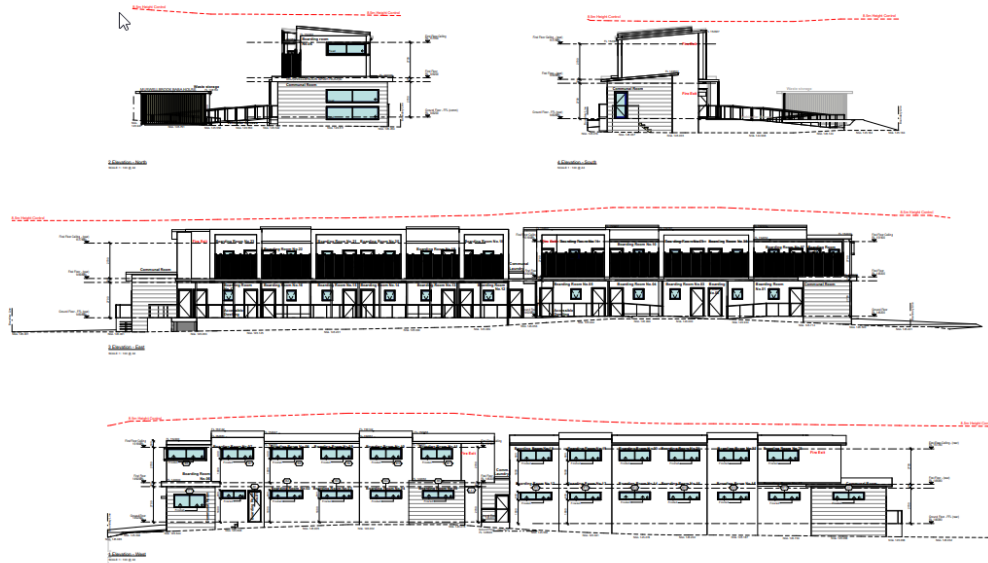


Figure 2. –Elevations

3. Referral Comments

3.1 External Referrals

The proposed development was referred to the following external Government Agencies for comment/consideration.

Transport for NSW

The proposed development involves the construction of a new vehicle access to the New England Highway. Accordingly, the proposed development was referred to Transport for NSW (TfNSW) for comment as the Road Authority for the New England Highway.

TfNSW had no additional comments for Council's consideration as part of its assessment of the application.

NSW Police

The proposed development was referred to NSW Police on the 9 April 2021 for consideration and comment. No response was received to this referral. The referral of the application to the NSW Police is an optional referral and not required under any legislation.

3.2 Internal Referrals

The application was referred to Council's Building Surveyor, Environmental Health Officer, Water and Waste, Community Infrastructure and Community Services Section. The referral comments received have been summarised below.

Building Surveyor

The new buildings proposed will need to be designed and Constructed in accordance with the Building Code of Australia to obtain an Occupation Certificate.

Senior Environmental Health Officer

A commercial kitchen is not proposed as part of the application. Council's Senior Environmental Health Officer has recommended a standard condition of consent that should a commercial kitchen be proposed at a later stage it must be approved by Council prior to its operation.

Water and Waste Section

This advice raises no issue with the proposed development and recommends standard conditions related to the provision of water and sewerage services and the payment of headworks contributions.

Roads and Drainage Section

The proposed development was referred to Council's Roads and Drainage Team to consider and provide comment on issues related to stormwater, traffic and flooding.

Council Roads and Drainage Officers issued two requests for additional information in relation to the proposed development. An initial request for information was sent following the receipt of the original development application and a second after the submission of revised/updated plans.

Final comments provided by Council Engineers raised no issue in relation to the proposed development or the suitability of the way that stormwater management, flooding or traffic management had been addressed by the proposal.

Community Services Section

The proposed development was referred to Council's Community Services Section to consider and provide any comment related to the potential social impacts of the proposed development.

No formal response was received to this referral. From discussions with Community Services Officers it is understood that Council Community Services Officers were happy for the application to proceed without providing formal comment to Council.

4 Assessment under Section 4.15 of the Environmental Planning and Assessment Act

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

4.1 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:

4.1.1 Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Part 2 Permitted or Prohibited Development

Land Use Zone and Permissibility

The development site is zoned B2 Local Centre in accordance with the MLEP 2009. The land use table for the B2 Local Centre zone identifies *boarding house* as a type of development permissible with consent. As such the proposed boarding house is a type of development permitted with consent under the Muswellbrook LEP 2009 controls for B2 zoned land.

The B2 Local Centre land use table has been included below for reference.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

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

Objectives of the B2 Local Centre Zone

The relationship of the proposed development with the B2 Local Centre zone objectives and land use table has been considered below.

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

The B2 Local Centre land use zone objectives have been listed and their relationship with the proposed development commented on below.

- 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.*

Planning Comment: the proposed development does not provide a retail or business use. Council Officers consider the proposal to be compatible with the land use zone as a community use that serves people who work in and visit the local area.

- To encourage employment opportunities in accessible locations.*

Planning Comment: The proposal will support the employment of a boarding house manager and possibly cleaning and maintenance staff.

- To maximise public transport patronage and encourage walking and cycling.*

Planning Comment: The proposed development would provide for intensive accommodation in the B2 zone. The development is near bus routes and a train station but is likely more than a 10 minute walk to the core CBD area and key service providers and grocery shops. Accordingly, the proposed development is unlikely to promote

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.*

Planning comment: the proposed development provides additional housing in the Muswellbrook town centre. The proposed development is considered to be compatible with this objective.

- *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.*

Planning Comment: Noting that the land use is permissible the provision of the intensive boarding house style accommodation with or close to the business centre can be viewed as a type of development that is compatible with this objective.

- *To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.*

Planning comment: the site subject to this development application is outside the heritage conservation and does not directly adjoin a heritage item. Accordingly, Council Officers are satisfied that the proposed development would not impact the heritage values of the core business area.

- *To support business development by way of the provisions of parking and other civic facilities.*

Planning Comment: The proposed development would include twenty two (22) accommodation rooms and a managers room and provide a total of 13 off-street car parking spaces.

In view of the commentary above, the standing of the proposed development as a type of development permissible with consent under the B2 Local Centre land use table and the provisions of the SEPP (affordable Rental Housing) 2009 related to off-street car parking Council Officers have accepted the proposed development as a development compatible with the land use zone objectives.

Part 3 Exempt and Complying Development

The proposed development has not been identified to be exempt or complying development and therefore this part of the LEP 2009 does not apply to the development.

Part 4 Principal Development Standards

Relevant Clause	Control	Proposed	Compliance
4.3 Height of buildings	13m	5.7m	Yes
4.4 Floor space ratio	2:1	0:67	Yes

Part 5 Miscellaneous Provisions

5.10 Heritage conservation	The site subject does not include or adjoin a heritage item and is located outside the Heritage Conservation Area. Accordingly, the provisions of this Clause do not require further consideration in relation to the proposed development. Not Relevant
5.21 Flood planning	The subject site has been identified as flood prone.

	<p>The applicant has provided a flood information Report generated by Council which shows that the maximum water level for the 1% AEP Flood data is 145.71.</p> <p>The proposed units will be located at a finished flood level of 146.2.</p> <p>Complies</p>
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Part 7 Additional Local Provisions

7.1 Terrestrial biodiversity	<p>The land subject to this application is not identified as 'biodiversity' by this mapping. Accordingly, the provisions of this clause do not relate to the assessment of this development application.</p> <p>Not Relevant</p>
7.6 Earthworks	<p>This clause requires a consent authority to take the following matters into consideration before granting development consent to development involving earthworks:</p> <ul style="list-style-type: none"> a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, b) the effect of the proposed development on the likely future use or redevelopment of the land, c) the quality of the fill or of the soil to be excavated, or both, d) the effect of the proposed development on the existing and likely amenity of adjoining properties, e) the source of any fill material or the destination of any excavated material, f) the likelihood of disturbing relics, g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. <p>Based on the information submitted with this development application Council Officers are confident that the proposed development would be carried out in accordance with the requirements of this clause and/or where approved conditions of consent imposed to require the development to ensure compliance with the requirements of this Clause.</p> <p>Complies</p>

4.1.2 State Environmental Planning Policies

The Following State Environmental Planning Policies (SEPP's) are relevant considerations for the assessment of the proposed development.

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

Pursuant to 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.*

Council Officers searched Council's record system, inspected the site and considered current and historic uses. From this research Council Officers concluded that the subject site has a longstanding history of residential use associated with the dwelling presently located on the land. Council Officers are satisfied that the land was unlikely to be subject to any contamination requiring remediation under the SEPP as part of this proposed development.

b) State Environmental Planning Policy (Infrastructure) 2007

The proposed development has frontage to Maitland Street, which is a State Classified Road. In accordance with the provisions of the SEPP the proposed development was notified to TfNSW who indicated they did not wish to provide comment in relation to the application.

c) State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP (Affordable Rental Housing) 2009 was a SEPP was in force at the time the development application was lodged and thereby remains relevant to the assessment of this development application.

The SEPP has been since been repealed and its provisions related to boarding houses replaced by the new SEPP (Housing) 2021.

In determining the relevance of the now repealed SEPP (Affordable Rental Housing) 2009 and the newly establishment of the new SEPP (Housing) 2021 to the assessment of this development application Council Officers have had regard to legal advice indicating that when assessing a development application Council should have regard to the environmental planning instruments and planning controls in place at the time the development application was lodged, while updated/new environmental planning instruments should be given some assessment.

Accordingly, Council Officers have completed the assessment of the proposed development against the provisions of the SEPP (Affordable Rental Housing) 2009 in place at the date the application was lodged, and had regarded to the updated and changed provisions of the SEPP (Housing) 2021 under the draft Environmental Planning Instrument heading of this report.

The Clause 29 provisions which restrict Council from refusing an application for a boarding house for reasons related to the relevant Clause (where compliant) have been referenced in the table and assessed in the table below.

SEPP (ARH) 2009 Cl29 Standard	Proposed Development	Complies
Floor Space Ratio – 2:1	The proposed development would not exceed the maximum FSR of 2:1.	Yes
Building height – 13m	The height of the proposed development would not exceed 13m.	Yes
Landscaping to be compatible	Compliance with this provision could be	Yes

with the streetscape	reasonably managed via a standard condition of consent requiring submission and implementation of a detailed landscape plan.	
Solar Access 3 hours of direct sunlight to living rooms in mid-winter	A solar diagram has been provided in relation to the proposed development. Council Officers do not have concerns with the availability of direct sunlight to living rooms.	Yes
Private Open Space – 20m ² plus 8m ² for the boarding house manager	A private open space area of 57m ² would be provided in accordance with this requirement along with an 8.5m ² private open space for the boarding house manager.	Yes
Parking – at a rate of 0.5 spaces per boarding room. Plus 1 space for the Manager's room	A total of twelve (12) off-street parking spaces are required for this development. The thirteen parking spaces proposed would be in accordance with the SEPP's requirements that prevent the application from being refused for reasons related to the provision of parking.	Yes
Accommodation Size ➤ 12m ² – room intended to be used by a single lodger ➤ 16m ² in any other case	Each bedroom would have an area greater than 12m ² .	Yes

Clause 30 of the SEPP specifies that a consent authority must not consent to a boarding house development which these controls apply to unless it is satisfied that these controls would be met.

SEPP (ARH) 2009 CI30 Standard	Proposed development	Complies
Boarding house of 5 or more rooms to have communal living areas.	The development includes a communal living area	Yes
No boarding room will have a Gross Floor area (excluding bathrooms and kitchens) of more than 25m ² .	The areas of boarding rooms would range between 12.3m ² and 24m ²	Yes
No boarding room would be occupied by more than 2 adult lodgers.	Boarding rooms are proposed to single adult lodgers.	Yes
Adequate bathroom and kitchen facilities will be available at the boarding house for use by each lodger	Each boarding room would be provided with kitchen and bathroom facilities	Yes
If a boarding house has a capacity for more than 20 lodgers a boarding room or on-site dwelling is to be provided for a boarding house manager.	An on-site manager room has been proposed as part of this development	Yes
If the boarding house is located on land zoned primarily for	The restriction of the use of the part of the boarding house adjoining the streetscape for	NA

commercial purposes no part of the boarding house adjoining the streetscape is to be used for residential purposes, unless an environmental instrument permits such a use.	residential purposes does not apply as a 'boarding house' is permitted on the land under another instrument MLEP 2009.	
At least one parking space will be provided for a motor cycle and one parking space for a bicycle for every 5 borders	Parking spaces for 5 bicycles and a motor cycle are proposed for the development.	Yes

Summary comment

The proposed development complies with the provisions of the SEPP (Affordable Rental Housing) 2009.

The proposed developments consistency with the minimum development standards including off-streetcar parking requirements prevent Council from refusing the proposed development for reasons related to the developments non-compliance for the matters referenced under Clause 29 of the SEPP including off-street parking.

d) State Environmental Planning Policy (Housing) 2021

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* was repealed during the assessment of the application and was replaced by the *State Environmental Planning Policy (Housing) 2021*. This new SEPP consolidated the requirements of various housing related Policies into one Policy and made minor amendments to the same. As this SEPP was not in force at the time that the development application was lodged the SEPP has been considered as a Draft Environmental Planning Instrument.

The most notable change to the SEPP provisions that relate to the assessment of this application have been considered and commented on below:

Clause	Provisions	Planning Consideration
CI 26	requires a consent authority to be satisfied that the boarding house will be used for affordable rental housing prior to its occupation	Council has raised this new requirement with the applicant who has advised that it is their intention to use the premises for affordable housing and would have no objection to a condition requiring its use for affordable housing to be demonstrated prior to an OC in line with the draft SEPP requirements.
CI 24(2)(g)	Prevents Council from refusing the application for reasons related to the provision of communal living areas where communal living areas are provided at a rate of 30m ² for the initial 6 boarding rooms with an additional 2m ² for every additional boarding room	Per the standard Council would not be able to object to the communal living space for the development where a total of 54m ² is provided. The applicant has proposed 51m ² of communal living areas. Given the instrument is viewed as a draft standard in relation to this development, a non-compliance with the standard does not require Council to refuse the application and the proposed communal living area does

		not vary significantly from the amount required by this standard Council.
Cl 24(2)(h)	Requires a communal open space at least 20% of the total site area	The proposed communal open space of 57m ² does not comply with this requirement. This notwithstanding that open space would comply with the minimum private open space requirement of the SEPP ARH 2009 of 20m ² . Under the provision of this SEPP in force at the time the application was lodged Council is not able to refuse the proposed development for a non-compliance related to private open space where it complies with this minimum requirement.

Summary comment:

A recommended condition of consent has been put forward to ensure that the site operator demonstrates that the premises will provide affordable housing in accordance with this instrument at the time an occupation Certificate is applied for. While the rates of communal living and open space provided do not meet the requirements of Clause 24(2)(g) and (h) this is not considered a reason for refusal.

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

There is not draft EPI applying to the site

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

Section 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the MDCP 2009.

Section 9 – Local Centre Development

This Section of the DCP relates to development applications within the B2 Local Centre land use zone.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
9.1.1 Built Form (i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area) (ii) Building design should relate to its retail/commercial/office function. (iii) Building materials should be of high quality and	Yes 9.1.1(ix) – complies with DCP objective	<ul style="list-style-type: none"> ➤ The proposed development would be compatible with the character of the streetscape. The contemporary design of the proposed development would be compatible with the design and appearance with other modern buildings in the vicinity of the development site including the Remington building opposite the site on the New England Highway. ➤ While the proposed development is not a commercial use it remains permissible in the B2 Local Centre zone under the MLEP 2009 provisions. ➤ The premises would not provide an active

<p>harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.</p> <p>(iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres</p> <p>(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</p> <p>(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.</p> <p>(ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>(x) Building entrances should be well defined and well lit.</p> <p>(xi) New residential development shall be located above street level.</p> <p>(xii) Incorporate areas for future signage into the building design.</p>		<p>street frontage, but would increase activity in the area and it incorporates architectural design elements which address the streetscape.</p> <p>➤ The streetscape orientated windows would provide for passive surveillance of the street.</p> <p>While the proposal clearly complies with the majority of controls, the proposal conflicts with control 9.1.1(x) '<i>new residential development shall be located above street level</i>'.</p> <p>In considering the issue of the developments relationship with this provision Council Officers have had regard to the related DCP objective (the EP&A Act 1979 requires a consent authority to be flexible in its application of DCP controls and have regard to DCP objectives when considering any non-compliance).</p> <p>The objectives which relate to this part of the DCP are:</p> <p>a) <i>To provide for the integration of new development into local centres.</i></p> <p>b) <i>To ensure the design of buildings complements and enhances existing local centres.</i></p> <p>c) <i>To maintain the heritage character/ value and streetscape of the business centre of Muswellbrook.</i></p> <p>From a design perspective the proposed development would make a positive contribution to the streetscape as a contemporary modern two storey building.</p> <p>Council Officers are of the view that the proposal remains consistent with the DCP objectives that relate to Section 9.1.1(ix) and thereby the proposal may be supported pursuant with the relevant EP&A Act 1979 provisions.</p> <p>Complies with DCP Objectives</p>
<p>9.1.2 Height of Buildings</p> <p>(i) Building heights comply with the building height limits prescribed by</p>	Yes	<p>The proposed development complies with the requirements of this section of the DCP. This view has been formed based on the observations below:</p>

<p>Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>		<ul style="list-style-type: none"> ➤ The height of the proposed development would not exceed the maximum building height for the land specified by the MLEP 2009. ➤ The site subject to this development application directly adjoins single storey residential buildings. The two-storey component of the boarding house is not out of character with development in the wider B2 Local Centre precinct which includes the adjoining two-storey Remington Motel and other two storey and sizeable commercial premises. <p>In relation to overshadowing, shadow diagrams have been provided in relation to the proposal which demonstrate the development will cause limited overshadowing at neighbouring properties. The development adjoins a drainage reserve and provides a buffer between the site and neighbouring properties that may otherwise be more significantly impacted by the proposed development.</p> <p>With regards to privacy, the proposal includes design measures to reduce the opportunity for passive overlooking of neighbouring properties from boarding rooms. These controls include a privacy screen along the first storey outdoor walkway area and ensuring that the southern facing windows on the first and second storey are located 1.8m above the internal finished floor level of the building to prevent passive outward surveillance of the immediately adjoining neighbour in that direction. First and second storey windows will be frosted and the applicant has submitted that this will be done to negate vision outside each room. No windows are proposed on the rear elevation.</p>
<p>9.1.3 Setbacks</p> <p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p> <p>(v) (Not included Relates to Rail Corridor Development)</p>	<p>Yes</p>	<p>The proposed development is considered to be in accordance with the development controls.</p> <p>The proposed building will respect existing building setbacks and would incorporate landscaping into this setback area.</p>

9.1.4 Accessibility	Yes	<p>The building must be constructed in accordance with the Building Code of Australia and Access to Premises Standard. It would be necessary for the person acting with this consent to provide detailed designs plans demonstrating that the development would comply with the relevant accessibility standards to the Principle Certifying Authority prior to the issue of a Construction Certificate and ensure that the accessibility standards had been met prior to an application for an Occupation Certificate.</p> <p>The proposed development has also been referred to Council's Building Surveyor who raised no concerns in relation to the design of the proposed development from an accessibility perspective based on the review of the proposed plans.</p>
9.2.1 Urban Landscaping (i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places. (ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area. (iii) Landscaping should be used to soften the impact of hard surfaces where necessary. (iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application	Yes	<p>The plans include an area for landscaping along the Maitland St frontage.</p> <p>A final landscape plan will be required demonstrating that proposed species are suitable native species or alternate species accessible to Council prior to the issue of a Construction Certificate.</p>
9.2.2 Car Parking	NA	<p>The ability for Council to object to the proposed development based on the rate of off-street car parking proposed is limited through the provisions of the SEPP (ARH) 2009.</p> <p>The relationship of the proposed development with the DCP car parking requirements is considered further under the sub-heading for Section 16 - Car Parking and Access.</p>
9.2.3 Outdoor Eating Areas	NA	<p>The proposed development does not involve any outdoor eating areas which would require assessment against the requirements of this Sub-section.</p>
9.2.4 Signage and Advertising	NA	<p>The proposed development does not involve outdoor signage requiring consideration under this</p>

		Section of the DCP.
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Section 13 – Floodplain Management

Council Officers are satisfied that the proposed development achieves relevant assessment requirements of this section of the DCP and that compliance can be administered through conditions of consent.

- A Flood Impact Assessment has been prepared in relation to the proposed development.
- The Flood Impact Assessment and its findings were referred to Council's Engineers who determined that the report was consistent with MDCP 2009 requirements.
- No concern has been raised with the potential for the development to increase the flooding of neighbouring properties.
- The proposed floor level of habitable rooms for the eastern part of the building would achieve the minimum finished floor level requirement of 146.20m AHD
- The proposed floor level of habitable rooms for the western part of the building would achieve the minimum finished floor level requirement of 146.08m AHD
- A standard condition of consent has been recommended to ensure building materials below the flood height are designed to be able to withstand flood forces.
- A condition of consent has been recommended in relation to the preparation of a 'Family Flood Plan' Emergency Plan in line with the Flood Impact Assessment recommendation.

Section 16 – Car Parking and Access

A total of thirteen off-street parking space (including two accessible and one manager space) would be provided for the development. This does not comply with the rate of off-street car parking which the DCP requires for boarding house developments.

Although the proposal does not comply with this Section of the DCP Council is prevented from refusing the proposed development for reasons related to the rate of off-street parking proposed where the development complies with the SEPP (ARH) 2009 off-street parking requirements. The proposed thirteen (13) parking spaces would comply.

Section 20 – Erosion and Sediment Control

The proposed development would have a large disturbance area. In accordance with the requirements of this Section of MDCP 2009, an Erosion and Sediment Control Plan is required for the development.

An Erosion and Sediment Control Plan has been included in the civil plans accompanying this development application. Where the application is approved it is recommended that a condition of consent be imposed to require building works to proceed in accordance with the plan requirements.

Section 24 – Waste Management

This section of MDCP 2009 requires development applications to be accompanied by a waste minimisation management plan in relation to the construction and operation of the proposed development.

The applicant has proposed a waste minimisation management plan be provided prior to the issue of a Construction Certificate. Council Officers are satisfied with this approach and that a suitable condition can be imposed to require the preparation of and carrying out of the proposed development in accordance with a suitable Waste Minimisation Management Plan.

Section 25 – Stormwater Management

A stormwater management plan has been submitted in relation to the proposed development. Council Officers are satisfied that the proposed development would be in accordance with this Section of the MDCP 2009.

4.4 Section 4.15(1)(a)(iiia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

4.5 Section 4.15(1)(a)(iv) the provisions of the regulations

The Environmental Planning and Assessment Regulation applies to the development.

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

Likely impacts of the proposed development have been considered throughout the assessment of the development application.

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

Context and Setting

While it is acknowledged that the immediately adjoining buildings are single storey residential buildings the two storey component of the proposed building is not considered to be out of character with the wider locality which includes two-storey buildings and bulky commercial premises. Accordingly, Council Officers are satisfied that the height bulk and scale of the proposed development would not be incompatible with the type of buildings within the wider B2 Local Centre precinct and development that could reasonable be expected for the site.

Traffic

The subject site is directly accessed via the New England Highway. A Traffic Impact Assessment has been submitted regarding anticipated vehicle movements and impact on the local road network.

Council engineers do not object to the findings of this traffic assessment and have raised no concern with internal manoeuvrability.

In view of the above Council officers are satisfied the proposed development can be supported from a traffic perspective.

Impact to Adjacent Properties

The impact of the proposed development on neighbouring properties has been considered at various stages of the development assessment and modified plans and information submitted at multiple stages through the assessment to mitigate the proposals impact on neighbouring properties or inform Council's assessment of these issues.

While Council Officers recognise the proposed development will change the setting for adjoining neighbours it is not considered to be such a significant impact that would warrant the refusal of the proposed development after taking into account the proposals compatibility with relevant development controls, mitigation measures put forward in updated designs to address potential impacts and opportunity for conditions to be imposed to further manage impacts. Council Officers have made the following observations when considering potential neighbour impacts with regards to the most current plans and information:

- The most impacted residence, in terms of privacy, is the property located north of the subject site. All outward facing windows on the first and second floor in the elevation adjoining this property would be installed at a height between 1.8m – 2.4m (ground floor) and 1.8m – 2.6m first floor, limiting the potential for boarders to passively view the rear yard and dwelling of this neighbouring property. Residents of the first floor would need to be standing at the window to view the backyard of the immediately adjoining property.
- No external facing windows have been proposed on the western common room elevation and thereby there will be limited overlooking of properties to the west on Francis Street.
- The proposal includes screening along the first-floor walkways to minimise passive overlooking from the of the adjoining property to the south
- The shadow diagrams submitted indicate that the proposed development would not cause significant overshadowing of neighbouring properties.
- A recommended condition of consent will require 1.8m colourbond fencing along all neighbouring property boundaries.
- A draft Plan of Management has been submitted for the boarding house. The on-site manager will be required to ensure the house rules are adhered to manage incidents and noise disturbances.
- A recommended condition of consent has been put forward to ensuring that all plant is installed in a manner to ensure plant does not cause excessive noise between 10:00pm and 6:00am.
- A recommended condition of consent has been put forward to require outdoor lighting installations to be installed in accordance with relevant Australian Standards and minimise light spill to adjoining properties.

Natural Hazards

A Flood Impact Assessment has been submitted in relation to the proposed development. The proposed development has been designed to managed flood related issues with the buildings finished floor level designed to be greater then 0.5m above the height of the 1% flood event and information provided to address relevant flood management considerations in accordance with section 13 of MDCP 2009 where required.

Social and Economic Impacts

The proposed development would provide boarding house accommodation in a close proximity to the CBD. The provision of additional affordable housing opportunities would have a positive social impact while the proposal would also have a modest positive economic impact through the provision of related jobs.

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

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

4.8 Section 4.15(1)(d) any submissions made

The application was notified via notification letters between 3 May 2021 and 17 May 2021. Five (5) submissions were received during the notification period.

The proposed development was renotified to these submitters between 16 September 2021 1 October 2021 following the submission of updated plans by the applicant. Five submissions were again received objecting to the proposed development.

These submissions have been considered through the assessment of this development

application and are summarised and commented on under the submitter concerns heading of this report.

The concerns raised in the submissions are summarised below:

Submitter Concern	Town Planning Response
The building would be out of character with the area and adjoining residential buildings	<p>Council Officers do not view the scale of the proposed development as unreasonable.</p> <p>In considering this issue Council Officers have observed that:</p> <ul style="list-style-type: none"> - The proposed development would not exceed the maximum building height for the land under MLEP 2009. - The land subject to this development application is zoned B2 Local Centre. The land use zone objectives and controls promote commercial and employment generating development which typically has a greater height bulk and scale than single storey residential dwellings. - Although the site does not immediately adjoin a two-storey building there are examples of two-storey and commercial buildings of a comparable scale within the B2 Local Centre near the development site. Council Officers consider that the proposed development would not be out of context with existing development in the wider Maitland St locality.
Removal of a large established street tree	This is unfortunate, replacement landscaping will be provided.
Lack of information about new landscaping proposed	The applicant has identified landscape areas at the front of the property. A recommended condition has been put forward to require the submission of a detailed landscape plan for Council approval prior to the issue of a Construction Certificate.
Concern related to the type of resident that may intended to occupy the boarding house rooms and their impact on privacy and security in the area	The proponent has advised Council that they intend for the boarding house to be occupied by low income earners eligible for this type of housing under the SEPP (ARH) 2009 and that a site Manager will support residents and enforce site rules.
Laundry location and lack of clothes drying facilities .	A common laundry and close drying facility have been included in the proposed development.
Adequacy of the driveway width for the number of boarders and vehicle movements .	The driveway width and vehicle manoeuvring spaces have been reviewed by Council Engineers who raised no objection to the ability for vehicles to enter and exit the development site.
Inadequate parking provisions. Recommended parking be provided at a rate of 1 space per boarder.	The rate of off-street car parking proposed complies with the minimum rate of parking prescribed under SEPP.
Impact on Council's ability to access and maintain adjacent stormwater channel/waterway.	A stormwater drain is located on the adjoining Lot 21 DP 18699. The site subject to this development application is not incumbered by the stormwater drain or impacted by an 88B Instrument permitting Council access to the stormwater drainage via the site. Accordingly, Council is not benefited by a legal opportunity to access the stormwater drain via the subject site.

Non compliances with Section 6 of Council's DCP	This section of the DCP specifies that it applies to residential development in the R1, R5 and RU5 zones only. The land subject to this development application is located in the B2 local Centre zone. Accordingly, this Section of the DCP does not apply to the development.
Potential for external lighting to impact neighbours	Council Officers have put forward a recommended condition of consent to ensure that all external lighting installations are installed in accordance with the relevant Australian Standard to minimise light spill and impact to adjoining neighbours.
Potential for air conditioner noise to impact neighbours	Council Officers have put forward a recommended condition of consent for plant to be installed in a manner that controls noise emissions and minimises impact on neighbouring properties.
Impact of the proposed development on privacy of neighbouring properties	<p>Council Officers are of the view that the overlooking impacts would be mitigated through controls and conditions and that the impacts do not warrant refusal of the application. When considering the issue it was noted that:</p> <ul style="list-style-type: none"> ➤ All outward facing windows on the first and second floor northern elevation would be installed at a height between 1.8m – 2.4m (ground floor) and 1.8m – 2.6m first floor, limiting the potential for boarders to passively view the rear yard and dwelling of this neighbouring property. Residents of the first floor would need to be standing at the window to view the backyard of the immediately adjoining property. ➤ No external facing windows have been proposed on the western common room elevation and thereby there will be limited overlooking of properties to the west on Francis Street ➤ The proposed plans include screening along the first-floor walkways to minimise passive overlooking from the of the adjoining property to the south
Potential overshadowing of neighbouring properties	Shadow diagrams have been submitted in relation to the proposed development. These diagrams indicate the proposal would cause minimal overshadowing to neighbouring properties.
Stormwater drainage during heavy rain	<p>A stormwater management plan has been prepared in relation to the proposed development.</p> <p>In their final referral comments Council Engineers advised that they were satisfied with this plan and the stormwater drainage proposed.</p>

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

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

- The proposed development is permissible with consent in the B2 local centre zone under the provisions of the Muswellbrook LEP 2009.

- The proposed development would be carried out in accordance with the relevant provisions of the Muswellbrook LEP 2009 and other applicable environmental planning instruments
- SEPP (ARH) 2009 prevents the refusal of a development application for a boarding house for reasons related to floor space ratios, building height, landscaping, solar access, private open space, vehicle parking and accommodation size where the development meets the SEPP ARH criteria for each of these matters. The proposed development complies with the SEPP ARH requirements for these matters.
- The proposed development was considered against the provisions of other relevant State Environmental Planning Policies (SEPP's) and the development is compliant.
- The proposed development is compatible with relevant DCP controls.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have a significant adverse environmental impact.
- The proposed development would provide additional affordable housing opportunities. Consequently, the proposal is viewed to have a positive social impact.

5 Development contributions under Section 7.11 of the Act

The Muswellbrook Section 94A Contributions Plan 2010 applies to land within the Muswellbrook Local Government Area.

The cost of works for the proposed development is \$645,000. A developer contribution of \$6,540 will apply to the proposed development should the Application be approved.

6 CONCLUSION AND RECOMMENDATION

The proposed development has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is considered that the proposed development is unlikely to result in any significant adverse environmental impacts, is located on a site suited to the proposed development and is in the public interest.

It is recommended that development consent be granted to the proposed development subject to the recommended conditions of consent.

Signed by:

Hamish McTaggart
Development Coordinator

Date: 8 May 2022

41 Maitland Street Muswellbrook, 2333 Lot 8 DP 18699

DEVELOPMENT APPLICATION BOARDING HOMES

DRAWING LIST

A000	Cover Sheet	29.03.22
A001	Site Analysis	29.03.22
A002	Site/Roof Plan	29.03.22
A101	Existing, Construction Management and Sediment Control Plan	29.03.22
A201	Proposed Ground Floor Plan	29.03.22
A202	Proposed First Floor Plan	29.03.22
A301	Elevations	29.03.22
A350	Sections & Internal Elevations	29.03.22
A401	Winter Shadow Diagram	29.03.22
A408	Summer Shadow Diagram	29.03.22
A503	Area Calculations	29.03.22
A602	Material Schedule	29.03.22



Issued for DA

Rev	Revision	By	Date	SCALE BAR:	NORTH:	DRAWINGS BY:	CLIENT:	PROJECT:	DATE:
A	Issued for DA	Z.Mohsen	31.08.21			DUPLEX BUILDING DESIGN	Nitin Gupta	Proposed Boarding House	29.03.22
B	Window amendments	Z.Mohsen	25.02.22			Offices at: Wollongong, Kiama & Ulladulla			SCALE: @ A3
C	Further amendments	Z.Mohsen	29.03.22			info@duplexbuildingdesign.com	ADDRESS:		PROJECT No: DRAWING No: ISSUE:
				THE BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSION. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.		www.duplexbuildingdesign.com	41 Maitland Street Muswellbrook	DRAWING: Cover Sheet	20138 A000 C
						Office: 1300 310 067			

GENERAL NOTES

ALL DOCUMENTATION REPRESENTS THE DETAIL TO DESIGN INTENT. BUILDER IS RESPONSIBLE FOR THE CONSTRUCTION OF THE WORKS.

ALL DIMENSIONS ARE TO BE CHECKED AND VERIFIED ON SITE BY THE BUILDER.

LOCATIONS OF WALLS, STRUCTURAL ELEMENTS AND SERVICES ARE TO BE CHECKED AND VERIFIED ON SITE BY THE BUILDER PRIOR TO COMMENCEMENT OF ANY WORK.

ALL REINFORCED CONCRETE SLABS, FOOTINGS, RETAINING WALLS, STRUCTURAL STEEL, STRUCTURAL TIMBER TRUSS FRAMES, ROOFING/CLADDING AND JOINTS ARE TO BE AS PER STRUCTURAL ENGINEER'S DETAILS AND SPECIFICATIONS REFER TO RELEVANT DOCUMENTATION.

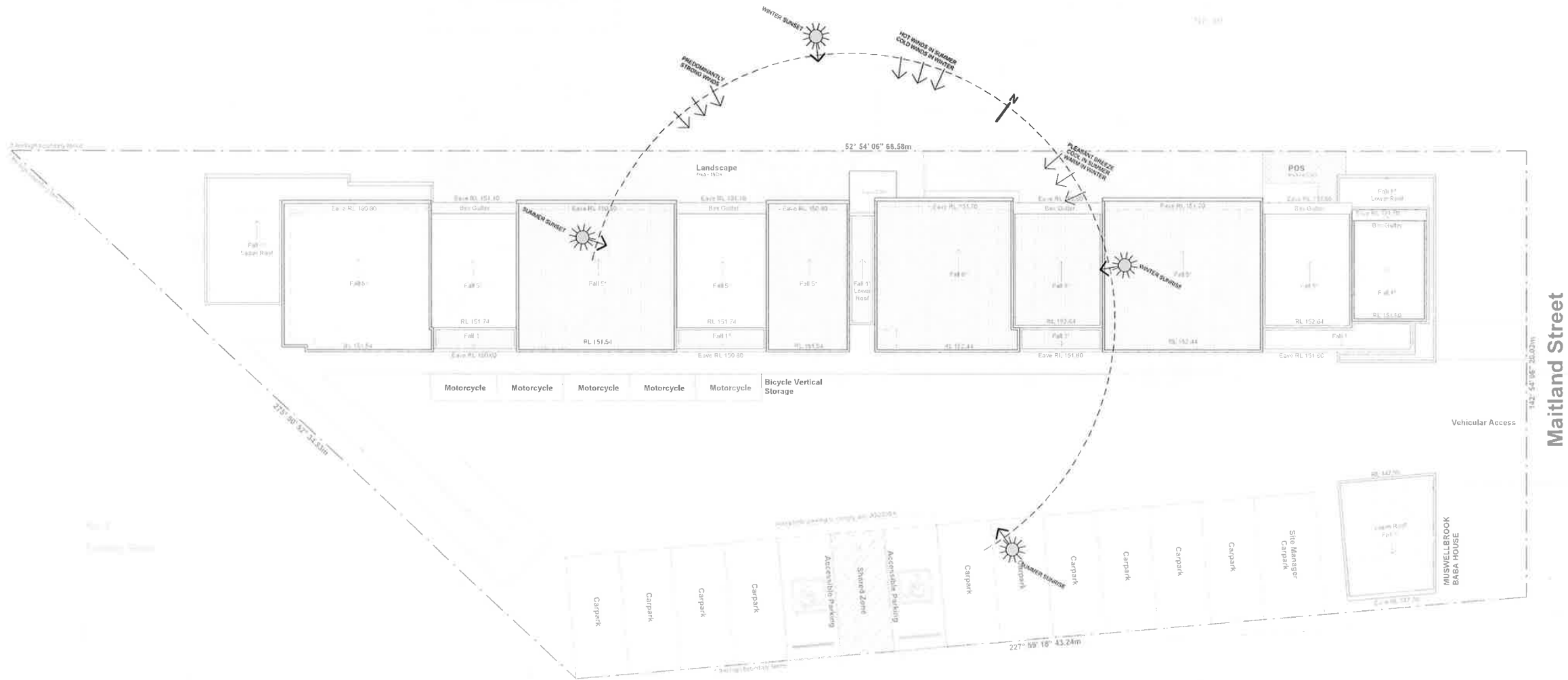
ALL EXISTING STRUCTURES AND FINISHES INTERFERED WITH BY PROPOSED NEW WORK TO BE REPAIRED AND/OR REPLACED AS NECESSARY BY THE BUILDER.

ALL WORKS TO BE CONSTRUCTED TO COMPLY WITH THE CURRENT SCA REQUIREMENTS AND PERFORMANCE CRITERIA.

ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF RELEVANT AUSTRALIAN STANDARDS UNLESS NOTED OTHERWISE.

ANY NEW OR ALTERED STORMWATER AND SEWER LINES TO BE CONNECTED TO EXISTING SEWER AND STORMWATER LINES RESPECTIVELY, UNLESS NOTED OTHERWISE.

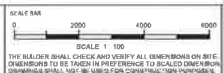
DO NOT SCALE OFF DRAWINGS. USE PROVIDED DIMENSIONS ONLY.



Maitland Street

Issued for DA

No.	Revised	By	Date
1	Design	Author	20/01/2021
2	Revised	Author	20/01/2021
3	Revised	Author	20/01/2021

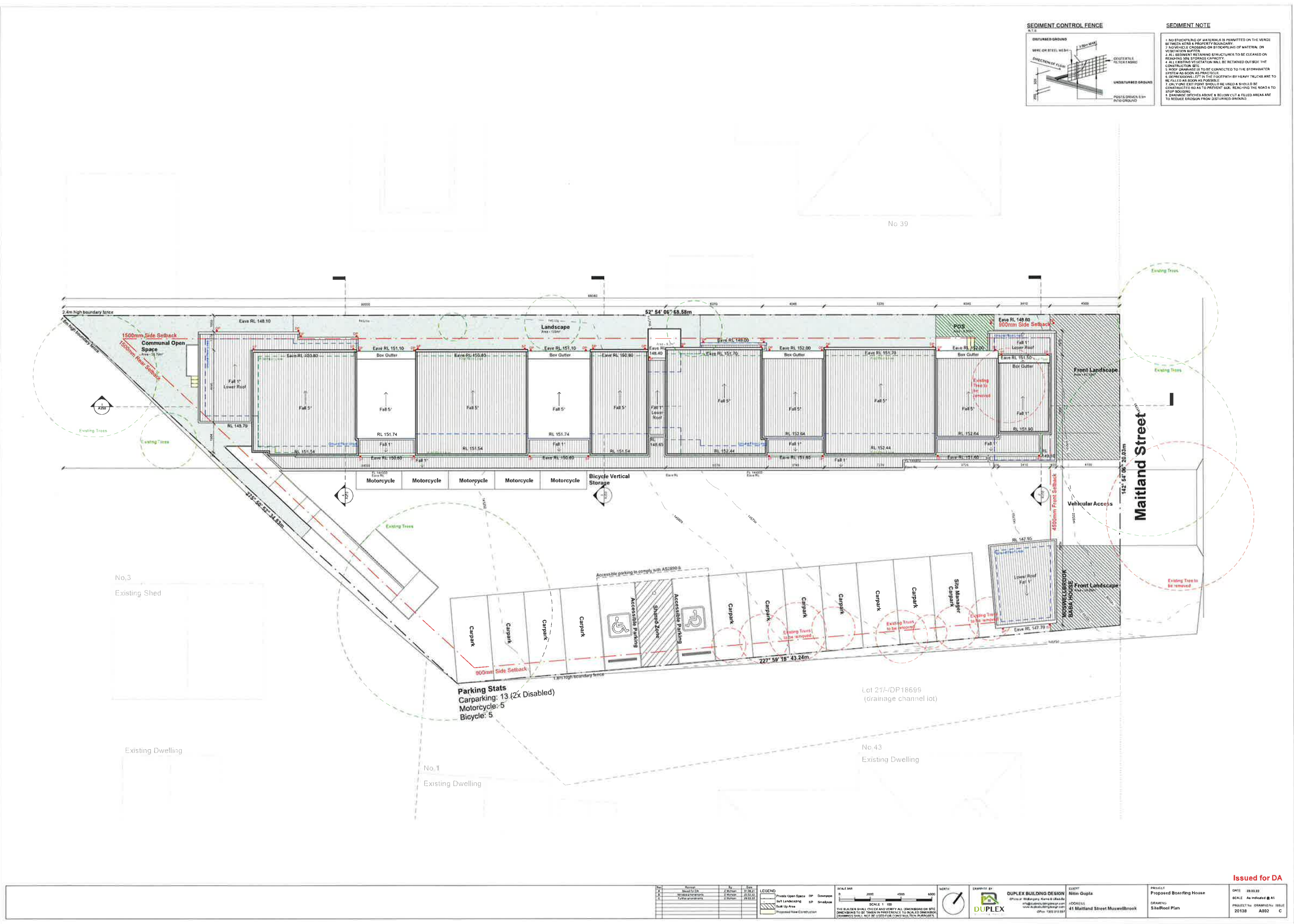


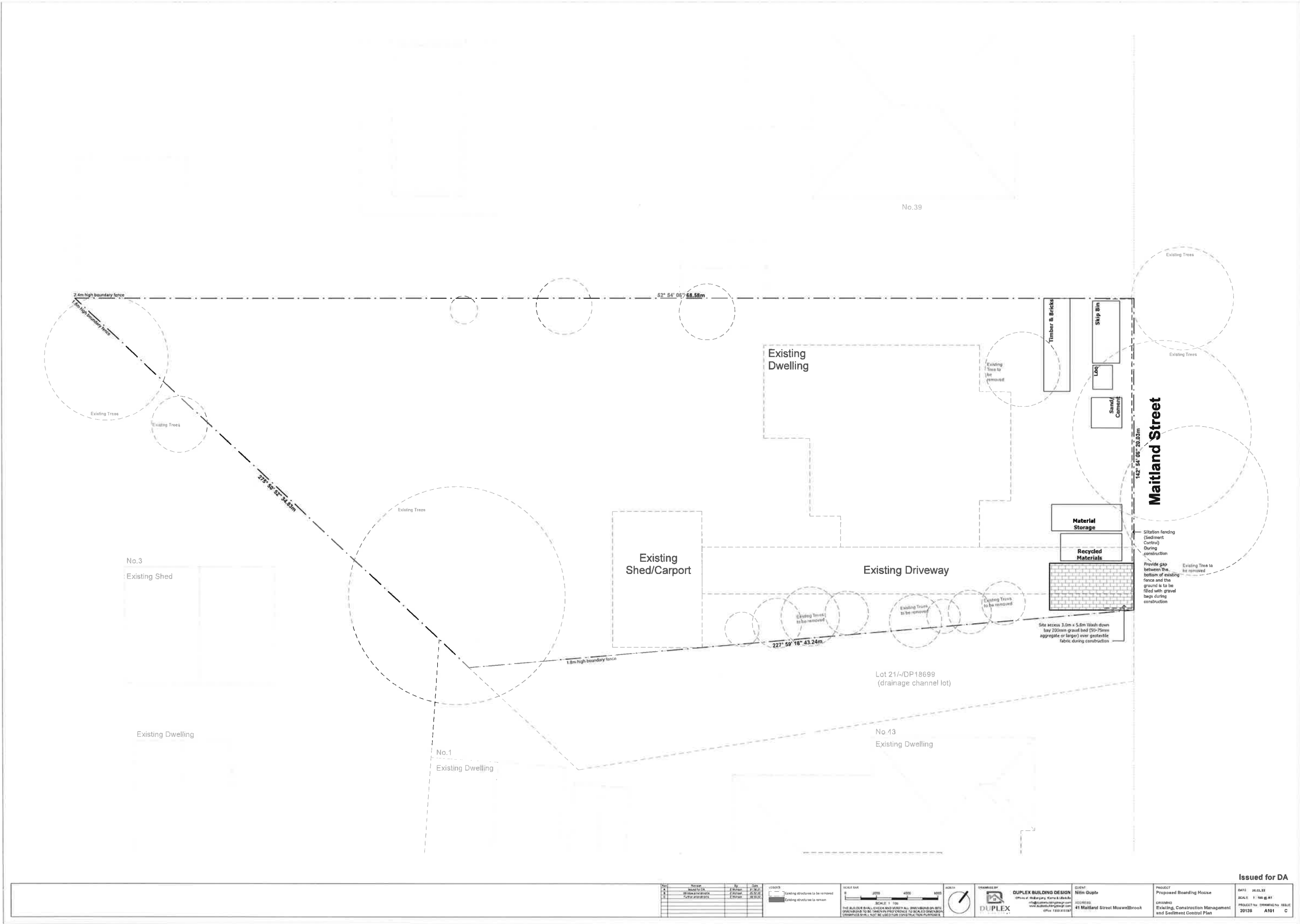
DESIGNED BY
DUPLEX BUILDING DESIGN
Office: 41 Maitland Street, Muswellbrook
Phone: 02 9333 3333
www.duplexbuildingdesign.com.au

CLIENT
Nitin Gupta
ADDRESS
41 Maitland Street Muswellbrook

PROJECT
Proposed Boarding House
DRAWING
Site Analysis

DATE
18/01/2021
SCALE
As indicated @ A1
PROJECT No. (Drawing No.)
20139 A001 C





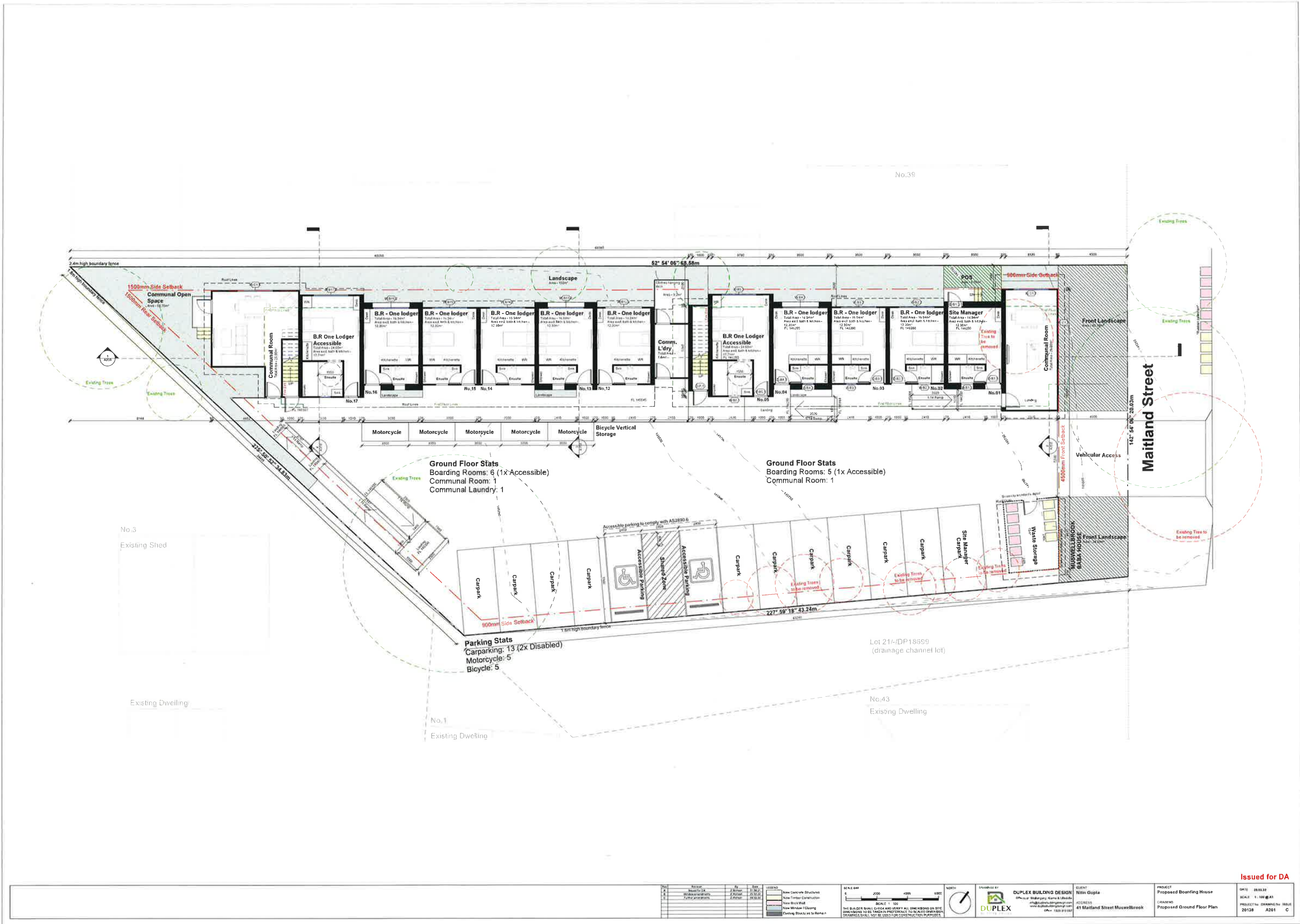
Issued for DA

NO	REVISION	BY	DATE
1	Issue for DA	J. Gault	17/05/21
2	Revised dimensions	J. Gault	15/07/21
3	Final dimensions	J. Gault	18/08/21

LEGEND	SCALE BAR	DATE	PROJECT	SCALE	PROJECT NO.	DRAWING NO.
Existing structures to be removed	0 2000 4000 6000	17/05/21	Proposed Boarding House	1:100	2013B	A101
Existing structures to remain						

DESIGNED BY	DUPLEX BUILDING DESIGN	CLIENT	Nitin Gupta
OFFICE ADDRESS	41 Maitland Street, Newcastle NSW 2305	ADDRESS	41 Maitland Street, Newcastle NSW 2305
PHONE	08 1588 1588		

PROJECT	Proposed Boarding House	DATE	17/05/21
DRAWING	Existing, Construction Management and Sediment Control Plan	SCALE	1:100
PROJECT NO.	2013B	DRAWING NO.	A101



Issued for DA

Rev	Reason	By	Date
1	Issue for DA	J. Gupta	10/10/2021
2	Revised setbacks	J. Gupta	23/10/2021
3	Final amendments	J. Gupta	24/10/2021

Legend	
New Concrete Structures	
New Timber Construction	
New Brick Wall	
New Window / Glazing	
Existing Structures to Remain	

SCALE BAR	0 2000 4000 6000
SCALE 1 : 100	
THE BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE DIMENSIONS. DIMENSIONS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.	

Drawn by	DUPLEX BUILDING DESIGN
Office of	Indraguna, Nalin & Shadi
Project	41 Maitland Street Muswellbrook
Client	Nalin Gupta
Address	41 Maitland Street Muswellbrook

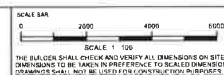
PROJECT	Proposed Boarding House
DATE	28.09.21
SCALE	1:100 @ A1
CRAWING	Proposed Ground Floor Plan
PROJECT NO.	20138
DRAWING NO.	A201
ISSUE	C



DATE: 28.03.22
SCALE: 1:100 @ A1
PROJECT No: DRAWING No: ISSUE
20130 A202 C



Date	Description	Bg	Total
A	Washed for 2A	2 Meters	05.08.02
B	Washed groundwater	2 Meters	05.09.02
C	2 yellow plastic drums	2 Meters	26.03.02



DRAWINGS BY

 DUPLEX
BUILDING DESIGN

Office: 47 Wadsworth, Kalamazoo, MI 49001
info@duplexbuildingdesign.com
www.duplexbuildingdesign.com
Phone: 269.312.6467

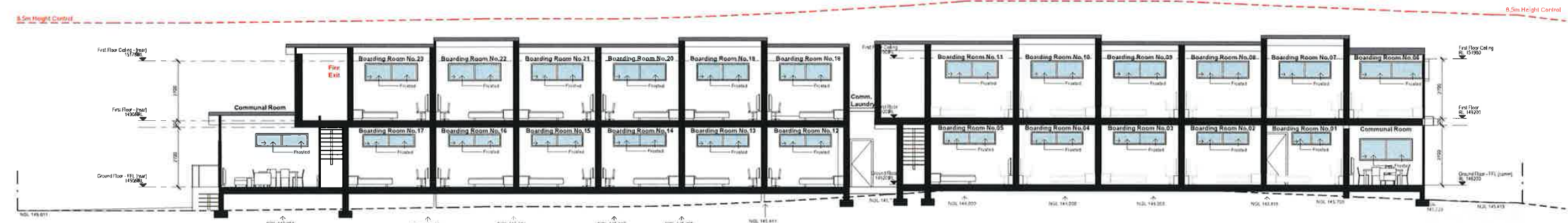
CLIENT
Nitin Gupta

ADDRESS
41 Maitland Street Muswellbrook

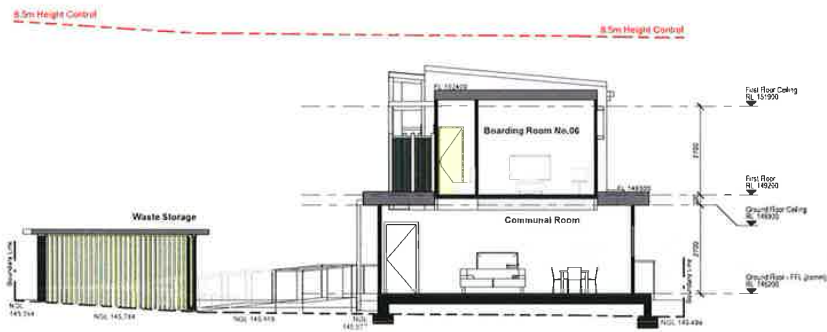
PROJECT
Proposed Boarding House

DRAWING
Elevations

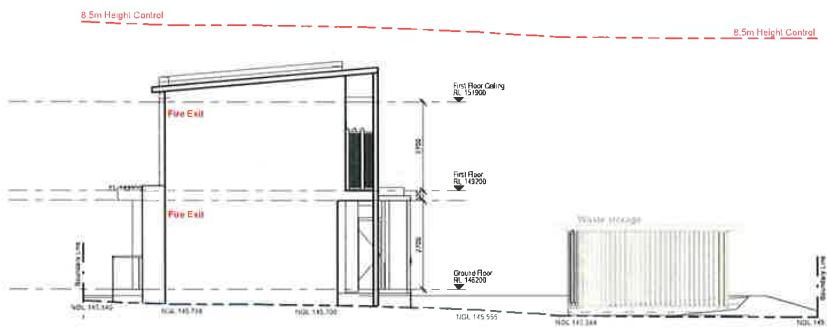
DATE 28.03.22
SCALE 1:120 @ A1
PROJECT No. CHAWWON No. 1050
2013B A301 C



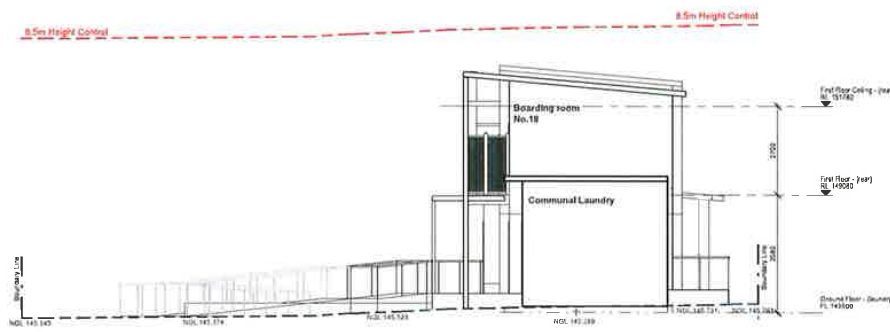
Section 1
SCALE: 1:100 @ A3



Section 2
SCALE: 1:100 @ A3



Internal Elevation 1
SCALE: 1:100 @ A3



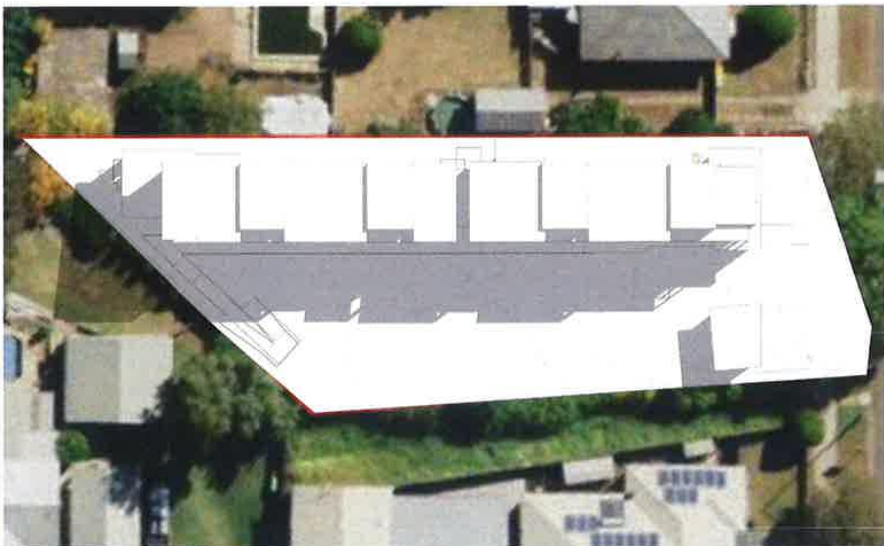
Internal Elevation 2
SCALE: 1:100 @ A3

Issued for DA

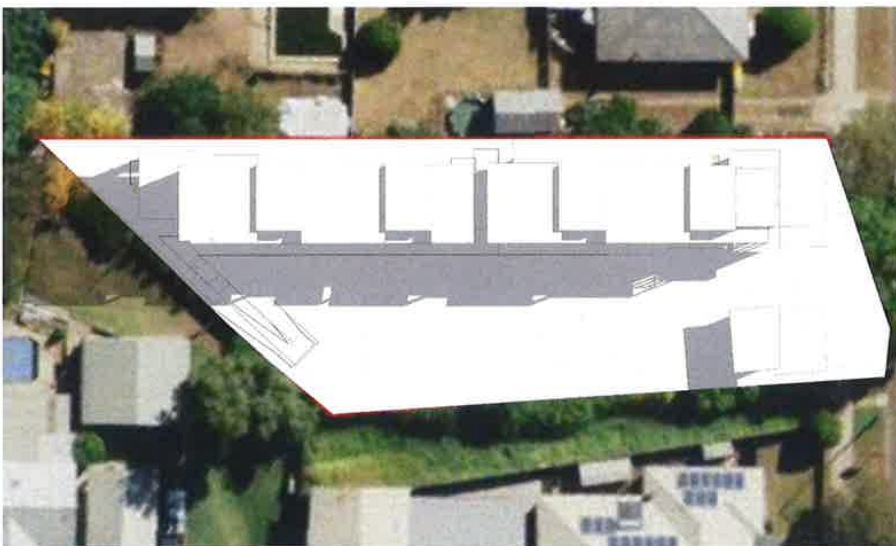
NO.	REVISION	BY	DATE
1	Initial Design	J. Smith	15/10/21
2	Revised Design	J. Smith	16/10/21
3	Final Design	J. Smith	17/10/21

LEGEND	SCALE BAR	GRAPHIC SCALE
New Concrete Structure	0 2000 4000 6000	1:100
New Window Installation		
New Brick Wall		
New Window Glazing		
Existing Structure to Remain		

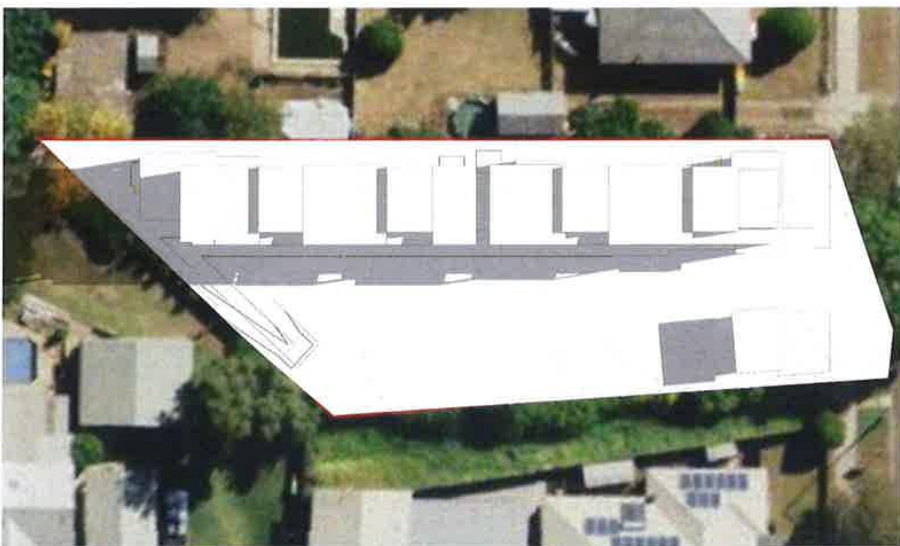
DRAWN BY	DUPLEX BUILDING DESIGN	CLIENT	Nitin Gupta
PROJECT	Proposed Boarding House	ADDRESS	41 Maitland Street Muswellbrook
DRAWING	Sections & Internal Elevations	DATE	24/10/21
		SCALE	1:100 @ A3
		PROJECT NO.	20138
		REVISION	A350
			C



Item 10.1 - Attachment B



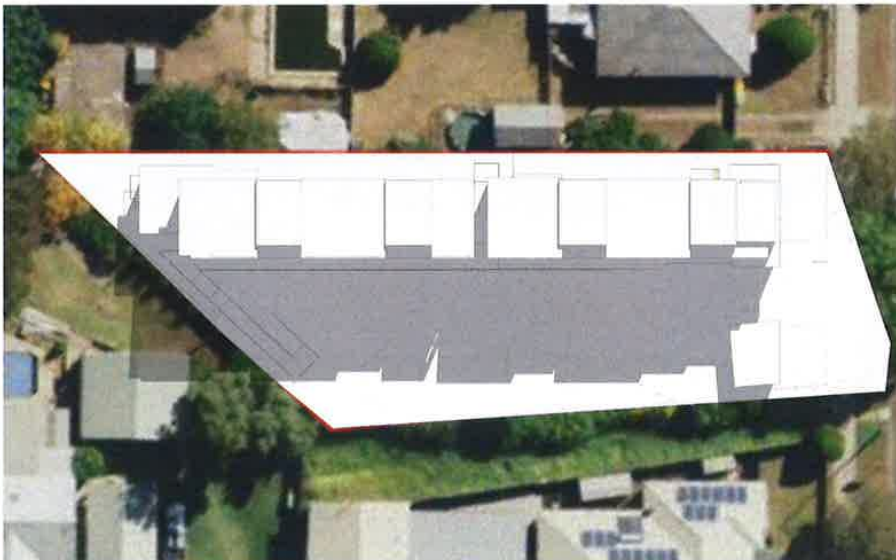
Item 10.1 - Attachment B



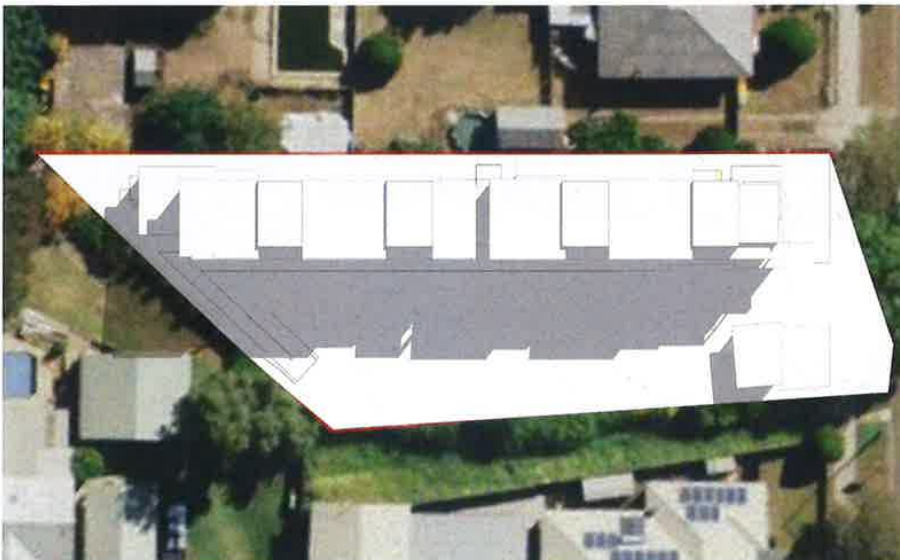
Item 10.1 - Attachment B



Item 10.1 - Attachment B



Item 10.1 - Attachment B



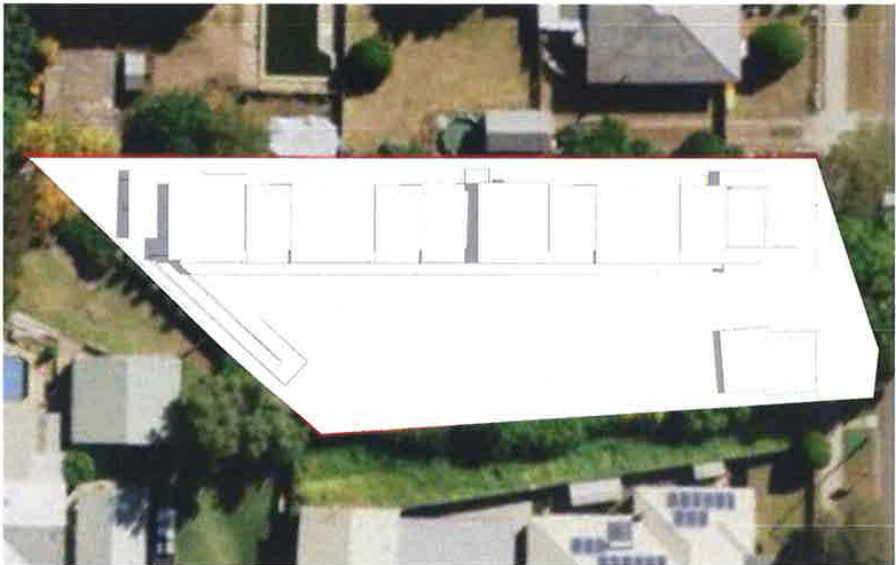
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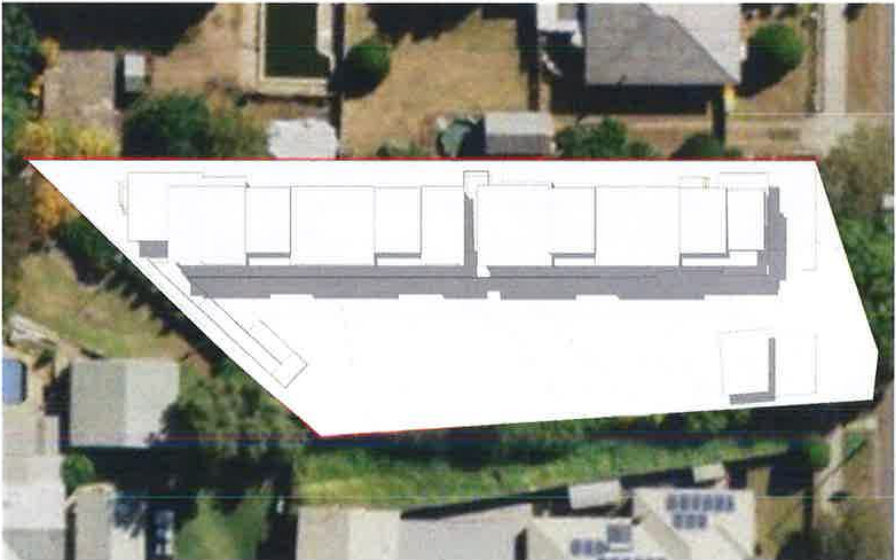
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Issued for DA

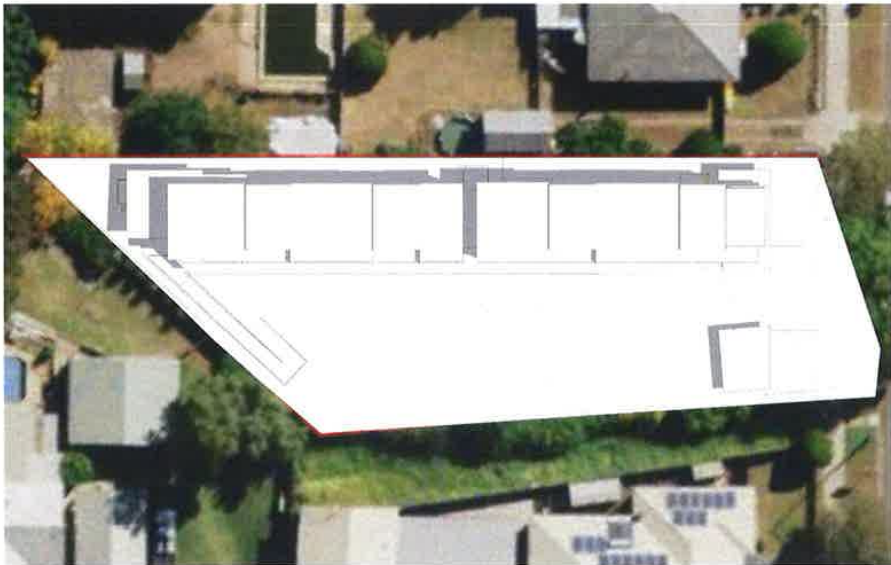
Project Name	Proposed Building	Project Number	DA 2021/32
Client	Mr. & Mrs. Smith	Scale	1:500
Designer	Mr. John Doe	Date	10/10/2021
Checker	Ms. Jane Smith	Sheet	1 of 1
Project Address	41 Watford Street, Warrington	Project Status	Issued for DA



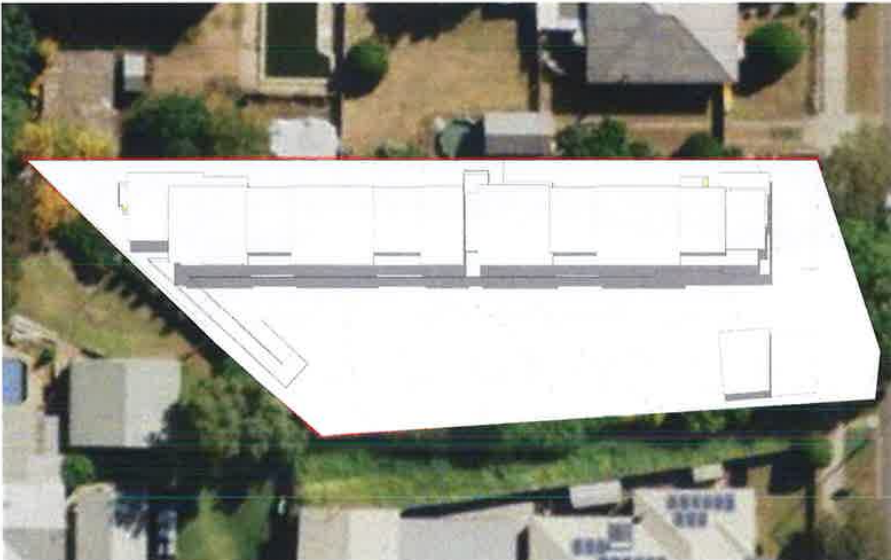
Item Summer Solstice Shadow Diagram



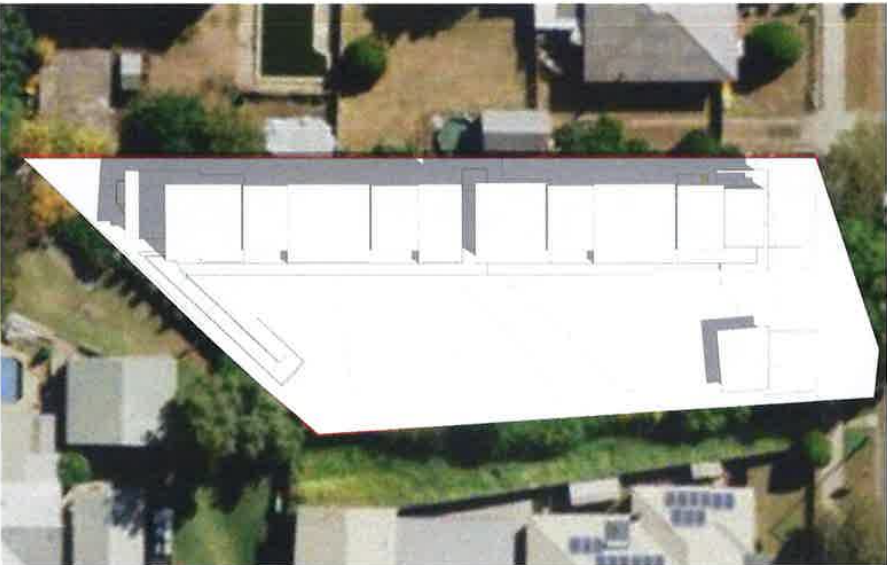
Item Summer Solstice Shadow Diagram



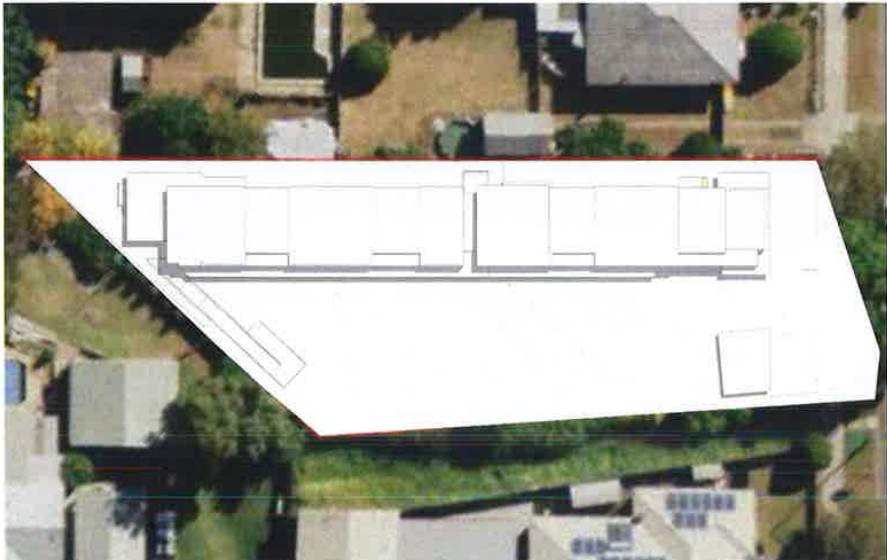
Item Summer Solstice Shadow Diagram



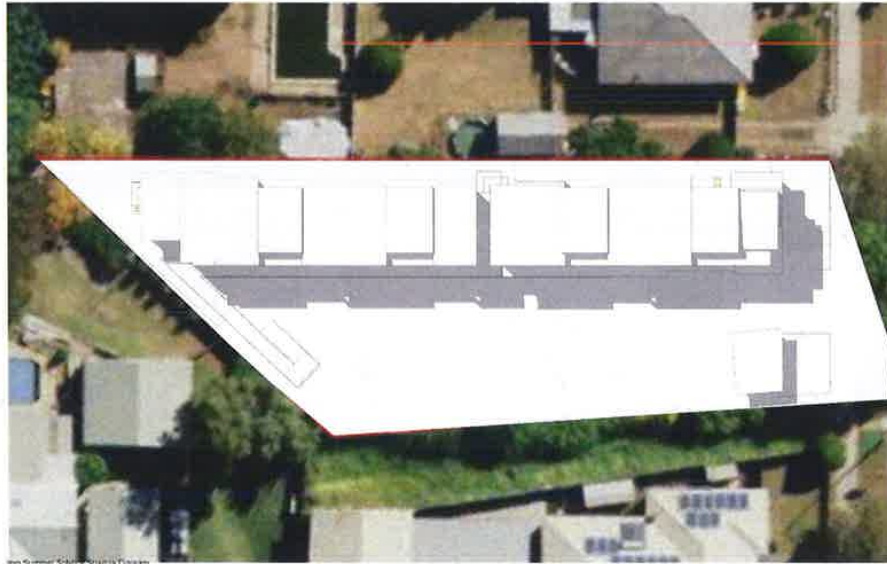
Item Summer Solstice Shadow Diagram



Item Summer Solstice Shadow Diagram



Item Summer Solstice Shadow Diagram



Item Summer Solstice Shadow Diagram

Issued for DA

DUPLX BUILDING DESIGN		41 Rufford Street, Mount Waverley	Proposed Boarding House	2021/32
DUPLX		41 Rufford Street, Mount Waverley	Summer Solstice Diagram	2021/32



Maitland Street

Maitland Street



Area Calculation Plan - Ground Floor

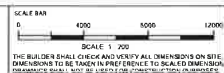


Area Calculation Plan - First Floor

SITE SUMMARY		
Maitland Street, Maitland		
GROSS FLOOR AREA	EXISTING	PROPOSED
GROUND FLOOR	6m ²	25.13m ²
FIRST FLOOR	N/A	25.34m ²
TOTAL	6m ²	50.47m ²
FLOOR SPACE RATIO CONTROL	0.1:1	0.1:1
EXISTING FSR	0.07	0.07
PROPOSED FSR	0.07	0.07
SITE COVERAGE CONTROL	0.1:1	0.1:1
EXISTING	0.07	0.07
PROPOSED	0.07	0.07
SOFT LANDSCAPING CONTROL	0.1:1	0.1:1
EXISTING	0.07	0.07
PROPOSED	0.07	0.07
COMMUNAL AREA CONTROL	0.1:1	0.1:1
EXISTING	0.07	0.07
PROPOSED	0.07	0.07

Item	Revised	By	Date
1	Revised	J. Gupta	21/01/21
2	Revised	J. Gupta	21/01/21
3	Revised	J. Gupta	21/01/21


Legend	Ground Floor Area
First Floor Area	
Front Landscaped Area	



CLIENT	Nitin Gupta
PROJECT	Proposed Boarding House
ADDRESS	41 Maitland Street Muswellbrook

DATE	28/01/21
SCALE	1:200
PROJECT NO.	20138
DRAWING NO.	A503
ISSUE	C

Issued for DA

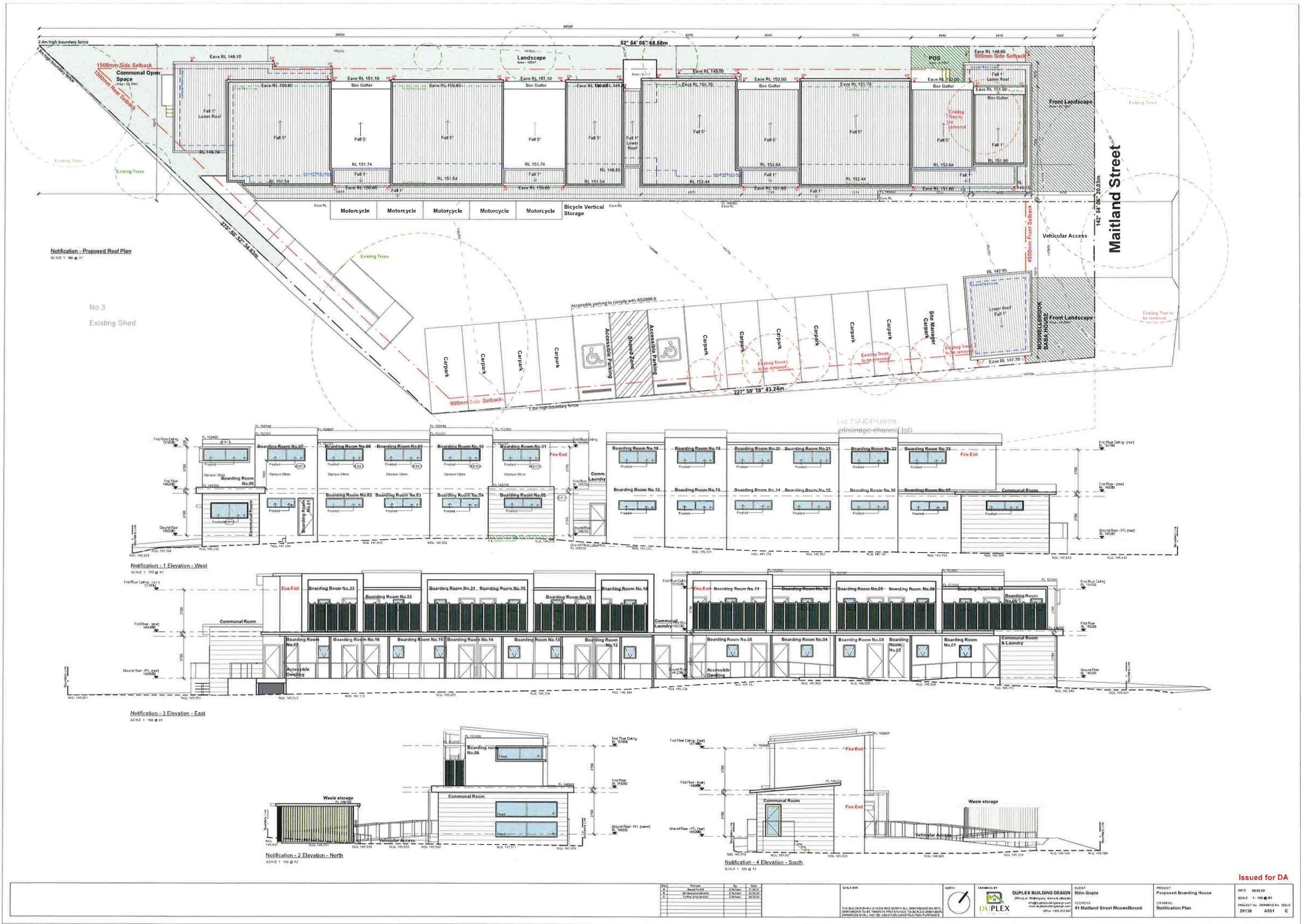
ITEM	PRODUCT NAME	MANUFACTURER	SAMPLE	NOTES
Front Boundary Fence	No Fence proposed			
External Wall Finishes	Cladding	By BGC Innova™		200mm wide
	Render Similar to Raku GR11	By Dulux®		Architectural Render
	Render Similar to Whitsunday	By Dulux®		Architectural Render
Garage Door	No proposed Garage			
Windows	Similar to Monument			Powder coated aluminium
Gutters Downpipes	Similar to Shale Grey™	COLORBOND® Steel		
Roofing	Similar to Monument	COLORBOND® Steel		
Side boundary fences	Similar to Windspray	COLORBOND® Steel		

Finishes Schedule

SCALE: 1 : 100 @ A3

Issued for DA

Rev	Revision	By	Date	SCALE BAR:	NORTH: 	DRAWINGS BY:  DUPLEX BUILDING DESIGN Offices at Wollongong, Kiama & Ulladulla info@duplexbuildingdesign.com www.duplexbuildingdesign.com Office: 1300 310 067	CLIENT: Nitin Gupta ADDRESS: 41 Maitland Street Muswellbrook	PROJECT: Proposed Boarding House DRAWING: Material Schedule	DATE: 29.03.22 SCALE: 1 : 100 @ A3 PROJECT No: DRAWING No: ISSUE: 20138 A602 C
A	Issued for DA	Z.Mohsen	31.08.21	THE BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSION. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.					
B	Window amendments	Z.Mohsen	25.02.22						
C	Further amendments	Z.Mohsen	29.03.22						



DA 2021/32 Recommended Conditions of Consent

IDENTIFICATION OF APPROVED PLANS

(1) Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn by.	Dated.
20138 A000	C	Cover Sheet	Duplex Building Design	29/03/2022
20138 A001	C	Site Analysis	Duplex Building Design	29/03/2022
20138 A002	C	Site/Roof Plan	Duplex Building Design	29/03/2022
20138 A101	C	Existing Construction Management and Sediment Control Plan	Duplex Building Design	29/03/2022
20138 A201	C	Proposed Ground Floor Plan	Duplex Building Design	29/03/2022
20138 A202	C	Proposed First Floor Plan	Duplex Building Design	29/03/2022
20138 A301	C	Elevations	Duplex Building Design	29/03/2022
20138 A350	C	Sections & Internal Elevations	Duplex Building Design	29/03/2022
20138 A401	C	Winter Shadow Diagram	Duplex Building Design	29/03/2022
20138 A408	C	Summer Shadow Diagram	Duplex Building Design	29/03/2022
20138 A503	C	Area Calculations	Duplex Building Design	29/03/2022
20138 A602	C	Material Schedule	Duplex Building Design	29/03/2022

20138 A901	C	Notification Plan	Duplex Building Design	29/03/2022
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Document Title.	Version No.	Prepared By.	Dated.
Statement of Environmental Effects	V2 (Submitted 7 September 2021)	Casson Planning and Development Services	29 May 2021
Traffic Impact Assessment	-	Traffic Control Management and Planning Pty Ltd	09/03/2021
Stormwater Management Report	-	AE Consulting Engineers	04/10/2021
Draft Plan of Management	-	Casson Development Services	August 2021
Flood Impact Assessment	-	AE Consulting Engineers	6/09/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

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

(2) **Building Code of Australia**

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

(3) **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.

(4) **Home Building Act**

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
 - (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;
 - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the person's name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: (1) The amounts referred to in point 1 may be subject to change as regulations are amended.

- (2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE CARRYING OUT OF ANY DEMOLITION WORKS
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(5) **Hazardous Material survey and Asbestos removal**

Prior to the carrying out of any demolition work relating to the development:

- (a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site

that are affected by the proposed building works. (e.g. lead in paints, ceiling dust, glass fiber insulation or asbestos based products).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the conditions of this consent.

- (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material;
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
 - (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out
- (c) where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- (d) the demolition must be undertaken in accordance with AS2601.
- (e) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information)
- (f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of *AS 4361.2-1998 : Guide to lead paint management - Residential and commercial buildings*. Particular attention must be given to the control of dust levels on the site.
- (g) Following completion of asbestos removal works a suitably qualified/licensed asbestos removalist, must undertake a clearance inspection and issue an asbestos clearance certificate.
- (h) Tipping receipts demonstrating that all asbestos has been disposed of to an appropriately licensed facility are to be provided to the Certifying Authority.

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

works have not been completed the time a Construction Certificate is applied for any outstanding documentary evidence is to be submitted to the Certifying Authority at the time the works are completed and prior to the issue of the Occupation Certificate.

Notes:

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

CONSTRUCTION CERTIFICATE REQUIREMENT

(6) Construction Certificate Requirement

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

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

(7) Construction Management Program

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

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the

- washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
 - j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
 - k) proposed protection for Council and adjoining properties;
 - l) the location and operation of any on site crane;
 - m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
 - n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

(8) Notice of Requirements – Water and Sewer Connection

Prior to the carrying out of any works associated with the provision of reticulated water and sewer to the development, a 'Notice of Requirements pursuant to the provisions of the Water Management Act 2000, is to be obtained from Council.

Any application for a Notice of Requirements will need to be accompanied by a design plan prepared by the applicant for assessment detailing how reticulated water and sewer connections are proposed to be provided to each lot in the subdivision.

Any Notice of Arrangement under the Water Management Act 2000 will require the proponent to pay Section 64 Headworks Contributions for the development. Councils Water Headworks are charged in accordance with Council's fees and charges and Servicing Plan. For reference an indicative calculation of section 64 headworks charges applicable to development have been included below.

The calculation of the number of equivalent tenancies (ET's) has been based on calculations provided by Council Water and Sewer Engineers and relates back to the anticipated water usage and sewer generation for the development. The final contribution and calculations of water and sewer usage requirements is to be in accordance with the Notice of Requirements issued by Council's Water and Waste Division. The contributions referenced in that document will supersede the charges referenced below which has been included to give you an indicative calculation of the development headwork charges. The indicative calculations provided below have been prepared based on information provided by Council Water and Waste Officers.

	Additional Loading (per bay)	Headworks Contribution Applicable (per ET)	Total Contribution calculated for development (per bay)
Water	7.59 ET	7,732.50	\$ 58,689.68
Sewer	11.5 ET	8,558.00	\$ 98,417

Total			\$ 157,106.68
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The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

Note : To inform the process of obtaining a 'Notice of Requirements' it is recommended that early contact is made with Council's Water & Waste Division on (02) 6549 3840. It is recommended that early contact in relation to the required water connections as the construction of water/sewer extensions can be time consuming and may impact on other services, building, driveway, or landscape design.

(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 \$6,450 shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying out the development.

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

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

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

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

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

(11) **Potential Flood Damage to Buildings**

Certification by a qualified practising Engineer is to be submitted to the Certifying Authority with the Construction Certificate, stating that the structure has been designed to withstand the flood pressures, including debris and buoyancy forces, imposed in the event of a 1% AEP flood and that the structure will not sustain unacceptable damage from the impact of floodwater and debris.

(12) **Construction of Habitable Areas**

The applicant shall ensure that the floor level of all habitable areas of the proposed building are at least 500mm above the 1% AEP flood level. Evidence to support the determination of the flood level shall be supplied by a suitably qualified professional.

Details submitted in association with the Construction Certificate application are to demonstrate compliance with this requirement. The details are to be approved by the Certifying Authority as satisfying this requirement prior to the issue of a Construction Certificate.

(13) **Landscape Design Plan**

Prior to the issue of any Construction an updated Landscape Plan is to be prepared and submitted to Council for approval in writing.

The landscape plan is to include native species wherever possible and is to be generally in accordance with the standard landscaping requirements of Council's Sustainability Section.

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

(14) Noise from Mechanical Plant Adjacent to Residential Premises

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

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

(15) Outdoor Lighting

All lighting is to be designed and positioned to minimise any adverse impact on neighbouring premises.

Prior to the issue of a Construction plans a lighting plan is to be provided to the Certifying Authority demonstrating compliance with the above, that the outdoor lighting installations will 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.

All lighting installations are to proceed in accordance with the approved lighting plan and the requirements of this consent.

(16) Sediment Control Plan

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

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;
- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;

- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

(17) Requirement for an Updated Plan of Management

Prior to the issue of a Construction Certificate updated Plans of Management are to be prepared in relation to the multi dwelling housing and boarding house and submitted to Council for Approval. Individual Plans of Management are to be prepared for both the Boarding House and Multi Dwelling Housing.

The Plans of Management must address the following to the satisfaction of Council:

- a) Update the period within which the Resident Manager is to be contactable. The on-site manager or a suitably qualified alternate person should be contactable by phone and available to attend any issues or urgent matters that arise and/or impact the quiet enjoyment of the premises on a 24/7 basis.

(18) Waste Minimisation Management Plan Requirement

A Waste Management Plan is to be submitted with the Construction Certificate. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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(19) Vehicle Entry

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

(20) Sediment and Erosion Control

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

(21) Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

(22) **Stabilised access**

Unless existing constructed site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

(23) **Site Facilities**

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work

site.

(24) **Damage to Public Infrastructure**

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(25) **Flood Height Certification**

The floor level of the proposed building shall be certified by a registered surveyor as being not less than 500mm above the 1% AEP flood level.

In accordance with the approved plans the floor level for the habitable rooms in the eastern part of the building shall therefore be certified as being not less than RL **146.20m Australian Height Datum (AHD)**. The floor level for the western part of the building shall therefore be certified as being no less than **145.71m AHD**.

The evidence shall be submitted to the Certifying Authority prior to construction works proceeding beyond floor level stage.

(26) **Construction Hours**

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

(27) **Dust Emission and Air Quality**

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

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

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

(29) **Prohibition on Use of Pavements**

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

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

(30) **Occupation**

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

(31) **Final Compliance Certificate for Water Supply and Sewerage Works**

The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

(32) **Stormwater infrastructure**

Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.

(33) **Connection to Sewer**

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

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

(34) **Construction of Parking Areas**

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

(35) **Landscaping**

Prior to the issue of an Occupation Certificate the person acting with this consent is to install landscaping within the site in accordance with the approved landscaping plan to the satisfaction of the Principal Certifying Authority.

The approved site landscaping is to be maintained at all times.

(36) **Boundary Fencing**

Prior to the issue of an Occupation Certificate the person acting with this consent is to install a colorbond fencing with a height of 1.8m along the boundaries with all neighbouring properties.

(37) **Redundant Vehicle Crossings**

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

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

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

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

- The bin storage is to be discreetly located at the site and screened through the construction of a gated fence/screen enclosure.
- All internal walls of this enclosure are to have a smooth service and the enclosure is to coved flood/wall intersection.
- The floor is to be graded toward the centre of the enclosure to prevent the escape of waste.
- A tap is to be located in a close proximity to the waste storage area.

(39) **Flood Response Plan**

A Flood Response Plan is to be prepared, by a qualified practising Engineer or other person qualified in preparing emergency response plans, for all buildings and facilities on the site to ensure that appropriate action during flood events to ensure the safety of all boarders. The Flood Response Plan is to be compatible with the recommendations of the Flood Impact Assessment and is to be submitted to Council for approval prior to the issue of an Occupation Certificate.

(40) **The provision of operator details to demonstrate the boarding house's use for affordable housing**

Pursuant to the provisions of Clause 26 of the State Environmental Planning Policy (Housing) 2021 documentary evidence is to be provided to the satisfaction of Council as the consent authority to demonstrate that the boarding house will be used in perpetuity for affordable housing as defined by the State Environmental Planning Policy and will be managed by a registered community housing provider.

Evidence demonstrating compliance with this requirement and Council's acceptance of the documentary evidence submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

(41) **Registration of Positive Covenant**

Prior to the issue of any Occupation Certificate a positive covenant is to be registered on the title of the land. The positive covenant shall restrict the operation of the boarding house generally in accordance with the following:

- a) prescribe that all residents accommodated within the boarding house must be eligible for affordable housing pursuant to the provisions of Clause 13 and 26 of the State Environmental Planning Policy (Housing) 2021 or any superseding environmental planning instrument.
- b) Prescribe that at all times the boarding house will be managed by a registered community housing provider as defined by the State Environmental Planning Policy (Housing) 2021, Community Housing Providers (Adoption of National Law) Act 2012 or any superseding legislation.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(42) **Stormwater Disposal**

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the requirements of any approval under Section 68 of the Local Government Act 1993 and the approved stormwater management plans.

All stormwater infrastructure is to be maintained at all times.

(43) **Accommodation Caretaker**

At all times a live in Manager/caretaker is to reside at the premises.

(44) **Smoking**

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

(45) **Lighting Installation**

At all times the outdoor lighting installed at the premises is to be maintained in a manner to minimise impact on adjoining land. Outdoor lighting is to be installed and maintained in accordance with the approved outdoor lighting plan and the provisions of Australian Standard AS 4282:1997 Control of the Obstructive Effects of Outdoor Lighting.

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.

(46) **Food health and safety requirement**

Prior to any food being provided to patrons either as part of the tenant agreement, or at charge, the business is to be registered with, and receive a satisfactory final inspection from, Council's Environmental Health Department.

The fit out of any commercial food preparation, storage, handling and serving areas are to comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards 4674.

(47) **Record keeping requirements**

An electronic register must be kept on the premises with details to be provided to Council and/or NSW Police upon request. The register must include (but is not limited to) sufficient information to enable the ascertainment of:

- a) The number of residents at the boarding house at any particular time including in each boarding room,
- b) The length of stay of each resident,
- c) The number of occupancy agreements entered into within a calendar year,
- d) Instances of non-compliance with the Plan of Management,
- e) A record of all complaints received by the boarding house manager, their investigation and resolution
- f) Copies of all and the number of lease agreements for the multi-dwelling housing,
- g) The length of time for each lease agreement entered into for the multi-dwelling housing,
- h) A signed statement from a person with sufficient knowledge of the leasing agreements for the multi-dwelling housing confirming that all leasing agreements are in accordance with the Residential Tenancies Act 2010 and that the buildings have not been leased out for short term occupation or in a way that would constitute 'hotel or motel accommodation or a 'serviced apartment' land uses which are prohibited on the site.

Additionally, a copy of all boarding house residency agreements and tenancy agreements for the multi-dwelling housing must be kept on the premises for a period of two years after their expiration.

(48) Boarding House – Use and Operation

The construction and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including (but not limited to):

- a) Local Government (General) Regulation 2005 under the Local Government Act 1993
- b) Public Health Act 2010
- c) Boarding Houses Act 2012
- d) Boarding Houses Regulation 2013

(49) Graffiti Removal

Where graffiti or vandalism is identified at the premises that damage is to be promptly rectified by the site manager or contractors working under their direction. In the event the graffiti has not or cannot be removed within 14 days in the circumstances shall be reported to Council and graffiti rectified within such longer period as the Council may reasonably authorise.

(50) Maximum Number of Boarding Rooms and Residents

The maximum number of occupants (including on site manager) of the boarding house shall not exceed 23 at any time.

(51) Plan of Management

At all times the boarding house is to be operated generally in accordance with the approved plan of management or any document that supersedes this document. Any revision to the Plan of Management is to be approved by Council in writing.

(52) Restriction to the operation of the boarding house for affordable housing

At all times the boarding house is to be used strictly for the provision of affordable housing pursuant to the requirement of Clause 26 of the State Environmental Planning Policy (Housing) 2021.

At any stage Council may request documentary evidence to demonstrate that the boarding house's operation is being carried out in accordance with this requirement.



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

29th March 2021

Dear Sir

**Proposed Staged Development
Demolition, Subdivision and Boarding Houses**

Lots 8 DP 18699

41 Maitland Street, Muswellbrook



Amended 3/9/21

*Demolition of Existing Structures and Construction of Boarding House -
Lot 8 DP 18699, 41 Maitland Muswellbrook*

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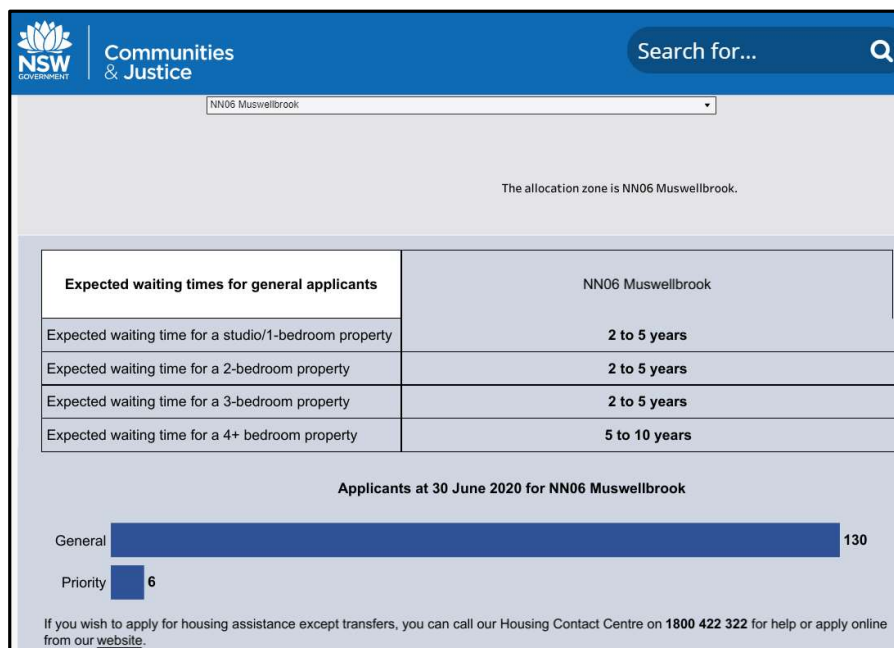
1. INTRODUCTION

This report has been prepared by Casson Planning & Development Services to support a development application to Council demolish an existing dwelling and shed on the subject land and subsequent erection of a boarding house, comprising two buildings

There has been a concerning lack of availability for social housing across Australia for a number of years. In 2019 a national figure of 116,000 homeless was quoted in an article in the Muswellbrook Chronicle (5/8/19). The article referred to comments from the Chairperson of Homeless Australia, Ms Jenny Smith who stated that the country at the time was facing a 'great challenge'. Ms Smith said

"we have a bottleneck and there isn't a solution other than delivering more homes that people in our lowest incomes can afford"

The objective of the development is to provide options or opportunities for those requiring social housing in the Muswellbrook locality. As shown below in an extract from NSW Communities and Justice website – there is a 2-5 year waiting list for suitable accommodation in Muswellbrook with 130 applicants up to 30 June 2020.



Muswellbrook has also at various times had significant shortages of rental properties in general. Reports in the Muswellbrook Chronicle at the end of 2019 indicated that there

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had been a significant acceleration of demand on rental properties during the previous 12 months and, at the time, there was only one property available (*Muswellbrook struggling to keep up with demand on rental properties – 02/10/19*). Additional accommodation as proposed will provide a positive impact for an area / locality that has a demonstrated shortage.

The development 1 will include

- Demolition of existing shed
- Construction of the two, two-storey buildings
 - Building one (rear)
 - 12 single rooms with ensuite and kitchenette, including one accessible and one designated for the manager
 - Communal laundry, and
 - Communal room,
 - Building two (front)
 - 11 single rooms with ensuite and kitchenette, including one accessible
 - Communal room
 - Provision of new access crossing, carparking and waste storage area



Figure 1 3d view of completed development

The land is within the B2 Local Centre zone and has other residential properties and / or commercial activities adjoining or in close proximity.

The subject land did have the benefit of a previous development approval for a two-storey motel (DA 114/2011) which lapsed in February 2017.

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Figure 2 View from Maitland St

2. DETAILS OF LAND

2.1 Title and Existing Uses

Description:	Lot 8 DP 18699, 41 Maitland St Muswellbrook
Area:	1249.8m ²
Owners:	Ba Ba Group Holding Pty Ltd
Parish:	Rowan
County:	Durham

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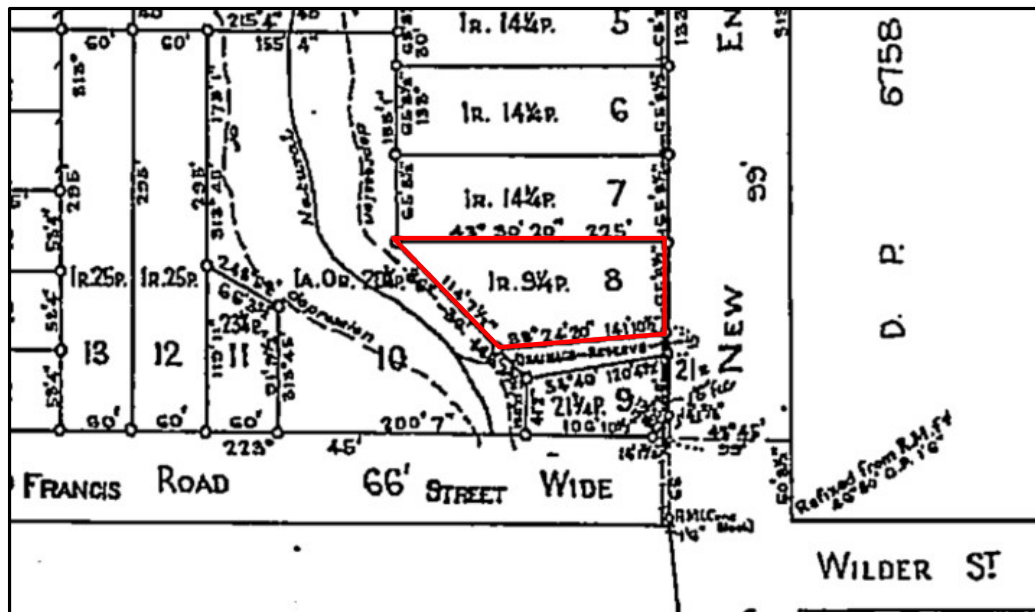


Figure 3 extract from DP 18699

The subject land has an area of 1249.8m²

2.2 Zoning and Planning Instruments

2.2.1 Muswellbrook Local Environmental Plan 2009 (MLEP) – The subject land is zoned B2 Local Centre as shown in figure 2 below

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Figure 4 Planning Portal Report (Source NSW Planning Portal)

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.

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- To maximise public transport patronage and encourage walking and cycling.
- To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.
- To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.
- To support business development by way of the provisions of parking and other civic facilities.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

The construction of boarding houses are permissible within the zone.

2.2.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 of the SEPP refers to Boarding Houses

Clause 26 – Land to which Division Applies

Confirms that the SEPP refers to land within B2 zone

Clause 27 – Development to which Division applies

Not applicable to this development

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Clause 28 – Development may be carried out with consent

Not applicable to this development

Clause 29 – Standards that cannot be used to refuse consent

(1) Density or Scale of development expressed as a floor space ratio not more than

- a. Existing maximum FSR of residential accommodation permitted
- b. Not applicable
- c. FSR for subject land is 2:1 as confirmed in figure 4. The development is well under the permissible FSR.

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds

- a. **Building height** - building not to be higher than maximum in MLEP
Comment maximum building heights in MLEP is 8.5m.
Maximum height is not exceeded (see plans) – Comment: *Proposal Satisfies Requirements*
- b. **Landscaped areas** - landscape treatment of front setback is considered to be compatible with streetscape – Comment Preliminary plans prepared - *Proposal Satisfies Requirements*
- c. **Solar access** – communal living room to have a window which receives min 3 hours direct sunlight between 9am and 3pm, mid winter – Comment: *Proposal Satisfies Requirements – see plans*
- d. **Private open space** –
 - i. Minimum 20m² with minimum dimension of 3m provided for use of lodgers –
 - ii. Minimum 8m² with minimum dimension of 2.5m provided for manager

Comment *Proposal Satisfies Requirements*

e. Parking

- i. Development in accessible area on behalf of social housing provider – at least 0.2 spaces for each boarding room – *Not applicable*

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- ii. Development not in an accessible area on behalf of social housing provider – at least 0.4 spaces for each boarding room – *the accommodation is proposed to be offered as social housing – on this basis, car parking requirements is exceeded – see below*

ii(a) Development not by or on behalf of social housing provider – at least 0.5 spaces for each boarding room – 23 rooms in total are proposed – 13 spaces including 2 disabled and Managers car park, provided – Proposal Satisfies this Requirement

- iii. One space for manager – *stage 2 will include a manager's room. A dedicated carparking space is provided*

Comment *Proposal Exceeds Requirements*

f. Accommodation size

- i. 12m² for boarding room intended for single lodger – *Proposal Satisfies Requirements*
- ii. 16m² in any other case – *Not applicable*

Comment refer to plans – alfresco area provided to each individual unit – *Proposal Satisfies Requirements*

- (3) Boarding house may have private kitchen or bathroom facilities in each boarding room but not required to have either

Comment All boarding rooms have private bathrooms and basic kitchenette – *Proposal Exceeds Requirements*

(4) A consent authority may consent to development which the Division applies whether or not the development complies with the standards set out in subclause (1) or (2)

Comment Council has the capacity to approve a development even if the standards are not satisfied.

Clause 30 – Standards for Boarding Houses

- (1) Consent authority must not consent to the development to which this Division applies unless it is satisfied of each of the following:
- a. If a boarding house has 5 or more boarding rooms – at least one communal living room will be provided – Comment *Proposal Satisfies Requirements*

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-
- b. No boarding rooms will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m². Comment *Proposal Satisfies Requirements*
 - c. No boarding room will be occupied by more than 2 adult lodgers. Comment *Single beds only provided in each room - Proposal Satisfies Requirements*
 - d. Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger - Comment *Each room has an ensuite and kitchenette - Proposal Satisfies Requirements*
 - e. If the boarding house capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager. Comment *The two buildings have 23 single bedroom units – as such, a dedicated manager's unit is provided. Proposal Satisfies Requirements*
 - f. Repealed
 - g. Applies to commercial zone – not applicable
 - h. At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms. Comment *- Refer to site plan - Proposal Satisfies Requirements*

Clause 30AA – Boarding Houses in Zone R2 Low Density Residential

Not applicable

Clause 30A – Character of local area

A consent authority must not consent to a development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Comment The subject land could be described as being within a residential section of the Muswellbrook township, however importantly, the subject land is zoned B2 – Local Centre facilitating a range of potential development types in the locality.

The development will retain the predominantly residential nature of the locality – providing low cost housing options. The buildings are well designed, two storey structures which will not be out of character with the locality – with motel developments on the opposite of the street, and other existing and proposed commercial activities within proximity.

The building design does not dominate the streetscape and is considered appropriate for the circumstances.

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2.2.3 Muswellbrook Development Control Plan

Section 9 Local Centre Development.

9.1.1 – Building Design

Objectives

- a) To provide for the integration of new development into local centres.
- b) To ensure the design of buildings complements and enhances existing local centres.
- c) To maintain the heritage character/ value and streetscape of the business centre of Muswellbrook.

Controls

- (i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area)

Comment The locality is generally a mix of residential and commercial development. Particularly on the opposite side of Maitland Rd which has the Remington Hotel established – a large two storey building which runs parallel with the road. The development either side of the subject land is single storey residential.

The development (as viewed from Maitland Rd) as indicated below. The single storey communal common room and waste storage area are setback 4.5m from the front boundary, while the two storey component is 7.9m from the front boundary.

It is suggested that the development achieves the objective of the DCP by *providing for the integration of new development into local centres.*



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The image below reflects the side view of the completed development; however the majority of the buildings will be effectively screened by the existing residence on the adjoining allotment (North West) – similar screening provided by the residence on the other side boundary (South East).



- (ii) Building design should relate to its retail / commercial / office function
Comment There is no retail / commercial / office function for this site. The proposed use is permissible in the zone and consistent with the objectives
- (iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.
Comment building materials are high quality and considered to be appropriate for the surroundings and the streetscape.
- (iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres
Comment Not applicable
- (v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.
Comment The development façade presents a modern building structure which does not dominate the locality. The waste storage area is of appropriate construction which is sympathetic with the main construction.
- (vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities
Comment There are no retail activities proposed. Not applicable to this development

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-
- (vii) Blank building facades to streets or public places are to be avoided
Comment The main building does not have a blank façade. The waste storage building has a textured cladding which is appropriate for the circumstance. An identification sign is proposed for both buildings as shown on the attached plans.
- (viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings
Comment The windows to the front elevation provide interest and variation, while not dominating or being out of character with the buildings residential dwellings either side.
- (ix) Building designs should allow for passive surveillance of public places and streets. Building entrances should be well defined and well lit
Comment The building design provides upper-level balconies which will allow appropriate passive surveillance through the privacy screens into the carparking area.
- (x) Building entrances should be well defined and well lit
Comment Entrances are to individual rooms and common rooms. They are well defined from the carparking area and will be sufficiently illuminated without causing nuisance to adjoining properties.
- (xi) New residential development shall be located above street level
Comment Clause applies to commercial style development. Proposed boarding houses are permissible in the zone and consistent with the objectives.
- (xii) Incorporate areas for future signage into the building design
Comment The only signage proposed is shown on the attached plans. The proponent has advised that the boarding house will be named "Muswellbrook BABA House". The main building and small waste storage building are proposed to have the identification signage – noting that the existing street tree will obscure the sign on the main building to a certain degree.
- (xiii) Shop top housing and serviced apartment development complies with relevant provisions *within the Residential Flat Design Code published by the Department of Planning*
Comment. Not applicable to this development
-

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9.1.2 Building Design

Objectives

- a) To ensure the height and scale of buildings is consistent with the character of the streetscape.*
- b) To maintain solar access to public places and adjoining properties.*

Comment The overall design of the new buildings has been given close consideration. The construction of the buildings and associated landscaping to the front boundary, provision of new boundary fencing to all but front boundary will enhance the site. The height and scale is considered to be appropriate for the area – with other two storey buildings in the locality, with frontage to Maitland Street.

9.1.3 Setbacks

Objectives

- a) To provide setbacks that complement the streetscape.*
- b) To ensure the siting of buildings provides for adequate separation between buildings for the amenity of the development and adjoining properties.*

Comment The side boundary setbacks of the boarding house buildings vary along the northern building due to the articulation in the design. The 'communal rooms' are 1500mm with the same setback to the rear boundary. The balance of the building however ranges from 1800mm – 2770mm to the northern boundary.

The Communal Room for the front is single storey and setback 4500mm from the Maitland Rd frontage, as is the waste storage structure.

The attached plans show numerous shadow diagrams and the predicted impact on adjoining properties.

The plan show minimal impact of shadow on the adjoining northern property in either Summer or Winter scenarios.

The Winter diagrams indicate some shadow on the allotment to the south at around 3pm. The allotment to the rear is more shadow impacted during Winter – however this is restricted to the rear of the dwelling with open space to the east having little if any impact.

9.1.4 Accessibility

Objectives

- a) To ensure that equitable access is provided to new commercial buildings and existing buildings undergoing a change of use or alterations and additions.*

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b) To ensure that developments comply with the provisions of the Disability Discrimination Act 1992.

Comment The development includes accessible units, access to the buildings and carparking as required as shown on the attached plans.

9.2 URBAN LANDSCAPE

9.2.1 Landscaping

Objectives

- a) To enhance the character of the town centre.*
- b) To provide landscaping which enhances the amenity of a development by allowing for adequate open space, sunlight and shade.*

Comment The land is not within the town centre. Indicative landscaping details are included on the plans, including 3d views to provide a 'realistic' concept. Further detail will be submitted, if required, with a construction certificate in the future.

9.2.2 Car Parking

Objectives

- a) To ensure the safe and efficient movement of pedestrians and vehicles through the town centre.*
- b) To ensure that developments provide simple, safe and direct vehicular access.*
- c) To provide sufficient and convenient parking for employees and visitors.*

Comment The development is not within the town centre. Safe and direct vehicular access is available to and from Maitland Rd to the subject land. Carparking has been provided which exceeds the SEPP requirements.

9.2.4 Signage and Advertising

Objectives

- a) To ensure signage is compatible with the scale of surrounding buildings and the locality.*
- b) To maximise the effectiveness of advertising whilst minimising visual clutter through the proliferation of signs.*

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c) To ensure signage complements the character and amenity of the locality and the development on which advertisements are displayed

Comment The current application proposes building identification signage only for the two storey structure and waste storage building, as shown on attached plans. The signage is minimal and will not impact on the amenity of the locality.

Section 24 – Waste Minimisation and Management

The objectives of this section are:

- to minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources*
- to encourage building designs, construction and demolition techniques in general which minimise waste generation*
- to maximise reuse and recycling of household waste and industrial/commercial waste*

The section applies to the following types of development:

- demolition*
- construction*
- subdivision*
- change of use.*

Sub-section 24.3.1 – Demolition of Buildings or Structures and 24.3.2 – Construction of Buildings or Structures are relevant to this proposal.

The principal aim of managing the activity is stated as being to “maximise resource recovery and minimise residual waste from demolition activities”

The objectives in terms of demolition are:

- optimise adaptive reuse opportunities of existing building / structures*
- maximise reuse and recycling of materials*
- minimise waste generation*
- ensure appropriate storage and collection of waste*
- minimise the environmental impacts associated with waste management*
- avoid legal dumping, and*
- promote improved project management*

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Comment

The proposal includes demolition of existing dwelling. The proponent will be engaging an appropriate contractor to undertake a Preliminary Hazardous Substance Assessment. Should any hazardous material be identified, appropriate measure for safe disposal will be utilised. More information in this regard will be available when the report has been undertaken.

It is proposed to prepare a Site Waste Management Plan in respect of both construction and demolition to accompany construction certificate documents to ensure that the abovementioned objectives are complied with. Requirements as deemed necessary can be included in conditions of consent, to be satisfied prior to issue of construction certificate

In terms of waste storage and disposal – a waste bin storage area is provided within the development as shown on the plans. The number of waste bins complies with the SEPP requirements.

The Property Management Plan includes important information about management of waste on site.

All boarders shall be responsible for disposing their waste to the waste bins and are to utilise the general waste, paper / cardboard and bottle / can recycling provisions. Separate receptacles are to be provided in each room. Each boarder is responsible to ensure the bins are emptied in the waste storage area.

General waste bins will be collected by way of kerbside garbage collection on a weekly basis, while recycled waste is collected each fortnight.

The Manager is responsible for the collection arrangements including:

- Appropriate waste bins are placed appropriate at the kerbside on the day of the collection, and*
- Return of empty bins to the waste storage area, promptly after collection*

In addition, the Manager shall:

- monitor waste collection by Boarders to ensure correct use of recycling opportunities.*
- Ensure that the waste collection area is cleaned on a regular basis,*

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- *Ensure that waste bins are not overflowing -and distribute any excess to available containers.*

The number of bins to be provided for residents is 6 general collection and 4 recycle bins. The role of the Manager is important in the waste management system as it is proposed to rely on kerbside pickup for the waste bins, as there is insufficient room within the site for waste collection trucks to enter and manoeuvre on site.

The Manager is responsible to place the bins on the kerb on the morning of collection days, and removed from the kerb shortly after they have been emptied, minimising the time that the bins will be visible along the kerbside.

2.3 LOCALITY SKETCH

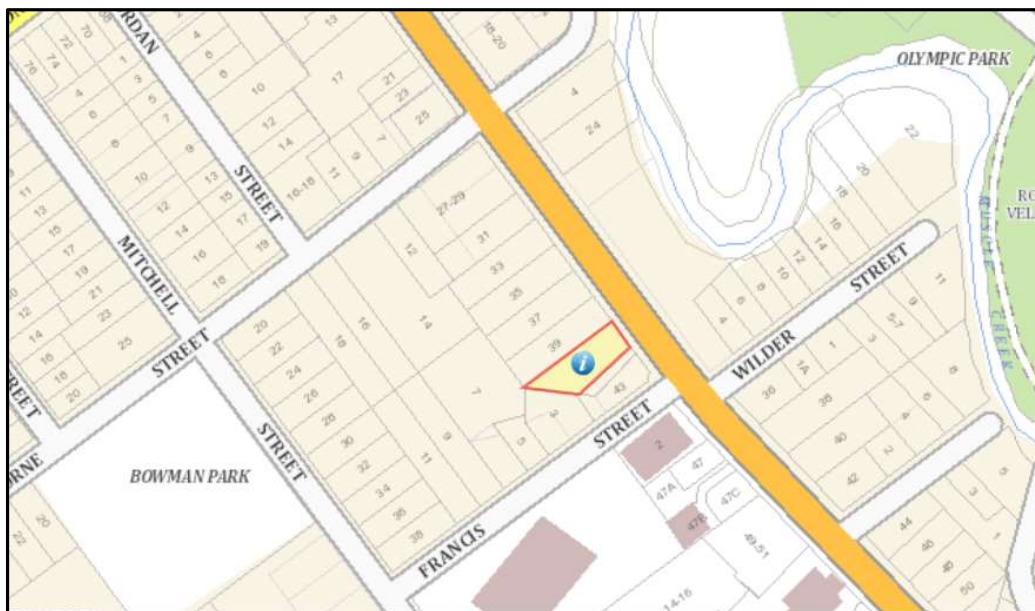


Figure 5 Locality Map (Source SIX Maps 2021)

Other points under this plan will be discussed within the Statement of Environmental Effects.

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3. STATEMENT OF ENVIRONMENTAL EFFECTS

3.1 Flooding, Drainage, Landslip and Soil Erosion

Council's Flood Information Certificate dated 11/2/21 confirmed the flooding scenarios for the subject land.

In particular, the key point location flood data has been utilised to set appropriate minimum floor levels for the building. The 1% AEP level for the 6 points identified on the land range from 145.49 AHD (at the rear southwestern corner) to 145.70 at the front of the allotment.

As demonstrated by the plans, the floor level for the rear building ground floor rooms is 146.08 – satisfying the Planning Level requirement of minimum 500mm above the 1% level at the rear of the land. The front building floor level is nominated as 146.2 AHD which is 500mm above the 1% level at the front of the land.

The adoption of such floor levels has required provision of accessible ramps from carparking area etc as shown on the plans.

A flood impact assessment which takes into consideration Council's DCP guidelines, has been carried out by A E Consulting Engineers – a copy of which is attached to this submission. The FIA has the following conclusion

Based on the 1-dimensional HECRAS assessment, council provided information and acceptable engineering practice, it has been demonstrated that the strategy discussed in this report has minimal to no effects on the neighbouring properties.

Appendix F, G, H, I, and J outline the flood levels in the proposed and existing scenarios have a little to no effect as a result of the development.

The below items are to be concluded from this report.

- 1. Habitable Floor level raised to minimum **RL 146.08m AHD for western section and RL 146.20m AHD for eastern section.***
- 2. Provide Flood compatible materials and flood proofing for Building Structure and Services below FPL.*
- 3. Ensure that the development's flood hazard category does not increase due to the scope of works.*

By incorporating these flood mitigation measures it will reduce the risk of damage or injury due to flooding to the satisfaction of council's guidelines and the proposed development will not adversely affect or impact the existing flooding conditions.

Engineering plans have also been prepared by A E Consulting indicating proposed stormwater management details.

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3.2 Bushfire Risk

The subject land is surrounded by existing development within the township of Muswellbrook and is not considered a bushfire risk.

3.3 Flora and Fauna

Development of the site will require removal of a number of trees for the building, carpark and footpath trees for adequate access to the site as shown on accompanying plans. New landscaped areas will be provided to mitigate any perceived impacts of such removal which is essential for the development.

3.4 Lot Shape and Size

The shape of the lot is generally appropriate for the development as demonstrated on the plans. All integral components – buildings, carparking, waste storage area can be accommodated on site. The site however does not allow for the manoeuvring of waste trucks – collection will utilise kerb pickup.

3.5 Impact on adjacent properties

The proponent is aware of the concerns of adjoining and nearby neighbours. Modifications to the plans / development have been undertaken to mitigate such concerns including:

- Highlight, frosted windows with a sill height of 1.8m to negate any views to adjoining properties to the west from upper-level rooms
- Provision of privacy screens along the handrail of the upper-level landing – significantly reducing views to and from properties to the east and south
- Provision of a new, minimum 1.8m high boundary fence to the perimeter of the subject land (excluding front boundary)
- Plan of Management which requires acknowledgment and agreement of all residents which includes a wide range of matters which must be complied with to remain in the accommodation (see attached document)
- On site Manager – which is required by legislation, and who will be responsible to ensure residents comply with the 'Rules' specified in the Plan of Management and therefore mitigate concerns regarding on going use of the land for a boarding house

The shadow diagrams submitted indicate minor affect to the properties to the south and rear – primarily during winter for a short period of time, or relatively small section of the land.

Boundary fencing will mitigate any impacts from vehicles entering or leaving the site on adjoining properties, while a sealed carpark will similarly mitigate noise levels.

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3.6 Impact on existing and future amenity of the locality

The proposal is for a boarding house offering 'social housing' accommodation for a single person in each room. An onsite Manager will be located on site from the first day of operation. There is no obvious reason to suggest that the use of the premises for this purpose will have adverse impact on the amenity of the locality. Tenants have adequate carparking which complies with the SEPP requirements. The rooms have basic kitchen facilities which will allow them to be self sufficient with a communal laundry provide in each of the buildings.

A detailed Plan of Management has been prepared which outlines the circumstances that those seeking accommodation must satisfy to be accepted for accommodation, and the 'rules' of occupancy, which all residents must sign. A copy of the Plan of Management will be displayed in all bedrooms and common rooms.

The Plan of Management is an important component for the operation of the Boarding House – ensuring that all residents are aware of their obligations. The on site Manager will be responsible to ensure that impacts on amenity due to resident interaction are mitigated wherever possible.

Previous consent was issued for a motel on the same site. Such use was deemed appropriate for the circumstances at the time, and there is now no reason to suggest that circumstances have changed. This development will result in reduced density of occupation – and less car movements – particularly as residents will be occupying their rooms for extended periods.

Tenants without their own transport have options available via public transport, bicycle or pedestrian paths.

3.7 Traffic Considerations

The proposed development is unlikely to have any adverse impact on traffic on Maitland Street (New England Highway). There are only single occupants of rooms and it may well be the case that not all occupants have their own transport. Any additional traffic generated from the development will represent a be a very small increase / impact on existing traffic flow.

The carparking, bicycle spaces on site exceeds the minimums required by the SEPP.

This view is confirmed by the attached Traffic Impact Assessment prepared by TCMAP - copy of which is attached.

3.8 Methods of Sewerage Effluent Disposal

Drainage will be connected to the existing sewerage system. I

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3.9 Availability of Utility Services, Power, Telephone, Water, Sewer

All Utility services are available to the development.

3.10 Social and Economic Effects

The buildings are within the B2 Local Business Zone. The proximity of the land to the Central Business District ensures convenient access to the businesses and services that are available.

The targeted residents for the boarding house are from the lower socio-economic group. As confirmed previously, there is a recognised and defined shortage of social housing with well over 130 applications last financial year being recorded and a 2-5 year waiting list being evident in the area. Twenty-two single bedroom units (excludes Manager's unit) will make a difference for this socio-economic group that simply do not have the level of facilities and basic needs satisfied.

This application represents an opportunity to provide some relief and improvement to the waiting list for such accommodation in Muswellbrook. The importance of providing such accommodation / facilities cannot be understated and will represent a positive social effect for the community. The subject land is well located to the CBD and other services, which will allow easy and convenient transport options for residents.

3.11 Anticipated Impact of Noise Levels to the site and the locality

The proposed development is permissible within the locality. The Plan of Management prepared for the development includes a range of 'rules' for tenants to minimise the opportunity for any offensive noise levels to be emitted from the property including the following:

- 1. No visitors are permitted on the premises after 10pm or before 7am. No keys are to be provided to visitors without permission of Management*
- 2. Access to the outdoor communal areas is restricted to no later than 10pm or earlier than 7am*
- 3. No live or amplified music is permitted in the communal open space*
- 4. Boarders shall not create or contribute to any excessive noise or unruly behaviour*

The onsite manager is charged with ensuring these rules are complied with.

As a result of these measures, there is no reason to anticipate that noise levels generated by tenants of the building/s will be creating offensive noise in the locality.

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3.12 Archaeological/Heritage Items

The proposal seeks approval for development on land which has been used for residential purposes for many years. There is no concern in respect of Archaeological / Heritage Items.

3.13 Accessibility

The plans attached to this document confirm that adequate provision is made within proposed development for accessible units and carparking. Two designated accessible units and two designated car parks are provided. Ramps from the car park to the rooms comply with the relevant Australian Standard

4 CONCLUSION

In support of this application, we highlight the following points covered within this report:

- The subject land is within a predominantly residential area, which is zoned B2 – Local Centre with a wide range of permissible uses, including Boarding Houses.
- The designers have taken care to provide buildings which will be in keeping with the local character of the area
- Modifications to the design have been undertaken to mitigate concerns from adjoining and nearby residents relating to privacy / overlooking through provision of frosted, highlight windows and privacy screens.
- A total of 23 rooms is provided – one allocated for the Onsite manager. Provision of 22 single bedroom units for social housing should be recognised as an important positive step towards some reduction of the need for such housing in the Muswellbrook community which is currently at a 2-5 year waiting period.
- It is suggested that the development has positive social impacts for the broader community and will not result in adverse environmental or other impacts in the area.

We believe this application complies with councils' overall objectives for development with the zone and for the reasons abovementioned and detailed in this report should be approved.

Yours faithfully,



David Casson
Planning and Development Advisor

*Demolition of Existing Structures and Construction of Boarding House -
Lot 8 DP 18699, 41 Maitland Muswellbrook*

5 ATTACHMENTS

- 5.1 Architectural Plans
- 5.2 Engineering Plans
- 5.3 Traffic Impact Assessment
- 5.4 Flood Impact Assessment

*Demolition of Existing Structures and Construction of Boarding House -
Lot 8 DP 18699, 41 Maitland Muswellbrook*

Attachment 5.1 - Architectural Plans

*Demolition of Existing Structures and Construction of Boarding House -
Lot 8 DP 18699, 41 Maitland Muswellbrook*

Attachment 5.2 – Engineering Plans

*Demolition of Existing Structures and Construction of Boarding House -
Lot 8 DP 18699, 41 Maitland Muswellbrook*

Attachment 5.3 – Traffic Impact Assessment

*Demolition of Existing Structures and Construction of Boarding House -
Lot 8 DP 18699, 41 Maitland Muswellbrook*

Attachment 5.4 – Flood Impact Assessment

[REDACTED]
[REDACTED]
[REDACTED]
28.9.21

Dear General Manager,

We are writing in regards to notice of amendment to proposed DA 2021/32 at premises LOT : 8 DP: 18699-41 Maitland St,

As I reside at 5 Francis street I'm not opposed to the building being built on Maitland street, in my last proposal I feel that none of the issues have still been delt with as the applicant is still requesting a two story building I do feel this will affect my family and outdoor lifestyle and requested to be assessed a single dwelling was my way of offering a resolution and this I feel would assist with my concerns of privacy issues also it may seem trivial but this building would seem to look out of place as it has been shown on the application to be a two story units. However, I'm very concerned as I feel I have not been given enough information on the build of this, I feel that what we have not been provided all the details ie who will reside there. My other concern is for my safety and privacy for my family as I previous mentioned that the plans have still shown a two story building that if were to go ahead those that reside on the top floor will view my back yard and feel extremely uncomfortable with this as I moved to the home 6 years ago feeling that I made the right decision moving into this street with it being very much a family orientated street as my family had to escape a domestic violence environment with that been said that is why I'm extremely concerned who will reside in this building for example why it is for lower economic individuals that require an onsite manager the following stipulations that they are to require to live by, these were attached by Mr N Gupta to the DA 2021/32

- That the boarding house is limited to low to very low-income earners who principal place of residence is with in Muswellbrook LGA
 - Site manager on site, the manager is to carry out regular minimum weekly inspections
 - No live or amplified music is permitted in the communal open space areas
 - No Music or tv sounds are to be audible beyond individual rooms
 - access to the outdoor communal areas is off limits between 10pm and 7am
 - At no time is any room to be advertised or made available for shot stay accommodation such as that associated with backpacker, motel, hostel hotel accommodation or the likes
 - Residents are required to provide the manager with a list of personal medication that they are required to take
 - No border is allowed to bring their own furniture or appliances
 - Residents are only to have a visitor in the communal areas
 - No alcohol permitted
 - No smoking permitted
- My concerns Are

*With how will that affect me does that mean I cannot play my music outdoors after 10pm this applies to the second point as well

*Who is this intended for to live in this building and explain who is a low or very low income earner

*Why is it required to have an onsite Manager will there be surveillance cameras, who will be able to view these what type of person will be suited for this role

* Why would the occupants need to provide a personal list of medication who will be authorised to check and if required to administer

*No alcohol or smoking is permitted I feel that this is a hard thing to control how will this be controlled also I do enjoy having a social drink with friends in my yard and I myself do smoke I feel that with the view of the second story they would clearly see this

*Why are they only allowed one visitor are they allowed to stay with them for a night stay or period of time

So my question is who is this intended for is it possible that it may be for parole people that have been released from prison.to my understanding a person that has gone to jail can range from assaults, murder, fraud, Drug offences, paedophile and I'm sure many other illegal acts of crime as the points I pointed out earlier I feel this fits a criteria and plans that have been proposed to us. I understand that they have served their time but why must my neighbours and my family put in this type of situation of fearing for our safety, privacy and the stipulations that were stated by the applicant what about our needs and our time spent in our own backyards were the thought and consideration to us that already reside here. Another concern is that my young children walk to and from to catch their school bus and other children walk to and from the local school that is a 5-minute walk from my house this is a high traffic area for pedestrian's as we are in central part of Muswellbrook this could pose a threat to local safety and wellbeing.

Another concern of mine is what will this do to the value of my property .

Kind regards

[Redacted signature]

[Redacted address]

1 of 2



Submission re: DA2021/32 for Lot: 8DP: 18699
41 Maitland Street, Muswellbrook
Applicant Mr N Gupta

The General Manager
Muswellbrook Shire Council
157 Maitland Street
Muswellbrook NSW 2333

09.04.2021

The following is my appraisal of adverse changes to my standard of living if this development takes place.

The proposed development is much too large to fit on a block of this size and shape (much of the block tapers to a point at the rear).

During times of heavy rains and possible floods there is nowhere for excess water from building roofs and parking lots to go.

My backyard would be lit up at night and with possibly so many people coming and going I would be faced with noise problems.

I am retired, peace and quiet are most important to me.

The proposed development would overlook my small yard and consequently I would lose my privacy, this is also important to me.

With the transient nature of borders on the site I would have significant security issues. Although council is unable to put dollar value on any changes in value for my property, I know it would be worth significantly less if this development is undertaken.

Having so many people living in such close quarters and near to me during this COVID-19 era is avoidable and unnecessary.

I see no provisions for large amounts of garbage and its removal in this tight space.

I believe Mr Gupta is attempting to reap much more than is reasonable from this property and has total disregard for my interest.

Sincerely



#3 FRANCIS ST

Robert Taylor

Pool fence to property fence 1.1m Appt

Fence to house 1.1m Appt

5m Appt
Fence to information shed
Pool windows

1.1m Appt
Information shed

201-2018 boundary

Lot 21/-DP18699
(drainage channel lot)

Maitland Street

NOTE. COUNCIL HAS NOT SEEN FIT TO INSPECT THE REAR OF MY PROPERTY TO ASCERTAIN THE IMPLICATIONS TO ME OF THIS PROPOSED DEVELOPMENT.

				41 Duplex 41 Duplex 41 Duplex	Proposed Building House 41 Duplex	41 Duplex 41 Duplex
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29/9/2021

Dear General Manager,

We are writing in regards to the notice of amendment to proposed DA 2021/32 at premises LOT: 8 DP: 18699-41 Maitland Street, Muswellbrook.

To all concerned let it be known that we are not against the developers right to develop his property, but we are concerned about the proposed two story Boarding house due to:

On drawing No.A408 picturing the morning shadow over our property is projected as the 9am shadow. The shadow over our property will start from 5:30am so shadowing will be much greater than pictured in drawing. How does a two story building like this not shadow of a morning, but cast a greater shadow of an evening refer to drawing No. A407. It appears these shadowing drawings are not accurate as all shadows don't cast off the said development site.

Western side of building:

Glare from light coloured walls and windows, still not addressed.

Windows still no awnings to prevent vision into neighboring properties.

Fence on western side needs to be 2.4mtr high acoustic wall from top of ground floor slab level, not from existing ground level as this building is raised 500mm plus slab depth so standing on top of steps or at sliding door of ground level units a 1.8mtr fence as stated in DA is only 900mm high at top of slab level so vision into our adjoining yard is very open plus the noise from the POS will travel through a standard fence, so the privacy and quietness of our backyard is jeopardized.

Parking: Still no explanation as to where excess vehicles will be parking, as this development is on the highway we feel vision and safety exiting our driveway will be impeded with excess vehicles parking on the street.

Drainage: Where will excess rainwater go as this development will be raised higher than neighboring properties and this development is mainly concrete, there doesn't appear to be adequate landscaping to allow for absorption.

Height of building: This development will be the only two story building in this block taking away all neighboring properties privacy and sense of security and will look totally out of place. Refer to MSC development control plan.

Heating and Cooling: It states that there will be sufficient heating and cooling, but there is no pictures on plan as to where the air-conditioning units will be placed or what style will be used as some 23 individual air-conditioning units will create a lot of noise.

It is very concerning as to why this development has such strict rules:

- On site manager
- No alcohol permitted
- No smoking permitted
- No illegal drugs
- Access to the outdoor communal area is off limits between 10pm and 7am

- No music amplified or live is not permitted in the communal open space
- The boarding house is limited to very low income earners whose principle place of residence is within the Muswellbrook LGA.
- Residents are required to provide the manager with a list of personal medication that they are required to take.
- Residents are only allowed to have visitors in the communal areas.

As neighboring families very are concerned that this development is to be used for releasing prisoners or a parole house. If council is to allow this after our serious concerns about the people residing in said development (not saying that all are a high risk) what is our guarantee that there won't be anyone residing in BA BA HOUSE who poses a risk to our families and more importantly our children.

We believe this development is located in the wrong location, with a childcare center, a playgroup and Muswellbrook South Public School within close proximity.

Thanks Wayne and Sue Perrett





29 September 2021

Reference: Development Application No: 2021/32

To The General Manager – Muswellbrook Shire Council

We write in response to the recently received Notice of Amendment to Plans of Proposed Development, Lot: 8 DP: 18699 – 41 Maitland Street, dated 9 September 2021.

Whilst we are not opposed to the development of this property, we have a number of concerns regarding the proposal as outlined below.

One of our main concerns regarding this development is the adverse effect that it will have on the amenity of the area.

We have owned our property at 37 Maitland Street for 38 years. During this time we have been lucky enough to enjoy a friendly neighbourhood where everyone feels safe and we have the right to privacy in our own yards. Over the years we have watched generations of children walk past on their way to school at Muswellbrook South and would often see our neighbour who runs a family day care, wander past with the children in her care in tow. We now see parents walking their children to the Ungooroo playgroup located on the corner of Francis Street.

Currently, all of the dwellings and businesses along the south side of the street are single story. The construction of this two (2) storey building is not “consistent with the character of the streetscape” (Muswellbrook Shire Development Control Plan; Section 9; Local Centre Development; Subsection 9.1.2 Building Height). In addition, the “height of the buildings should be consistent with the character of the area” (Muswellbrook Shire Development Control Plan; Section 9; Local Centre Development; Subsection 9.1.2 Building Height). Whilst the Remington Motel is also a two (2) storey building, given the lack of residential dwellings on that side of the street we don’t believe that a comparison between it and this proposed building can be justified.

In addition to this, with the exception of the building that comprises the newsagency, pizza and video shops, the expected modern type of construction that is proposed is not consistent with the homes in the area. The existing dwellings are approximately 50 years old and the construction of a modernised, two (2) storey building in the area is not sympathetic to the streetscape refer to the Muswellbrook Shire Development Control Plan; Section 9; Local Centre Development; Subsection 9.1.1 Building Design which states that buildings must “maintain the heritage character / value and streetscape of the business centre of Muswellbrook”.

After further review of the plans, it is evident that the development will include the removal of one (1) of the large trees from the nature strip out the front of 41 Maitland Street. We believe that this is detrimental to the area and not in keeping with the “character of the town centre” (Muswellbrook Shire Development Control Plan; Section 9; Local Centre Development; Subsection 9.2.1 Landscaping). Removal of any of the large, well established trees along the south side of the street will negatively affect the streetscape. In addition, Subsection 9.2.1 Landscaping of the Muswellbrook Shire Development Control Plan, clearly states that “Where landscaping is proposed to be incorporated into

a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application", at this time we have been unable to locate any such landscape plan within the documents either sent to us or available on Council's website.

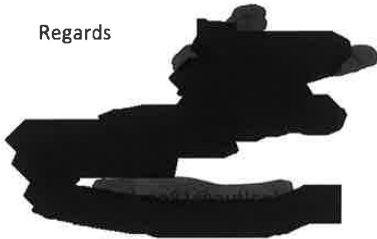
Within the Statement of Environmental Effects available with the Development Application on Council's website, it clearly states that the targeted residents of the proposed boarding house will be from the "lower socio-economic group". This begs the questions – what type of boarding house is this to be and who can we expect to be living in our neighbourhood? Within an approximate 1 kilometre radius, this area of Muswellbrook comprises Muswellbrook South Public School (kindergarten to year six), a home run family day care centre (operating from Francis Street with an adjoining fence to the proposed development) and Ungooroo Playgroup. It is also expected that in the near future, 35 Maitland Street will be open to Aboriginal children from the Kamilaroi tribe where they will learn about their culture. Given the targeted residents for the proposed boarding house, we are concerned for the safety of the young children in this area, including privacy for the adjoining family day care centre.

We believe that it is also important to note that the rooms within the proposed boarding house are single occupant only, with a basic kitchenette and bathroom encompassing a shower. It is evident from the plans, that the targeted residents are not families or single parents who are struggling to find rental or emergency accommodation in Muswellbrook. This again raises the question – who is expected to be utilising the accommodation at the proposed boarding house?

Based on the information outlined in the Plan of Management submitted with the Development Application, the proposed boarding house will include a Resident Manager, a set of House Rules (including the prohibition of alcohol within the building or rooms), weekly inspections, and a Record of Resident's Special Needs (including medication) amongst a number of other items. This indicates that the targeted residents are not simply people from the Muswellbrook community that need emergency accommodation and that the proposed boarding house may be utilised as a so called "half-way house". Should this be the case, this raises additional concerns for us including our own safety and the safety of our grandchildren, who visit often, along with value of our property. Should this be the type of development that is proposed, we reserve the right to submit an objection to such a development.

We thank you for taking the time to consider the concerns that we have raised.

Regards

A large, irregular black redaction mark covering the signature area.

[REDACTED]

28-9-21

Dear General Manager,

We are writing in regards to notice of amendment to proposed DA 2021/32 at premises LOT:8 DP:18699-41 Maitland St, Muswellbrook.

Again, it needs to be said that, whilst we do not oppose the applicants right to demolish the existing building and build something new, what the applicant has proposed is causing us some angst, perhaps it is because we are not draftsman but, we have struggled a little, when looking at the plans, to understand the way things will be once this build is completed.

On drawing A301 it is stated that there is to be a laundry placed at both the front (near the communal room) and the middle of the building however, on all other drawings the laundry appears to only be in the middle of the building, so is there one laundry or two? Farther more we could not see any provisions made on the plans for clothes lines, and yet in the applicants Plan of Management statement it states in paragraph one, on page 9, it says that "Boarders are to utilise the clothes hanging deck or clothes dryer." Yet, in the Muswellbrook Shire Development Control Plan, it clearly says in, 6.4.4 Objectives (a) provide for needs of residents and reduce impact of development on the environment. Control (1) Provide open air clothes drying facilities in a sunny location which is adequately screened.

We have noticed that on the plans it appears that there is a singular (though be it 4500mm wide) driveway access at the front of the development, which will cater, for both vehicular and pedestrians entering and leaving the premisses with no clear separation and with the proposed development having the potential to house 23 people at full capacity and therefore the possibility of 23 cars/bikes entering and leaving this residential address has the potential for a dangerous incident in the said driveway. We

also believe that there should be provisions for one car parking space per boarder/lodger as it should not be assumed that just because the tenant is a low-income earner that they don't have a car and there also appears to have been no provisions made for a visitors carpark. Will they be forced to park on the busy New England Hwy?

Directly adjacent this proposed development there is a narrow water easement, (within 40 Metres) which limits council's access to maintain this important piece of infrastructure, as such, we wonder is there a covenant on the land beside the easement which allows council access, if required, whilst most of the space is designated for waste storage and car parking, and will have a small shed built at the front whilst the rest of the area will be concrete would that concrete be built to park a car on, or will it be reinforced to with stand council's heavy equipment if required.

Whilst on the subject of drainage, there appears to be a lot of concrete and roof space which will cause a lot of rain/storm water run-off and not very much exposed bare earth or natural ground (201.58 square metres is much less than 35% required by Muswellbrook Shire Development Control Plan 6.2.3 Landscaped Area Objectives (c) and (d) Controls (i) 35% of total site area is to be landscaped) for rain/storm water to be absorbed on the proposed site which will lead to excessive water run-off. Is this catered for within the existing water drainage infrastructure or is an upgrade to the affected section of our town system required as a result of this? It is stated in general notes on Diagram A001 that all new or altered stormwater lines to be connected to existing stormwater lines.

We have not been able to find a landscape plan as required by Muswellbrook Council Development Control Plan Landscaped Area 6.2.3, On page 6-8,

(iii) Retain existing mature vegetation and trees and show what measures are to be implemented to protect this vegetation during construction.

(vi) For dual occupancies, multi dwelling houses and residential flat buildings, a landscape plan is to be submitted.

(vii) the selection of tree species indicated on the landscaping plan must be in a scale with the size of the proposed buildings. For example, buildings of 2 storeys must include trees with an achievable mature height of at least 8 metres.

Given the size of the proposed development and the amount of concrete surrounding the building to provide car/bike parking and the need to provide communal open space all existing advanced trees will be removed and there is no land left to plant trees, shrubs or suitable vegetation.

External lighting has the potential to be an issue for us as a neighbour. It states in the Plan of Management that it is the Manager's responsibility to replace any damaged or non-functioning external lights immediately, but where are these lights going to be located, which direction will they face, and will they impact us and our premisses?

In the Plan of Management Report Mr N Gupter has written under 6.0 Boarding House Furniture and Facilities 6.1 Each room will be provided with

*Appropriate means of heating and cooling the rooms.

What is meant by this? In our climate, one would assume, that individual air conditioners would be used if so the noise from 23 x Air conditioners could possibly impact my lifestyle when we are outside.

We are a little overwhelmed at the thought of a two-storey building being built on the entirety of that site as it would give the occupants a clear view into our previously very private backyard. Once again, the submitted plans make it difficult for us to know exactly what is going on as on page 6 of the document prepared by Casson Planning & Development Services originally dated 29th March 2021 and Amended 3-9-21 the height of the building is stated as being 13 metres however, on drawing A350, it indicates that the roof height will be 8.5 metres and we can only assume that is from the new ground level which appears to be 800mm above the existing ground level. This makes a total of 9.3 meters

Our privacy is extremely important to us and not something that we take lightly as I Chris Hope have been an educator with Family Day Care at our property for the past 32.5 years and as such it is important for children in my care feel safe, secure and supported so as to encourage confident individuals for the future.

Not only is the building going to tower over us giving the residents full views of our property, as on the south eastern side where the balconies are, tenants will have a clear view of our back door and area

directly out from that, whilst on the North Western side of the proposed development, tenants will be able to view our large back yard where children regularly play and whilst the tenants are socialising in their communal open space at the rear of the proposed development they will be able to clearly look over our fence as the existing fence is 1800mm high however, from what we understand from the plans, the land needs to be raised 800mm to build this proposed boarding house which will mean that the existing fence will only be in affect 1000mm high on their side giving the residents at Ba Ba House a clear view into our yard and that of the children entrusted in my care.

We would like to point out that there are currently NO two storey buildings on that block and therefore would definitely look out of place.

It is clearly stated in the Muswellbrook Local Environmental Plan:

Part 4 Principal Development Standards

4.3 Height of Buildings

(1) Objectives of the clause are:

(a) to limit height of buildings

(b) to promote development that is compatible with the height of surrounding development and conforms to and reflect natural landforms by stepping development on sloping land to follow the natural gradient,

(e) to maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings

Given the surrounding buildings are all single storey we believe that this building should also be limited to single storey which would, therefore, maintain continuity with surrounding development and maintain privacy of those who already live in the vicinity of this proposal. It is also worth noting that the façade of the proposed building is in stark contrast to existing buildings that surround it.

At this point, we would like to question the proposed clientele Ba Ba House is being designed for, whilst they say it is for low socio-economic demographic, many questions remain, such as, is it all female, all male or mixed gender, that will reside in the said boarding house? When reading the Plan of Management dated August 2021 provided by Mr N Gupta attached to the DA 2021/32 we noticed the many rules attached which were:

- That the boarding House is limited to low to very low income earners' who's principle place of residence is within Muswellbrook LGA.
- The fact that there is a site manager
- The manager is to carry out regular minimum weekly inspections.
- No live or amplified music is permitted in the communal open space.
- No music or TV sounds are to be audible beyond individual rooms.
- Access to the outdoor communal area is off limits between 10pm and 7am.
- At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker, motel, hostel, hotel accommodation or the like.
- Residents are required to provide the manager with a list of personal medication that they are required to take.
- No boarder is allowed to bring their own furniture or appliances.
- Residents are only allowed to have a visitor in the communal areas.
- No alcohol permitted
- No smoking is permitted

This raises the question. Is this Ba Ba Boarding House actually intended to be a form of Parole House or Prisoner Release Housing? This would also fit the criteria of Low Socio-economic Demographic. In which case we would have to strongly oppose this Development Application as being an Early Childhood Educator, I would be forced into early retirement as there is no way, I could allow innocent children to play in my backyard, with the possibility of somebody (possibly even a paedophile) taking a photo of a child in my care from their balcony. We would not even be able to allow our grandchildren to play in our backyard. If this was to happen who will compensate me for this? If this is the plan for the development there are many others that would be affected within close proximity such as Ungaroo Playgroup, just 40metres away from the said development and then there is the South Muswellbrook Primary School, a short walk of approximately 150metres away both of these venues would attract young vulnerable child which could unfortunately be exposed to undesirable people.

Yours Truly,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10.2 DA 2002-342 S4.55 MODIFICATION - MODIFICATION TO QUARRY AND BATCHING CONCRETE FACILITY TO INCLUDE A 30,000 TONNE PER ANNUM CONSTRUCTION AND DEMOLITION WASTE RECYCLING FACILITY - 8440 NEW ENGLAND HIGHWAY, MUSWELLBROOK

Attachments:	<p>A. DA 2002-342 Section 4.55 Modification - Recommended Conditions of Consent ↓</p> <p>B. DA 2002-342 Section 4.55 Modification Assessment Report ↓</p> <p>C. DA 2002-342 Section 4.55 Modification Statement of Environmental Effects ↓</p> <p>D. DA 2002-342 - NSW EPA referral comments ↓</p> <p>E. DA 2002-342 S4.55 Modification - Redacted Submissions ↓</p> <p>F. DA 2002-342 S4.55 Modification - Assessing Officer Review of Submissions ↓</p>
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

The report has been prepared to assist Council in the determination of a Section 4.55 Modification application proposing the modification of DA 2002/342 which relates to a quarry and concrete batching plant at 8440 New England Highway, Muswellbrook (Lot 30 DP 815308). The proposed modification seeks approval to include a 30,000 tonne per annum construction and demolition waste recycling facility at the site.

The modification has been reported to Council for determination, as determining applications involving extractive industries falls outside the authority delegated to the General Manager.

As the development application was lodged during a peak period for applications, an external planning consultant (SIX Hills Group) was engaged to complete the assessment of this development application.

OFFICER'S RECOMMENDATION

Council grants development consent to the Section 4.55(2) modification of DA 2002/342, involving the addition of a 30,000 tonne per annum construction and demolition waste recycling facility to an approved quarry and concrete batching plant at Lot 30 DP 815308, 8440 New England Highway, Muswellbrook, subject to the conditions recommended in Attachment A.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED MODIFICATION

This Section 4.55(2) modification seeks consent to add 30,000 tonnes per annum (tpa) construction and demolition waste processing at the site. Waste receipt, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site.

The aerial images below identify the land subject to this development application in context with the

wider locality and the location of key infrastructure within the site.



Image.1 (Site Location Map, RPS SEE)

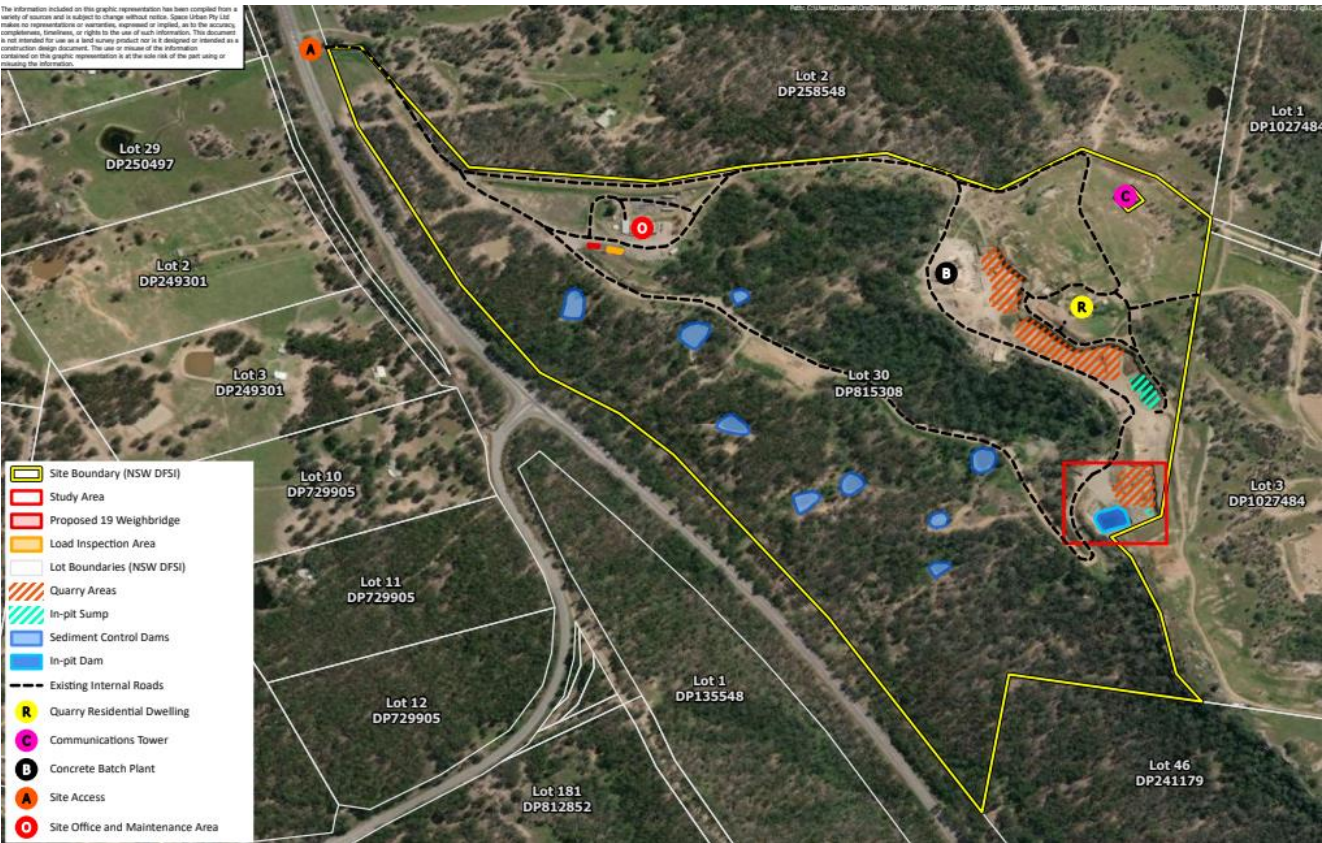


Image.2 (Subject Site & Extent of Operations)

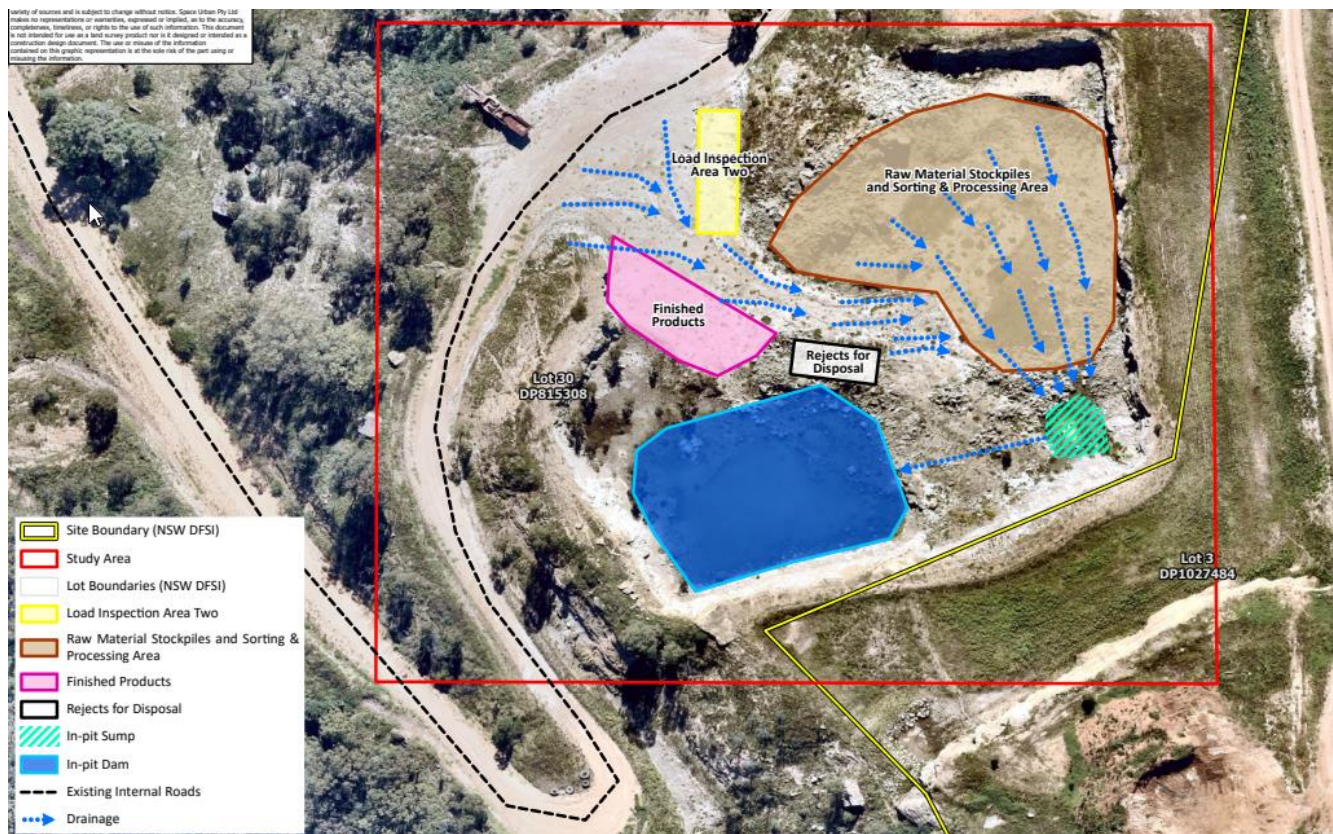


Image.3 Waste Processing Area

ASSESSMENT SUMMARY

A Consultant Planner has completed an assessment of the proposed development against Section 4.55 and Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A).

It is recommended that the development application be approved subject to conditions.

To inform the assessment and determination of the development application, the applicant has submitted the following documentation to council:

- Statement of Environmental Effects (see attachment C)
- Air Quality Impact Assessment
- Noise Impact Assessment
- Traffic Impact Assessment

A copy of the technical reports and information referenced above can be provided to Councillors under separate cover if requested.

The proposed development was referred to the NSW Environmental Protection Authority (EPA) for concurrence as the proposed facility is a type of facility requiring an Environmental Protection Licence under the *Protection of the Environment Operations Act 1993*. Final comments from the NSW EPA raised no objection to the proposed development and included recommended conditions.

The proposed development was referred to Transport for NSW (TfNSW) for concurrence pursuant to *State Environmental Planning Policy (SEPP) (Mining Petroleum Production and Extractive Industries) 2007*. Comments provided by TfNSW raised no objection to the proposed development or its impact on the Classified (State) road network.

The proposed development was referred to Council's Roads and Drainage Engineers who raised no objection to the proposed modification.

Council's Compliance Officer has commenced an audit of quarries. The audit has identified non-compliances with the consent which are referenced in the attached Assessment Report and Compliance Table. The majority of non-compliances relate to the submission/update of management plans and

operational reports. Council's Compliance Officer is engaging with the quarry operator to action compliance matters separate to this application.

Key Assessment Report findings, issues and considerations include:

- The proposed modification has been considered against the relevant matters for consideration prescribed by Section 4.55 of the *Environmental Planning and Assessment Act 1979*. Detailed commentary regarding these matters is included in the attached assessment report. The Assessing Officer is satisfied that the proposed development would be compatible with the relevant criteria for a modification application.
- The proposed modification and establishment of a facility to recycle demolition waste may be considered as a type of development permissible with consent through the provisions of Clause 7(4) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* despite any inconsistency with the *Muswellbrook Local Environmental Plan (MLEP) 2009*. The applicant has indicated that the recycling of construction and demolition waste would be used as a supplementary material to rock extracted from the quarry for the manufacturing of concrete blocks and other materials manufactured from materials extracted from the site and processed through the related cement mixing facility.
- The proposed modification remains consistent with all other relevant provisions under the MLEP 2009.
- The proposed modification would be compatible with the relevant provisions of the Muswellbrook Development Control Plan.
- Two (2) submissions were received through the public notification process. The submissions have been attached for Council's consideration and have been summarised and commented on in a table prepared by the consultant planner who assessed the application (see attachments E & F). The issues raised by the submissions do not substantiate a decision to refuse the application.

OPTIONS

Council may:

- A. Adopt the report recommendation to grant development consent to the proposed modification of DA 2002/342 subject to the recommended conditions of consent.
- B. Grant development consent to the proposed modification of DA 2002/342 subject to alternate conditions of consent.
- C. Refuse development consent to the proposed modification of DA 2002/342.

LEGAL IMPLICATIONS

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

CONCLUSION

An assessment of the proposed development against the provisions of Section 4.55 and Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been carried out and it is recommended that the proposed Section 4.55 modification of DA 2002/342, to include a 30,000 tonne per annum construction and demolition waste recycling facility at the site, be approved.

DA 2002-342 Section 4.55 Modification Recommended Conditions

Note: New recommended conditions and changes to existing conditions of consent have been shown in red for Council's reference. Where approved the Notice of Determination and Conditions will be issued in black font.

ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the Development.

TERMS OF CONSENT

2. The Applicant must carry out the Development in accordance with DA 342/2002, as amended by the Section 96 modification applications submitted to Council dated 2 April 2007 and 26 April 2021, and DA 96/2017.
3. The Applicant must carry out the Development in accordance with:
 - a) The accompanying document titled "Proposed Gravel Quarry and Plant Hire Operation, Lot 30 DP 815308, Grasstree Ridge Road, Shire of Muswellbrook, Environmental Impact Statement" dated 25th October 2002.
 - b) The document titled "Response to Submissions from the Exhibition of the Environmental Impact Statement" dated 5th May 2003.
 - c) The facsimile and attached diagrams to Council from Wild Plant Hire dated 27th May 2004.
 - d) The report to Council dated 8th June 2004.
 - e) Boundary adjustment plan prepared by MM Hyndes Bailey dated 19 September 2016, reference 216175/2
 - f) The document titled "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS.
 - g) The document titled Erosion and Stormwater Management Plan prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE.
 - h) The document titled Rehabilitation Management Plan prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE.
 - i) RPS additional information letter dated 10 December 2018.
 - j) The document titled Statement of Environmental Effects by Casson Planning and Development Services dated August 2016.
 - k) The document titled Air Quality Assessment by Todoroski Air Sciences dated 14th December 2016.
 - l) The document titled Noise Impact Assessment by Global Acoustics dated 20th December 2016.
 - m) The document titled Waste Management Plan by RPS dated December 2016.
 - n) The document titled Water Management Plan by RPS dated December 2016.

- o) Site Plan (Batch Plant) – aerial drawn by Global Acoustics undated.
 - p) Site Plan (Batch Plant) by RPS undated.
 - q) The Traffic Impact Assessment prepared by Pavey Consulting Services dated 15 November 2018.
 - r) The additional conditions imposed in the Environmental Protection Licence.
4. The Applicant must carry out the Development for the addition of 30,000 tpa of Commercial and Demolition Waste sorting and processing in accordance with:
- a) The document titled Statement of Environmental Effects by RPS Group dated 17 March 2021.
 - b) The document titled Air Quality Impact Assessment by Todoroski Air Sciences dated 11th March 2021.
 - c) The document titled Noise Impact Assessment by Spectrum Acoustics dated March 2021.
 - d) The Traffic Impact Assessment prepared by Pavey Consulting Services dated 2 March 2021.
5. If there is any inconsistency between the documents in condition 2, 3 and 4, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail over all documents in condition 2, 3 and 4 to the extent of any inconsistency.
6. The Applicant must comply with any requirement/s of the General Manager arising from the Council's assessment of:
- a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - b) any reviews to the EPL undertaken by the EPA; and
 - c) the implementation of any actions or measures contained in these documents.
7. The Applicant may carry out quarrying, plant hire and concrete batching plant operations on the site until 31 January 2040. All works associated with the Development, including rehabilitation of the site, shall be completed on or before 31 January 2040.
8. The Applicant must not:
- a) produce or transport more than 100,000 tonnes of quarry materials or 30,000 tonnes of concrete products or 30,000 tonnes resource recovery waste from and to the site in any calendar year;
 - b) allow more than 80 trucks movements to and from the site on any day. This includes quarry trucks, concrete trucks, and trucks making deliveries; and
 - c) No truck movements are to occur during school bus pick up / set down times on the New England Highway near Pamger Drive or adjacent areas.
9. No more than 10 hectares of land shall be disturbed at any time in the quarry area.
10. While quarrying operations are being carried out, the Applicant must ensure that the extraction area boundaries are clearly marked on site at all times, in a manner that allows operating staff to clearly identify the approved limits of extraction identified in the document titled "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS.

The Applicant must ensure that no extraction of quarry materials takes place outside the approved limits of the extraction area.

11. Within 6 months of the date of this approval, the Applicant shall lodge a rehabilitation bond with Council to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Rehabilitation Management Plan and relevant conditions of this consent in full at the conclusion of the premises operation.

The sum of the bond must be determined by:

- a) Calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely disturbance area of the operating stages of the quarry and all likely disturbance areas over the next 3 years of operation.
- b) The information contained in the most recently approved Rehabilitation Management Plan and any cost estimation for the rehabilitation of disturbed areas prepared by a suitably qualified person or quantity surveyor, submitted to and approved by Council.
- c) The assessment of the quarry disturbance area against the Department of Planning and Environment's Rehabilitation Cost Estimate Tool, and any other informed mechanism for the estimation of rehabilitation work that may exist at the bond is reviewed.
- d) Any formerly disturbed land successfully rehabilitated in accordance with the Rehabilitation Management Plan
- e) The effect of Consumer Price Index increases (All Groups CPI for Sydney).

Note¹: Based on Council's review of the current Rehabilitation Management Plan and information submitted with the Section 4.55 Modification application Council has calculated that the bond or bank guarantee payable for the operation of the Development from the 3 year period following the determination of this application to be \$80,000.

12. The Applicant must revise the sum of the rehabilitation bond to the satisfaction of Council as part of approval of a subsequent revised Rehabilitation Management Plan. The revised bond amount should account for information contained within the matters referenced by Condition 9 of this consent and the approved Rehabilitation Management Plan. The new Rehabilitation Bond shall be lodged with Council within 3 months of approval of a revised Rehabilitation Management Plan.

13. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

HOURS OF OPERATION

14. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating Hours

Activity	Permissible Hours
Quarrying and concrete batching operations including loading and dispatch of laden trucks, the start-up of vehicles or attendance on site by contractors or employees.	<ul style="list-style-type: none"> 7am to 5pm Monday to Friday 7am to 1pm Saturday At no time on Sundays or public holidays
The plant hire operation	<ul style="list-style-type: none"> 7am to 3pm Monday to Friday

	<ul style="list-style-type: none"> 7am to 1pm Saturday At no time on Sundays or public holidays
Blasting	9am to 5pm Monday to Friday (except public holidays)
Maintenance	<ul style="list-style-type: none"> 7am to 5pm Monday to Friday 7am to 1pm Saturday At no time on Sundays or public holidays
Construction and Demolition waste processing up to a volume of 30,000 tpa	<ul style="list-style-type: none"> 7am to 5pm Monday to Friday 7am to 1pm Saturday At no time on Sundays or public holidays

SECTION 7.11 CONTRIBUTIONS

1. The Applicant is to make appropriate Development Contributions for road maintenance in accordance with Council's Contributions Plan and any agreement entered into between Council and the Applicant related to the payment of Section 7.11 Contributions. CPI is to be applied to all Section 94 Contributions commencing 31 January 2020.
2. Development contributions and the tonnage details of materials extracted from the quarry are to be provided to Council on a quarterly basis.

ENVIRONMENTAL PERFORMANCE

NOISE

15. The Applicant must:

- a) implement best practice management to minimise the construction, operational and road transportation noise of the Development;
- b) carry out noise monitoring at least every three months, or as otherwise agreed to by either Council or the NSW EPA and the terms of any EPL issued by that authority; and
- c) regularly assess noise monitoring data and modify and/or stop operations on site, as required, to ensure compliance with the relevant conditions of this consent;

to the satisfaction of the Council.

16. Unless otherwise approved by the Environmental Protection Authority's Environmental Protection License, noise generated by the Quarry and Concrete Batch Plant must not exceed the limits outlined in the Global Acoustics Noise Impact Assessment Report, dated 20th December 2016 and Spectrum Acoustics Noise Impact Assessment Report, dated March 2021 and being:

	Day Laeq (15 minute)
R1 to R7	43
R8	36

17. Noise generated by the Development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
18. The noise criteria above do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised Council in writing of the terms of this agreement.
19. Within twelve months of this approval, the Applicant must prepare a Noise Management Plan for the Development to the satisfaction of Council. This plan must describe the measures that would be implemented to ensure:
- a) compliance with the noise criteria in this consent or the EPL for the site;
 - b) best practice noise management is being employed; and
 - c) noise impacts of the Development are minimised during meteorological

The Applicant must implement the approved Noise Management Plan as approved by Council.

20. In the event that a landowner or occupier of a property located within 2kms of the excavation site or concrete batching plant considers that noise from the Development is excessive, and Council is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:
- a) consult with the landowner or occupant affected to determine their concerns;
 - b) make arrangements and bear the costs of appropriate independent noise investigations to the satisfaction of Council, to quantify the impact and noise levels of the Development at the property (i.e. a noise compliance review).
 - c) Implement appropriate noise mitigation measures and conduct follow up investigations to the satisfaction of Council to quantify the noise levels following the implementation of mitigative measures;
 - d) If the independent noise investigations confirm that noise from the Development is excessive and the mitigative measures proposed do not reduce noise levels to a level acceptable to Council, the operation is to cease until satisfactory noise levels are achieved.

BLASTING

21. The Applicant must ensure that blasting on site does not cause any exceedance of the criteria in Table 2, unless permitted by the terms of an EPL issued by the NSW EPA.

Table 2: Blasting Criteria

Receiver	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Any residence on privately-owned land	120	10	0%
	115	5	No more than once in a calendar year

22. The Applicant may carry out a maximum of 1 blast per calendar month, and no more than 8 blasts per calendar year, unless with the prior approval of Council or an additional blast is required following a blast misfire. This condition does not apply to blasts required to ensure the safety of the quarry or workers on site.

Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.

23. During blasting operations, the Applicant must:

- a) implement best practice management to:
 - protect the safety of people and livestock in the areas surrounding blasting operations;
 - protect public or private infrastructure/property in the surrounding area from damage from blasting operations; and
 - minimise the dust and fume emissions of blasting;
- b) operate a suitable system to enable the local community within 2km of the site boundaries to get up-to-date information on the proposed blasting schedule on site. Council and occupiers of buildings located within 2km of the site boundaries are to be advised one (1) week prior to each blast event;
- c) allow use of Grasstree Ridge Road by the public; and
- d) carry out regular monitoring to determine whether the Development is complying with the relevant conditions of this consent, to the satisfaction of Council.

24. Within twelve months of this approval, the Applicant must prepare a Blast Management Plan for the Development to the satisfaction of Council. This plan must:

- a) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
- b) include measures to manage flyrock;
- c) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
- d) include a protocol for investigating and responding to complaints; and
- e) include community notification procedures for blasting, particularly to occupiers of buildings on privately-owned land located within 2km of the site boundaries.

The Applicant must implement the approved Blast Management Plan as approved by Council.

25. No explosives are to be stored on site at any time.

AIR QUALITY

26. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Development do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land, unless permitted by the terms of an EPL issued by the NSW EPA.

Table 3: Air quality criteria

Pollutant Averaging	Period	Criterion
Particulate matter < 10 µm (PM10)	Annual	^{a,d} 30 µg/m ³

Particulate matter < 10 µm (PM10)	24hour	^b 50 µg/m ³
Total suspended particulates (TSP)	Annual	^{a,d} 90 µg/m ³
^c Deposited dust	Annual	^b 2 g/m ² /month ^{a,d} 4 g/m ² /month

Notes to Table 3:

a Cumulative impact (i.e. increase in concentrations due to the Development plus background concentrations due to all other sources).

b Incremental impact (i.e. increase in concentrations due to the Development alone, with zero allowable exceedances of the criteria over the life of the Development.

c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003:Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by Council.

e "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 28 and 29 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.

27. The Applicant must:

- a) implement all best practice management to minimise dust emissions of the Development, including using water carts, water sprays or other suitable controls to minimise dust generation on haul roads, stockpiles and processing areas;
- b) ensure trucks entering and leaving the premises that are carrying loads that include dust generating materials, including gravel or soil, have their loads covered at all times, except during loading and unloading;
- c) regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
- d) minimise the air quality impacts of the Development during adverse meteorological conditions and extraordinary events (see note d under Table 3);
- e) monitor and report on compliance with the relevant air quality conditions in this consent; and
- f) minimise the surface disturbance of the site by the Development and undertake progressive rehabilitation;

to the satisfaction of Council.

28. Within twelve months of this approval, the Applicant must prepare an Air Quality Management Plan for the Development to the satisfaction of Council. This plan must:

- a) describe the measures that would be implemented to ensure:
 - compliance with the relevant conditions of this consent;
 - best practice management is being employed; and
 - the air quality impacts of the Development are minimised during adverse meteorological
- b) conditions and extraordinary events;
- c) describe the air quality management system in detail;
- d) include an air quality monitoring program that:
 - is capable of evaluating the performance of Development;
 - includes a protocol for determining any exceedances of the relevant conditions of consent;
 - effectively supports the air quality management system; and
 - evaluates and reports on the adequacy of the air quality management system.

The Applicant must implement the approved Air Quality Management Plan as approved by Council.

SOIL AND WATER

29. The Applicant must ensure that it has sufficient water for all stages of the Development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of Council.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licenses for the Development.

30. The Applicant must comply with the discharge limits in any EPL, or with section 120 of the POEO Act.

31. Within three (3) years of this approval, the Applicant must prepare a revised Soil and Water Management Plan for the Development to the satisfaction of Council. This plan must include a:

- a) Site Water Balance that includes details of:

- sources and security of water supply;
- water use and management on site; and
- measures that would be implemented to minimise clean water use on site;

- b) Erosion and Sediment Control Plan that:

- is consistent with the requirements of the Landcom's *Managing Urban Stormwater: Soils and Construction manual (Volume 2E Mines and Quarries)*;
- identifies activities that could cause soil erosion and generate sediment;
- describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
- describes the location, function and capacity of erosion and sediment control measure structures; and
- describes what measures would be implemented to maintain (and if necessary decommission) the structures over time.

- c) Surface Water Management Plan that includes:

- surface water impact assessment criteria;
- a protocol for managing any exceedances of the surface water impact assessment criteria;
- a description of any water licences used to account for take from surface water sources;
 - a detailed description of the surface water management system on site including the:
 - clean water diversion system;
 - dirty water management system;
 - water storages, including their capacity to contain dirty water during 1% AEP storm events;
 - a program to monitor and report on:
 - the effectiveness of the water management system;
 - any surface water discharges, including overflows from the sediment dam;

- the quality of water discharged from the site to the environment, if any;
- surface water flows and quality in local watercourses, if required;
- d) Groundwater Management Plan that includes:
 - a description of water licences used to account for take from a ground water source; and
 - a requirement for the Applicant to consult with DPI Water in the event of any unforeseen groundwater inflows from the quarry face or floor and if required, obtain appropriate water licence(s) to cover the volume of water take.

The Applicant must implement the approved Soil and Water Management Plan as approved from time to time by Council.

HERITAGE

32. If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that:
- a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
 - b) a 10 m buffer area around the suspected item or object is cordoned off; and
 - c) the OEH is contacted immediately.

Work in the vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

33. If any object of non-Aboriginal heritage significance is identified on site, the Applicant must ensure that:
- a) All work in the immediate vicinity of the suspected item or object ceases immediately; and
 - b) A suitably qualified and experienced heritage professional or archaeologist is engaged to assess the find and identify if it has significance and how to manage this item within the Development.

All employees, workers and/or contractors involved in construction and/or excavation are to be made aware of this procedure as part of the site induction, including appropriate examples of what may be considered an unexpected find.

BIODIVERSITY AND REHABILITATION

34. The Applicant shall manage land within Lot 30 DP 815308, not included in the defined construction or operational activities for the Development (as detailed in the DA and EIS), for biodiversity and conservation purposes, to the satisfaction of Council.
35. The Applicant must rehabilitate the site in accordance with the document titled Rehabilitation Management Plan, prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE, and must comply with the objectives in Table 4.

Table 4: Rehabilitation Objectives

Feature	Objective
Site (as a whole)	○ Safe, stable and non-polluting

	<ul style="list-style-type: none"> ○ Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Surface Infrastructure	<ul style="list-style-type: none"> ○ Decommissioned and removed, unless otherwise agreed by the Council; and ○ Landscaped and revegetated using native flora species.
Quarry benches and pit floor	<ul style="list-style-type: none"> ○ Landscaped and revegetated using native flora species
Final Void	<ul style="list-style-type: none"> ○ Final landform is not to include a void

36. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.

37. Within three (3) years of this approval, the Applicant must prepare a revised Rehabilitation Management Plan for the Development to the satisfaction of Council. This plan must:

- a) provide details of the conceptual final landform and associated land uses for the site;
- b) include detailed performance and completion criteria for evaluating the performance of the
- c) rehabilitation of the site, including triggers for any necessary remedial action;
- d) describe the short, medium and long term measures that would be implemented to:
 - manage remnant vegetation and habitat on site; and
 - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
- e) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial approval of the plan) including the procedures to be implemented for:
 - maximising the salvage of environmental resources within the approved disturbance area,
 - including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the conservation area or site rehabilitation;
 - restoring and enhancing the quality of native vegetation and fauna habitat in the conservation and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
 - protecting native vegetation and fauna habitat outside the approved disturbance area onsite; establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;
 - controlling weeds and feral pests;

- controlling erosion;
 - managing bushfire risk;
- f) include a program to monitor and report on the effectiveness of these measures and progress against the performance and completion criteria; and
- g) include details of who would be responsible for monitoring, reviewing and implementing the plan.

The Applicant must implement the approved Rehabilitation Management Plan as approved by Council.

38. Only clean fill is to be brought onto the site for rehabilitation purposes.

VISUAL

39. 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.
40. All plants and trees used in landscaping/screening works shall be watered by a suitable irrigation system maintained in good working order at all times.

WASTE AND STORAGE OF MATERIALS

41. The Applicant must:
- a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of Council;
 - b) minimise the waste generated by the Development;
 - c) ensure that the waste generated by the Development is appropriately stored, handled, and disposed of; and
 - d) report on waste management and minimisation in the Annual Report, to the satisfaction of Council.
42. Except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997* for the site, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.
43. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.
44. The Applicant shall dispose of all solid waste and putrescible matter from the site in a licenced Waste Management Facility.
45. Within three months of this approval, the Applicant is to prepare a Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the POEO Act or equivalent. The Applicant must keep the PIRMP on the premises at all times. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire that may occur at the premises, or may be associated with activities that occur at the premises, and which are likely to cause harm to the environment). The PIRMP must be tested at least annually or following a pollution incident.

46. The Applicant shall carry out the Development in accordance with the PIRMP.

BUSHFIRE

47. The Applicant must:

- a) ensure that the Development is suitably equipped to respond to any fires on site; and
- b) assist the RFS and emergency services as much as possible if there is a fire in the vicinity of the site.

ACCESS, TRANSPORT AND INTERNAL CIRCULATION

- 48. The property has a common boundary with the New England Highway (HW9) which has been declared as Controlled Access Road by notification in Government Gazette No 139 of 26/09/1980 Folio 4961. Direct access across this boundary is restricted. Access with consent has been provided at the location of the existing driveway.
- 49. The Applicant shall maintain a two lane sealed access road from the intersection with the New England Highway, to a point 10 metres (at a minimum) past the intersection of Grasstree Ridge Road and the private quarry haul road. A secured pedestrian access shall also be provided adjacent to the two lane sealed access Road.
- 50. The Applicant shall install regulatory signage banning the right turn movements out of the site onto the New England Highway for vehicles over 5 tonnes. The Applicant must take all reasonable steps to ensure that heavy vehicles do not turn right onto the highway at any time.
- 51. The Applicant shall install and maintain truck warning signs on both approaches to the haul road on Grasstree Ridge Road. Truck warning signs are to also be installed and maintained on the southern bound lane of the New England Highway.
- 52. The Applicant shall seal the private quarry haul road, from the agreed intersection point with Grasstree Ridge Road (as defined in the information submitted to Council from Wild Plant Hire dated 27th May 2004), to a point at least 10 metres past the access road to the machinery shed. A shaker grid is to be installed at the end of this sealed section. The sealing shall be undertaken and maintained to Council's satisfaction.
- 53. The Applicant is to erect a stop sign on the private quarry haul road at its intersection with the Grasstree Ridge Road. Grasstree Ridge Road is to remain as the priority road.
- 54. All loading and unloading operations shall be always carried out wholly within the confines of the site and within loading bays designated on the approved plans where relevant.
- 55. The Applicant is to install, maintain and operate a weighbridge or other approved weighing device at the site to ensure proper recording of tonnages being transported.
- 56. The Applicant shall permanently close off the western access road from the Grasstree Ridge Road to the existing machinery shed and install a 1 metre high fully landscaped

bund wall parallel to the ROW from the haul road intersection to point east of the machinery shed approved by Council.

57. A minimum 5m wide two coat bitumen seal is to be applied to the access way from the existing office to the concrete batching plant.
58. The main internal access to the quarry and concrete batching plant is to be always maintained as a sealed access bitumen access.
59. A line marking plan must be prepared detailing holding lines and give way lines and submitted to Muswellbrook Shire Council for approval within 3 months of the determination of the Section 4.55(2) modification. The line marking plan must:
 - Detail traffic safety line marking to be installed along the length of the sealed vehicle access from the New England Highway the concrete batching plant site;
 - Include holding lines to be installed at the crest of the hill where the right hand turn for vehicles toward the concrete batching plant is located; and
 - Identify any additional traffic safety and warning signs to advise drivers of hazards or driving requirements.

All line marking shown on the approved plan is to be installed and maintained at the site.

ENVIRONMENTAL MANAGEMENT PLANS AND ENVIRONMENTAL AUDITING

60. Within three (3) years of this approval, the Applicant must prepare a revised Environmental Management Plan for the Development to the satisfaction of Council.

The Plan must include, but not be limited to:

- a) environmental management practices to be implemented at the site, including erosion and sediment control, water management, Batch plant water management, waste water management, landscaping, dust management, noise management, visual treatments, rehabilitation, complaints procedures. Storm water management;
 - b) environmental monitoring program to be developed and implemented;
 - c) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - d) a program to investigate and implement ways to improve the environmental performance of the Development over time;
 - e) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria.
61. The Applicant must carry out the Development in accordance with the Environmental Management Plan as approved by Council.
 62. An Annual Report is to be prepared to the satisfaction of Council and submitted to Council by 31 January each year covering the preceding calendar year. The report is to, at a minimum, include:

- a) Production quantities for the year;
- b) The implementation and effectiveness of environmental controls;
- c) Details on erosion and sediment control measures undertaken to minimise soil erosion and runoff;
- d) Details on dust control measures undertaken to minimise dust generated on site, including the results of dust monitoring and weather monitoring undertaken;
- e) Details of noise impacts associated with the Development, including results of noise monitoring undertaken;
- f) Details on rehabilitation activities undertaken in the preceding 12 months;
- g) Details of any complaints received, identifying the source of the complaints and the actions taken to rectify the situation;
- h) Details of production tonnages from the concrete batching plant.

UPDATING STRATEGIES, PLANS OR PROGRAMS

63. To ensure that strategies, plans, or programs are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the Development, the Applicant is to submit revised strategies, plans or programs for the approval of Council within three (3) years of the date of this approval, and every 3 years thereafter, unless Council directs otherwise.

ACCESS TO INFORMATION

64. Within 6 months of this approval, the Applicant must make the following information publicly available on its website:

- the documents listed in condition 2,3 and 4;
- current statutory approvals for the Development;
- all approved strategies, plans and programs required under the conditions of this consent; and
- the Annual Report.

ENVIRONMENTAL PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL AS SET-OUT IN CORRESPONDENCE DATED 20 FEBRUARY 2019

1. Activities at the premises must only be carried out between the hours of 7.00am and 5.00pm Monday to Friday, and 7.00am and 1.00pm Saturday, and at no time on Sundays and Public Holidays.
2. The licensee must not cause, permit, or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a Licence under the Protection of the Environment Operations Act 1997.
3. Activities occurring at the premises must be carried out in a manner that will minimize emissions of dust from the premises.
4. Offensive blast fume must not be emitted from the premises.
5. All above ground tanks containing a material that is likely to cause environmental harm must be bunded or have an alternative spill containment system.

6. Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the proposal contained in:
- The Development application 342/2002 submitted to Muswellbrook Shire Council on 28 February 2018;
 - Statement of Environmental Effects titled *Wild Quarries Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation* relating to the Development; and
 - Wild Quarries, proposed concrete batching plant Noise Impact Assessment prepared by Wild Quarries and Civil Pty Ltd by Global Acoustics, reference number 16356-R01 dated 20 December 2016.
 - The Development application 342/2002 (S4.55(2) Modification PAN-82331) submitted to Muswellbrook Shire Council on 26 April 2021;
 - The Statement of Environmental Effects titled Modification of DA 2002/342 Accept and Process up to 30,000tpa of Construction and Demolition Waste as an Extractive Material Substitute.
 - Wild Quarries Proposed Waste Sorting and Processing Area Noise Impact Assessment prepared by Spectrum Acoustics, Project No. 212106 dated March 2021.

ENVIRONMENTAL PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL AS SET-OUT IN CORRESPONDENCE DATED 4 FEBRUARY 2022

1. The applicant will need to make a separate application to NSW EPA to vary Licence 12301 as follows:
- Activity: Resource Recovery, Waste Storage
 - Waste type permitted to be accepted for recovery or storage: General solid waste (non-putrescible) (See proposed waste table below)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt.	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the <i>Waste Classification Guidelines</i> (EPA 2014)	Resource Recovery, Waste Storage	See below

- Maximum amount of total waste permitted to be received at the premises in any reporting period (i.e. per year): 30,000 tonnes
2. A weighbridge must be installed and operational at the premises before any waste is received at the premises.

Note: it is recommended the Applicant contact the EPA directly about any concerns relating to variation of the Applicant's Environment Protection Licence that may result from modification of the consent.

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

SECTION 4.55 (2) ASSESSMENT REPORT

ADDRESS:	LOT: 30 DP: 815308 8440 New England Highway MUSWELLBROOK
APPLICATION No:	342/2002
PROPOSAL:	S4.55(2) Modification - Addition of 30,000 tpa of Commercial and Demolition Waste sorting and processing (brick, tile, concrete, asphalt, glass). Recovered materials to be used as a substitute to quarry product for blending and concrete batching.
OWNER:	Wild Engineering Pty Ltd
APPLICANT:	Mr Patrick Wild 8440 New England Highway MUSWELLBROOK NSW 2333
NOTIFICATION:	21 Days (Integrated)
AUTHOR:	Mr H McTaggart & Six Hills Consulting
DATE LODGED:	26/04/2021
AMENDED:	2/3/2022
DATE OF REPORT:	20/4/2022

SUMMARY

SUBMISSIONS: 2

RECOMMENDATION: Approval subject to conditions

1.0 BACKGROUND

The Section 4.55(2) seeks to modify the development consent issued by Council for the operation of a quarry at Lot 30 DP 815308 (DA 342/2002, approved 8 June 2004 and modified by Section 96 applications in 2007 and 2016, and a Section 4.55(2) application approved in 2019.

The applicant is seeking to obtain approval to add 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) processing at the site. The waste activities will be within the same disturbance footprint as the existing approved activities. Waste receipt, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site.

This assessment report considers the proposed development against the relevant assessment criteria of Section 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979*.

2.0 SITE AND LOCALITY DESCRIPTION

The subject land is identified as Lot 30, DP 815308, and is known as 8440 New England Highway, Muswellbrook.

The land is located approximately 9 kilometres southeast of Muswellbrook, with direct frontage to the New England Highway, a classified State Road. The site is near the Liddell and Bayswater power stations, the Maxwell mine site entry.

The subject land is zoned *E3 Environmental Management* under the *Muswellbrook Local Environmental Plan 2009 (MLEP 2009)* and adjoins land zoned *E3 Environmental Management* to the north, land zoned *RU1 Primary Production* to the east and west, and land zoned *SP2 Infrastructure Power Station* to the south.

The site is currently operating as a gravel quarry, concrete batching plant and plant hire businesses. The development consists of an existing 100,000 tpa gravel quarry and a 30,000 tpa concrete batching plant. Both activities are approved under one consent with consolidated conditions. Current operations generally occupy the north-eastern portion of the site, with haul roads connecting active pit areas with the site office and maintenance areas in the north-western portion.

Existing approvals permit the operation of the site as follows:

DA 342/2002

- Approved the operation of a gravel quarry with a maximum production capacity of 50,000 tonnes of material per annum for a 20 year period from the 8 June 2004. This consent also permitted an equipment and plant hire service at the site.

Section 96 Modifications of this application (former legislation):

6 December 2007: Increased the quarry's approved extraction rate from 50,000 tonnes per annum to 100,000 tonnes per annum, increase the number of permitted annual blasts from 4 to 8, and reduced the quarry's bond amount to \$50,000.

7 January 2017: Permitted a boundary adjustment to rectify a historic encroachment of the quarry operation on adjoining land. The modification did not alter any additional conditions of consent. The Subdivision Certificate for the approved boundary adjustment has been lodged with Council.

DA 96/2017

- Approved operation of a mobile concrete batching plant at the site with a maximum production capacity of 30,000 tonnes per annum for a maximum period of 3 years from the date of consent, being 15 November 2017. The operation of the site permitted by this consent was set to conclude on **15 November 2020**.

Section 4.55(2) Modification of application DA 342/2002 (current legislation)

21 October 2019: Amalgamated the existing consents that permitted the operation of a 100,000 tpa gravel quarry (DA 342/2002), plant hire operations, and a 30,000 tpa concrete batching plant (DA 96/2017). The application also extended the operational life of the quarry and batching plant operations for an additional 20 years.

3.0 DESCRIPTION OF PROPOSAL

The section 4.55(2) application seeks Council approval for the modification of DA 342/2002 to add 30,000 tonne per annum (tpa) or up to 120 m³ per day (maximum) construction and demolition waste (C&D) processing at the site.

The development application does not propose any significant alterations to the quarry and concrete batching plant. The waste receipt and processing activities will operate during the same hours as the existing quarry operation.

The C&D waste to be received will be crushed and screened and used as a substitute to existing quarry products obtained onsite. This includes concrete, brick, tile, asphalt, and glass to be crushed and blended for use in road bases, stabilised RMS specification products, and for use in concrete batching. Non-approved or hazardous materials be found upon delivery will be rejected and the driver will be turned away.

The production capacity for the quarry and the concrete batching plant will remain unchanged.

A detailed description of the current and proposed operating parameters of the quarry have been included in Section 4 of the Statement of Environmental Effects submitted to Council in relation to the development.

4.0 REFERRALS**External Referrals****NSW Roads and Maritime Services**

Under the provisions of the *State Environmental Planning Policy (SEPP) (Mining Petroleum Production and Extractive Industries) 2007*, this application requires referral to Transport for NSW (TfNSW) for comment.

The proposed development was referred 28 May 2021. TfNSW reviewed the information provided by Council and raised no objection to the proposed development indicating there will be no significant impact on the nearby classified (State) road network. This information was received 26 July 2021.

NSW Environmental Protection Authority

The development relates to an activity which requires an Environmental Protection License under the *Protection of the Environment Operations Act 1993* and is 'integrated development' under Section 4.46 of the *Environmental Planning and Assessment (EP&A) Act 1979*. This requires referral to and the issue of General Terms of Approval from the NSW Environmental Protection Authority (EPA).

The NSW EPA provided a request for further information 1 June 2021. The proponent provided a completed response to this request on 29 November 2021. This information was forwarded to the NSW EPA for review and General Terms of Approval for the development were issued 4 February 2022. In accordance with the requirements of the *EP&A Act 1979*, Council would need to impose conditions on the Consent consistent with the general terms of any approval issued by the EPA. Recommended conditions for the development are provided below:-

- Activity: Resource Recovery, Waste Storage
- Waste type permitted to be accepted for recovery or storage: General solid waste (non-putrescible) (See proposed waste table below)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt.	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the <i>Waste Classification Guidelines</i> (EPA 2014)	Resource Recovery, Waste Storage	See below

- Maximum amount of waste permitted to be received at the premises in any reporting period (i.e. per year): 30,000 tonnes
- A weighbridge must be installed and operational at the premises before any waste is received at the premises.
- Should Council grant consent, the applicant will need to make a separate application to EPA to vary Licence 12301. Council should be aware of the conditions currently in place on Licence 12301.

Note: further details of conditions issued by NSW EPA relating to a new Environmental Protection Licence are provided in an attachment to this report.

Internal Referrals

Community Infrastructure

The proposed development was referred to Council's Community Infrastructure Department. No objection was raised regarding the proposal.

Compliance Considerations

On the 16 December 2021 Council staff raised concerns regarding non-compliance with conditions in the previous approval (DA342/2002 - Section 4.55(2) Modification). Council's Compliance Officer undertook investigations identifying several outstanding compliance issues. Outstanding matters include:

- Lodgement of a rehabilitation bond with Council to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Rehabilitation Management Plan;
- Payment of development contributions for road maintenance in accordance with Council's Contributions Plan and any agreement entered between Council and the Applicant related to the payment of Section 7.11 Contributions;

- Preparation of a Noise Management Plan to the satisfaction of Council;
- Preparation of a Blast Management Plan to the satisfaction of Council;
- Preparation of an Air Quality Management Plan to the satisfaction of Council;
- Preparation of a Pollution Incident Response Management Plan (PIRMP) in accordance with the requirements in Part 5.7A of the POEO Act to the satisfaction of Council;
- Submission of a line marking plan detailing holding lines and give way lines for approval by Council;
- Submission of an Annual Report covering the following:-
 - Production quantities for the year;
 - The implementation and effectiveness of environmental controls;
 - Details on erosion and sediment control measures undertaken to minimise soil erosion and runoff;
 - Details on dust control measures undertaken to minimise dust generated on site, including the results of dust monitoring and weather monitoring undertaken;
 - Details of noise impacts associated with the Development, including results of noise monitoring undertaken;
 - Details on rehabilitation activities undertaken in the preceding 12 months;
 - Details of any complaints received, identifying the source of the complaints and the actions taken to rectify the situation;
 - Details of production tonnages from the concrete batching plant; and
- The following information must be made available on the company website to the public:
 - Documents listed in Conditions 2 and 3 of the previous consent;
 - Current statutory approvals for the development;
 - all approved strategies, plans and programs required under the conditions of the consent; and
 - the Annual Report.

The Proponent is currently working to comply with these conditions.

5.0 SECTION 4.55 CONSIDERATIONS

When considering whether to grant consent to a Section 4.55(2) modification application a consent authority must take the following matters into consideration:

4.55 (2)(a) whether it is satisfied that the development the consent as modified relates to is substantially the same development for which consent was originally granted.

Planning comment:

Council Officers are satisfied that the modification relates to an application that is substantially the same as the development for which consent was originally granted. In forming this position Council Officers have observed that:

- This application seeks approval for construction and demolition waste processing up to a volume of 30,000 tpa or up to 120 m³ per day (maximum) within the existing quarry area.
- The proposed development does not seek any change to the footprint of the existing quarry and concrete batching plant and the operation of the site will remain generally consistent with the operation previously approved by Council.
- The concrete batching plant operating at the site has been approved by Council, is operating on the land, and is permissible with consent on land operated for the purpose of an extractive industry by virtue of the co-location of industry provisions of the *SEPP (Mining Petroleum and Extractive Industries) 2007*.

4.55(2)(b) Comments from any approval body, public authority or the Minister where any such authority is required to be notified of the development application and provide approval or concurrence in relation to that application.

Planning Comment:

The proposed development required approval from the NSW EPA under the integrated development provisions of the *EP&A Act 1979* and concurrence from the TfNSW under the provisions of the *SEPP (Mining Petroleum and Extractive Industries) 2007* and *State Environmental Planning Policy (Infrastructure) 2007*.

Both raised no objection to the proposed development.

- 4.55(2)(c)** Whether it has notified the development application in accordance with any requirements of the Regulations or a DCP.

Planning Comment:

The proposed development was placed on public notification in accordance with the notification requirements of the Muswellbrook Community Participation Plan and two submissions were received.

- 4.55(2)(d)** Matters raised by any submissions received through the notification of the development application.

Planning Comment:

Matters raised by submissions have been considered through the assessment of this application and have been summarised and commented on in an attachment to this report.

- 4.55(3)** General development assessment requirements referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* so far as they are relevant to the proposed modification.

Planning Comment:

Section 4.15 of the *Environmental Planning and Assessment Act 1979* prescribes matters for consideration when determining a development application. Council Officers have completed an assessment of relevant Section 4.15 matters as they relate to the aspects of the development proposed to be modified under this application.

6.0 ASSESSMENT

This Section of the assessment reviews the proposed modification against the relevant development assessment matters prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

The Muswellbrook Local Environmental Plan 2009

Permissibility

The subject land is zoned E3 Environmental Management under *Muswellbrook LEP 2009*.

The land use classifications most relevant to the operation of the site are considered to be an extractive industry (quarry) and general industry (concrete batching plant).

Development for the purpose of extractive industries and general industries is prohibited in the E3 zone. As the use of the site as an extractive industry commenced prior to the commencement of the Muswellbrook LEP 2009, the use of the site is an 'existing use' in accordance with the provisions of the Regulations and may be altered, expanded or intensified with development consent. The establishment of the concrete batching plant (a general industry) is also permissible, but through the provisions of the *SEPP (Mining, Petroleum*

Production and Extractive Industries) 2007. This SEPP allows for the 'co-location of industry' which permits industrial type land uses with consent on any land on which an extractive industry is being carried out with development consent.

Muswellbrook LEP 2009

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

Table 1 – Muswellbrook LEP 2009 provisions

MUSWELLBROOK LEP 2009 CLAUSE PROVISIONS	PLANNING CONSIDERATION	COMPATIBLE WITH
Part 2 Permitted or Prohibited Development		
2.3 Zone Objectives	<p>Clause 2.3 (2) of the Muswellbrook LEP 2012 requires the following:</p> <p><i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p>The zone objectives for the E3 Environmental Management land use zone are as follows:</p> <ul style="list-style-type: none"> • To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values. • To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other local features of scenic attraction. • To limit development that is visually intrusive and ensure compatibility with the existing landscape character. • To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the existing landscape. • To promote ecologically sustainable development. • To ensure that development in this zone on land that adjoins land in the land zoned E1 National Parks and Nature Reserves is compatible with the objectives for that zone. <p><u>Planning Comment:</u> The recovered waste and construction materials are to be used as a substitute for the quarry product in road base and concrete batching. The proposed development would not expand the disturbance footprint of either land use or significantly alter the parameters of the current on-site operation. Furthermore, the proposed modification would allow for Council to review existing environmental conditions on the development consent and update these requirements to ensure improved environmental outcomes where required.</p>	The Quarry is an existing use permitted SEPP (Mining, Petroleum Production and Extractive Industries) 2007
Part 4 Principle Development Standards Additional local provisions		
4.3 Height of		NA

Buildings	The proposed development does not involve the construction of any new buildings and the existing buildings on the site have previously been approved by Council and do not contravene the 12m maximum building height relevant to the site.	
4.4 Floor Space Ratio	The land subject to this development application is not affected by any maximum floor space ratio.	NA
Part 7 Additional Local Provisions		
7.1 Terrestrial Biodiversity	<p>The property subject to this development application is identified as 'biodiversity' land on the 'terrestrial biodiversity map'.</p> <p>When determining applications involving 'biodiversity' land Council is required to consider the following Clause objectives:</p> <ul style="list-style-type: none"> (a) <i>protecting the biological diversity of native fauna and flora, and</i> (b) <i>protecting ecological processes necessary for their continued existence, and</i> (c) <i>encouraging the recovery of threatened species, communities and populations and their habitats.</i> <p>And, additional provisions:</p> <ul style="list-style-type: none"> (a) the development is designed and will be located and managed to avoid any potential adverse environmental impact, or (b) if a potential adverse environmental impact cannot be avoided, the development: <ul style="list-style-type: none"> (i) is designed and located so as to have minimum adverse impact, and (ii) incorporates effective measures to remedy or mitigate any adverse impact caused. <p>No vegetation clearance is required for this proposal.</p>	Yes
7.6 Earthworks	<p>Each of the relevant matters have been listed and commented on below.</p> <p>(3) <i>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</i></p> <ul style="list-style-type: none"> (a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> (b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both,</i> (d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i> (e) <i>the source of any fill material and the destination of any excavated material,</i> (f) <i>the likelihood of disturbing relics,</i> (g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> <p>The proposed development would involve minimal earthworks. The current stormwater and erosion and sediment control management plan will manage quarry impacts.</p>	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021:

This development application does not seek approval for the change to site operations by increasing its intensity or disturbance footprint. Accordingly the factors which inform the classification of the development as a hazardous or offensive development will not be subject to significant change as part of this modification. Consequently, Council Officers are satisfied that the proposed development is unlikely to comprise a hazardous or offensive development where it is carried out in accordance with existing requirements.

Under 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.*

It is noted that the site has been used in an industrial capacity for a long period. However, for the duration of this operation the site has been required to comply with Environmental Protection License requirements imposed by the NSW EPA. Council Officers are satisfied that the site is unlikely to be subject to any substantial contamination which requires remediation for this application to be supported.

In view of the above considerations Council Officers are satisfied that the proposed development is unlikely to be subject to any contamination requiring remediation under this SEPP should the development application be approved.

State Environmental Planning Policy Biodiversity and Conservation) 2021:

This SEPP aims to encourage the protection of areas of natural vegetation that provide habitat for koalas and applies to development applications in the Muswellbrook LGA with involve land with an area greater than 1 hectare.

Since the granting of development consent under DA 342/2002 the site has been subject to disturbance associated with the carrying out of quarry operations on the land. It is unlikely that there has been any significant change to the distribution of flora and fauna on the site following this investigation and during this period of disturbance which would cause for the site to be classified as a core koala habitat under the provisions of this SEPP.

Accordingly, Council Officers are satisfied that the proposed development may proceed without the need for further investigations into koala populations or the preparation of a plan of management.

State Environmental Planning Policy (Resources and Energy) 2021

This SEPP specifies additional provisions relevant to the assessment of development applications involving extractive industries. The provisions of this SEPP also take precedence over the provisions of any other planning instrument where there is any inconsistency between the provisions of the relevant instrument or instruments and the SEPP. The SEPP applies to any development involving an extractive industry.

Permissible Development

Relevant to this development application are the permissible development provisions of the SEPP that allow for the carrying out of a range of additional development with consent on land which an extractive industry is being carried out. The provisions of this clause are as follows:

Co-location of industry

If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land:

- (a) the processing of extractive material,*
- (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

The establishment of construction and demolition waste processing at the site is viewed as a permissible development by virtue of the SEPP, as it involves processing of transported materials (concrete, brick, tile asphalt, glass etc.) for use in road bases, concrete batching, and other products.

Matters for Consideration

The SEPP prescribes a range of matters that a consent authority must take into consideration when determining a development application to which the SEPP relates. The relevant matters for consideration prescribed by Part 3 have been considered and commented on in the table below.

Table 2 – SEPP (Resources and Energy) 2021 – Relevant matters for consideration

SEPP CLAUSE	PLANNING CONSIDERATION	COMPATIBLE WITH
12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses	<p>This Clause requires a consent authority to consider the following provisions when determining an application for an extractive industry</p> <p><i>Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:</i></p> <p><i>(a) consider:</i></p> <ul style="list-style-type: none"> <i>(i) the existing uses and approved uses of land in the vicinity of the development, and</i> <i>(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and</i> <i>(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and</i> <p><i>(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and</i></p> <p><i>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).</i></p> <p><u>Planning Comment:</u> The land subject to this application adjoins rural and environmental management zoned land and the operational area of the Bayswater and Liddell Power Stations.</p> <p>The extractive industry subject to this modification application has been operating at the site since</p>	Yes

	2005. During that period the current land uses of adjoining properties have continued to be carried on neighbouring properties. It is considered that the proposed development is not incompatible with adjoining land uses and that it would remain compatible with adjoining land uses where it is carried out in accordance with the conditions of consent and the EPA's Environmental Protection License requirements.	
14 Natural Resource Management	<p>The clause specifically references a need to consider conditions related to managing impacts on significant water resources, threatened species and the minimisation of greenhouse gas emissions.</p> <p><u>Planning Comment</u> The impact of the proposed development on water sources and ecology were considered by the consent authority at the time the original development application was determined. The proposed development would not have an adverse impact on either item, and there is no new evidence or information that suggests the proposed development would have a more substantial impact than previously identified. In relation to greenhouse emissions, the proposed modification would extend the operational timeframe of the extractive industry and thereby greenhouse emissions associated with that operation. The operation of the site would not cause a significant amount of greenhouse gas emissions compared to the NSW's overall greenhouse gas emissions. Accordingly, Council Officers are satisfied that the proposed development would not conflict with this clause of the SEPP and can be supported without the need for any additional conditions to be imposed.</p>	Yes
16 Transport	<p>The proposed development has been reviewed by the TfNSW and Council's Community Infrastructure Roads and Drainage Team.</p> <p>No objection was raised in relation to the proposed development. Comments provided in response to these referrals have also been considered under the referrals section of this report and incorporated into conditions of consent where appropriate.</p>	Yes
17 Rehabilitation	<p>This clause specifies the following:</p> <p>(1) <i>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.</i></p> <p>(2) <i>In particular, the consent authority must consider whether conditions of the consent should:</i></p> <p>(a) <i>require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</i></p> <p>(b) <i>require waste generated by the development or the rehabilitation to be dealt with appropriately, or</i></p> <p>(c) <i>require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3</i></p>	Yes

	<p><i>of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or</i></p> <p><i>(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.</i></p> <p><u>Planning comment:</u> A rehabilitation management plan is required to be submitted for the site as part of previous approvals and will be conditioned in the approval should the proposal be supported.</p> <p>The proponent will be required to carry out rehabilitation of the site in accordance with this document, the EIS, SoEEs, the quarries Environmental Management Plan and Environmental Protection License requirements imposed by the NSW EPA.</p>	
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State Environmental Planning Policy (Planning Systems) 2021

The proposed development does not meet the criteria of a State Significant Development application and as a modification to an approved development does not comprise a designated development application that would require approval from the Regional Planning Panel as Regionally Significant Development.

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

There are no draft EPIs relevant to the subject Application.

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

Section 11 – Extractive industry

This section of the DCP establishes the minimum information and operational requirements for an application involving the operation of an extractive industry. This modification would not alter the quarry footprint or operational intensity. The only proposed change to the operation would be the addition of commercial and demolition waste sorting and processing (brick, tile, concrete, asphalt, glass) at a rate of 30,000 tpa. Once the material is sorted it is then used in road bases, stabilised RMS specification products, and concrete batching.

Council Officers are satisfied that the changes to the development proposed would not contravene the relevant DCP requirements.

Section 94 Contributions Plan 2001

The development consent for the establishment of the extractive industry included conditions relating to the payment of Section 94 contributions for the development.

Council's 2001 Section 94 Plan includes the provision of a Section 94 contribution on extractive industries determined on a case-by-case basis based on the impact of the development on the road network. Previously, conditions 12 and 13 required the applicant to enter into an agreement for the payment of section 94 contributions and the submission of tonnage details to inform the calculation of relevant contributions.

The agreement between Council and the applicant set the contribution for the operation of the premises at \$0.30 per tonne. The proposed development was referred to Council's Community Infrastructure Roads and Drainage Team who raised no issue with the existing rate of contributions paid by the operator of the development. Council's Development Compliance Officer has recommended that CPI be applied to the rate of contributions paid to Council from March 2020. A condition will be identified in the notice of determination reflecting updated contributions required to be paid.

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

Council Officers are not aware of any voluntary planning agreements that relate to this development application or the subject site.

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

Part 4 of the *Environmental Planning and Assessment Regulation 2021* applies to the development. Appropriate conditions of consent are recommended.

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

In its original determination of the development applications for the extractive industry and concrete batching plant, Council considered the likely environmental impacts associated with the development, and in both cases determined these impacts to be acceptable subject to conditions. This proposed modification changes the existing operation (i.e. gravel quarry, concrete batching plant and plant hire) by introduction of commercial waste processing. The environmental impacts associated with the development will remain relatively unchanged, given that the proposed development is within the curtilage of the existing operation.

Council Officers are satisfied that the proposed development is unlikely to result in any substantive environmental impacts that warrant refusal of the development application.

It is recommended that the conditions of consent surrounding the operation of the premises for this modification be updated where appropriate and the applicant demonstrate compliance with conditions relating to the previous DAs.

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

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

Section 4.15(1)(d) any submissions made

The proposed Section 4.55 modification was publicly notified and advertised on two occasions. The modification was originally notified from the 3 May 2021 to the 24 May 2021 for a period of twenty-one (21) days. Two (2) submissions were received during this notification period, both objecting to the proposal. The proposal was also advertised in the Muswellbrook Chronicle during the notification period.

Each of the submissions received have been considered in the assessment of the development and comments included in an attachment to this Report. Additional conditions of consent have been proposed to mitigate some of the concerns raised.

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

The proposed modification is viewed as being compatible with the public interest. The proposal will introduce reuse of construction and demolition waste and support local economic activity and employment opportunities. Conditions of consent have been updated in accordance with recommendations from Council's Development Compliance Officer to ensure the operation is

carried out in accordance with current industry best practice.

5 CONCLUSION

The section 4.55(2) modification has been assessed under the relevant provisions of Section 4.55 of the EP&A Act 1979 and the alterations to the approved development considered against the relevant considerations prescribed by Section 4.15 of the EP&A Act 1979.

It is recommended that the Development Assessment Committee grant development consent to this section 4.55(2) modification subject to the recommended conditions of consent.



STATEMENT OF ENVIRONMENTAL EFFECTS

MODIFICATION OF DA 2002/342

ACCEPT AND PROCESS UP TO 30,000TPA OF CONSTRUCTION AND DEMOLITION WASTE AS AN EXTRACTIVE MATERIAL SUBSTITUTE

Wild Quarries and Civil, 8440 New England Highway, Muswellbrook



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17 March 2021

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Document status

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Approval for issue

Shaun Smith



18 March 2021

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1 INTRODUCTION

1.1 Background

RPS Australia East Pty Ltd (RPS) act on behalf of Wild Quarries and Civil (the 'Applicant') in preparing the subject Statement of Environmental Effects (SEE) to support an application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The modified application seeks to add a 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW (the 'site'). Activities occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road. The location of the site is shown as **Figure 1** and the extent of the site encompassing existing activities shown as **Figure 2**.

The subject site is located approximately 9 kilometres (km) south-east of Muswellbrook within a rural setting. Smaller rural properties with residences, sheds and dams are located on the western side of the New England Highway. Thomas Mitchell Drive, which meets the New England Highway adjacent to the quarry, provides access to the open cut coal mining operations of Drayton (closed), and Mount Arthur North which are located 2km to the south-west.

Bayswater and Liddell Power Stations, the latter situated on the western shores of Lake Liddell, are located approximately four kilometres south of the site. Land uses associated with the power stations and mining are located to the south west of the site.

This SEE and Development Application (DA) have been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is submitted to Muswellbrook Shire Council for assessment and consideration accordingly. This SEE provides the following:

- A description of the site and locality.
- A description of the development.
- Assessment of the relevant environmental planning matters for consideration under Section 4.15 of the EP&A Act, including compliance with environmental planning instruments and development control plans, environmental impacts, site suitability, submissions, and public interest.
- A conclusion with respect to the development.

1.2 Site History

The site is currently the location of an operating 100,000tpa gravel quarry and a 30,000tpa concrete batching plant. Both activities are approved under DA 2002/342 (as amended). Prior to the establishment of these activities, the site was utilised as a depot for a local transport business approved under DA 141/96 and DA 2/97. The site has also been utilised for pastoral grazing activities and some minor quarrying activities. A residential house is also located on the site which is the dwelling of the current and previous landowners.

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Figure 1 Site Location

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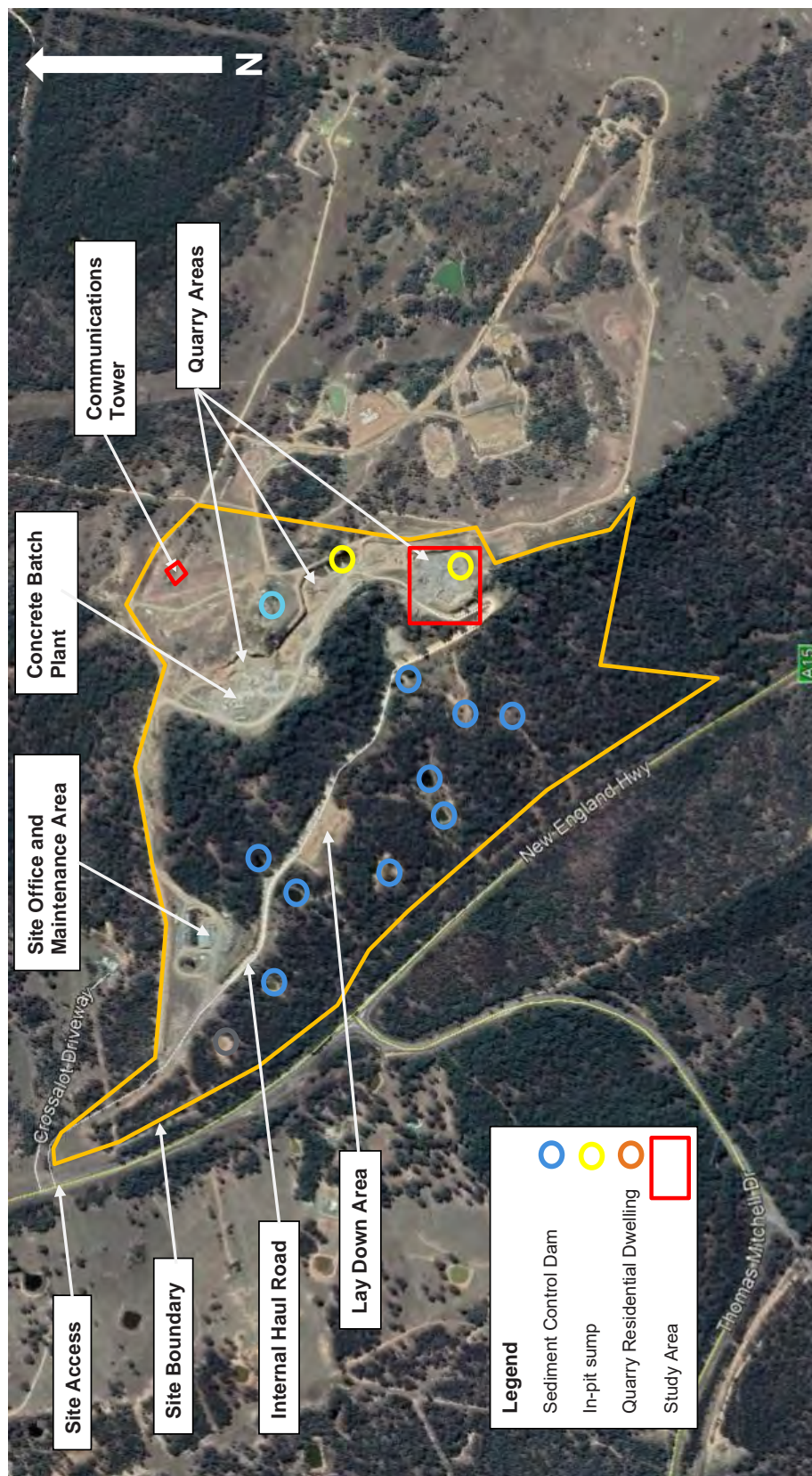


Figure 2 Extent of Operations

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1.3 The Proposed Activity

The proposed modification relates to the establishment of a 30,000tpa Construction and Demolition Waste Facility (C&D) which will provide recycled aggregates to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site. This application seeks to add the waste activities within the same disturbance footprint as the existing approved activities. Waste receipt, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site that is shielded both visually and acoustically, and drains to an existing in-pit dirty water dam. Further detail on the proposed C&D waste operations is provided in **Section 4**.

1.4 The Applicant

This SEE has been prepared on behalf of Wild Quarries and Civil Pty Ltd who own and operate both the quarry and concrete batching operations.

1.5 Site Description

The subject site is located within the Muswellbrook Shire Council Local Government Area (LGA) with a property address of 8440 New England Highway, Muswellbrook, NSW and a legal property description of Lot 30 in DP 815308 (refer **Figure 1**). Current operations generally occupy the north-eastern portion of the site, with haul roads connecting active pit areas with the site office and maintenance areas in the north-western portion.

The subject site forms an irregular shaped parcel of land with a site area of approximately 82ha. Approximately 16ha of the site is approved for disturbance as part of the current operations. The site consists of cleared grazing and disturbed woodland areas. A cliff line physically divides the property into two sections, the lower section consists of disturbed woodland with open grazing areas, dams, site office and maintenance shed, while the upper section consists of a residence, shed, open grazing areas, operational quarry pits, and concrete batching plant (refer **Figure 2**).

1.6 Existing Approvals

DA 342/2002 (as amended)

Existing quarry and concrete batching operations at the site are approved under DA 342/2002 (as modified 2007, 2016, 2018, 2019).

1.7 Permissibility

Muswellbrook Local Environment Plan 2009 (MLEP) is the principal local environment planning instrument governing development on the site. The subject site is currently zoned E3 Environmental Management under MLEP 2009 and identified in the zoning map shown as **Figure 3**.

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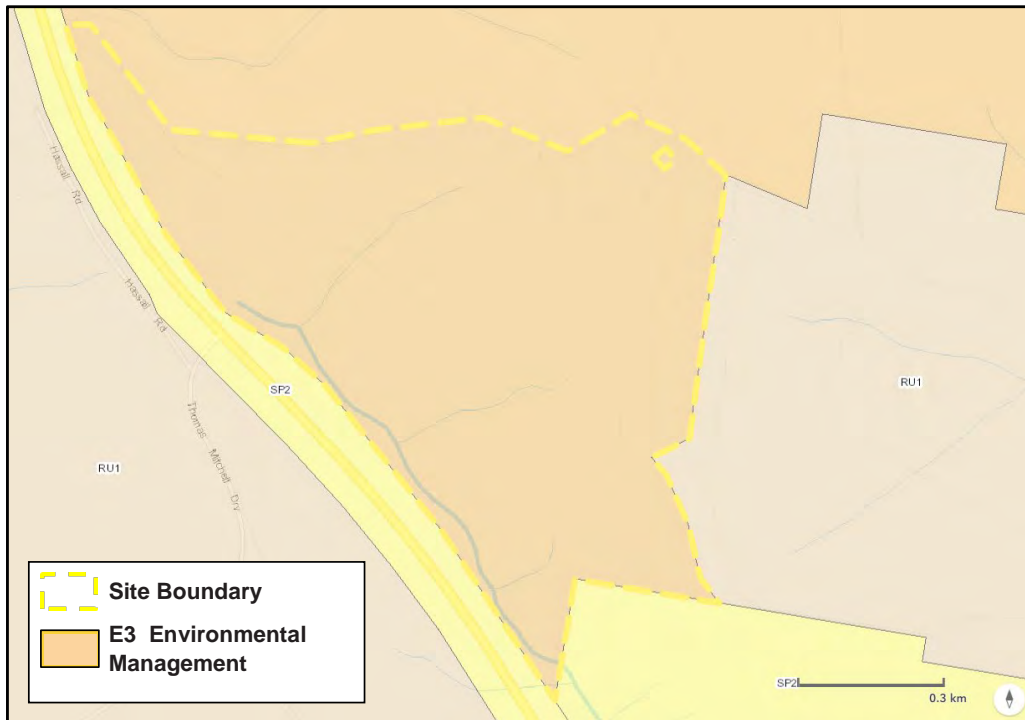


Figure 3 Land Use Zoning

Under zoning E3 extractive industries, concrete batching plants, and waste facilities are not permitted. However, prior to the implementation of MLEP in 2009 the site was zoned 1(a) Rural which did allow for the development of extractive industries on the subject site. The original approval of the quarry operations occurred in 2004 prior to the site being rezoned. Under the provisions of Section 4.65 of the EP & A Act existing use rights would apply. In this regard, Section 4.65 of the EP & A Act defines existing use as:

'Existing Use' means:

(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and

(b) the use of a building, work or land:

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use

As such the provisions of 'existing use' apply due to the quarry being approved prior to the land zone changing by way of an update to the MLEP.

Approval of the proposed waste operations is permissible under the State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007 which allows for the 'co-location of industry' where an approved extractive industry already exists. Part 2, clause 7, sub-clause 4 of the SEPP states:

(4) Co-location of industry *If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—*

(a) the processing of extractive material,

(b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,

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- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

Sub-clause 4(b) allows for the processing of construction and demolition waste (or other materials) where they are to be used as a substitute for extractive materials. It is proposed to blend recycled concrete, brick, tile, and glass into the products produced from the quarry and batching plant.

1.8 Consultation

Consultation has been undertaken with Muswellbrook Shire Council prior to and during the preparation of this SEE. Consultation will continue with Council through the assessment and determination process for the subject application.

1.9 Consent Authority

Muswellbrook Shire Council is the consent authority for the proposed modification.

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2 EXISTING ENVIRONMENT

2.1 Topography

The site is physically divided into two sections, the lower section generally consisting of disturbed woodland with open grazing areas and dams, and the upper section consisting of a residence, shed, open grazing areas and areas cleared for various easements. The upper section, divided from the lower by an escarpment and steeper slopes, rises to 292 metres. The lower section, near Maidswater Creek and the New England Highway, is approximately 180 metres in elevation. The steep slope dividing the two sections of the property, which forms the southwestern boundary of the quarry, is between 220 and 270 metres in elevation.

The area surrounding the site is characterised by the water bodies associated with the Liddell and Bayswater power stations, woodland areas, rural and rural residential cleared areas, and mining infrastructure. The New England Highway provides a transport corridor through the visual landscape, which rises on both sides of the highway.

2.2 Hydrology

The site flows towards Maidswater Creek, which enters Lake Liddell to the south east. There are approximately 12 existing dams on the site that are used to capture and retain any sediment laden water. Maidswater Creek only flows intermittently and during periods of excessive rainfall. All sediment laden water from the site operations is retained in existing site dams. The main dam receiving runoff from the quarry operations is used to supply dust suppression water for the onsite water cart and crushing equipment.

2.3 Flora and Fauna

Historically, the site has been used for pastoral practices, as well as some small-scale quarrying in the past, which has resulted in some areas being predominantly cleared and the vegetated areas degraded and simplified to varying degrees over. The site does, however, contain habitats known to be used by threatened species, habitats that are potentially utilised by other threatened species, and habitats of significance for local biodiversity. Previous assessments over the site have found that a total of 20 species of threatened fauna were considered to be potential subject species. Of these 20 species, 5 were positively identified during field surveys. This includes the Southern Myotis *Myotis macropus*, Large Bentwing Bat *Miniopterus schreibersii*, Speckled Warbler *Pyrrholaemus sagittatus*, Hooded Robin *Melanodryas cucullata* and Squirrel Glider *Petaurus norfolcensis*.

2.4 Transport and Access

Access to the site utilises an intersection and access road off the New England Highway. This intersection was ungraded to an Austroad C standard as part of the consent conditions for DA 342/2002 for the original quarry approval. This upgrade included a right hand turn in, deceleration and storage lane, left turn in, deceleration lane and left turn out, and acceleration lane. This intersection upgrade provided the site with more than adequate capacity to cater for both the quarry and batch plant truck movements.

2.5 Utilities and Services

The following utilities and services are currently connected to or are traversing the site:

- an electricity transmission line easement containing a 132kV line;
- a transmission line easement crossing the site, vested to the 'Council of the Upper Hunter County District', from which the transmission line has been removed;
- an 11kV single phase electricity line from the New England Highway to the lower shed, residence, and mobile phone tower within Lot 30 DP 815308;
- an underground telephone cable adjacent to Grasstree Ridge Road and the access track to the existing residence on Lot 30 DP 815308;
- a mobile telephone tower with transmitter, located within Lot 30 DP 815308 under a lease agreement;

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- state survey marker 39234 FD; and
- television repeater station.

2.6 Surrounding Development

The subject site is located in a rural setting, with mining, industrial and agricultural uses in the vicinity. The immediate surroundings are described as follows:

- **North** – Directly north of the site is a rural residential property on Lot 2 DP258548;
- **South** – To the south of the site are 2 operating coal fired power stations owned by AGL Macquarie;
- **East** – To the east of the site is rural grazing land, of which a significant portion is owned by AGL Macquarie, and 1 rural residential property on Lot 4 DP258548; and
- **West** – To the west is the New England Highway and approximately 7 rural residences. Further west off Thomas Mitchell Drive are the previous Drayton Coal operations and the currently operating Mt Arthur Coal Mine.

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3 EXISTING APPROVED DEVELOPMENT

The development consists of an existing 100,000tpa gravel quarry and a 30,000tpa concrete batching plant. Both activities are approved under one consent with consolidated conditions. Details of the existing operations are provided below.

3.1 Quarry and Plant Hire Operations

3.1.1 Description

The following components apply to the quarry and plant hire aspects of the development:

- Existing site office, maintenance shed, staff amenities, and associated hard stand areas for equipment maintenance;
- Existing upgraded intersection of Grasstree Ridge Road with the New England Highway;
- Existing haul road from Grasstree Ridge Road near the intersection with the New England Highway to the quarry area;
- Existing equipment and plant hire operations;
- Crushing and screening of up to 100,000tpa of extracted material over a 20 year period;
- Stockpiling of material on site;
- Haulage of material from the site by 12 to 30 tonne highway trucks;
- Water management and erosion and sediment control structures including dams, culverts, pipes, and pits; and
- Progressive rehabilitation of quarried areas.

The site layout is shown on **Figure 2. Plates 1 to 8** show the various existing components of the site operations.



Plate 1 Site Access and Upgraded Intersection

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Plate 2 Existing Maintenance Shed and Site Offices



Plate 3 Haul Road Entrance from New England Highway

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Plate 4 Existing Concrete Batching Plant



Plate 5 Crushing and Screening Equipment

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Plate 6 Quarry Face and Raw Material for Processing



Plate 7 Erosion and Sediment Control Dam

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Plate 8 Existing Site Rehabilitation

3.1.2 Market Assessment

Wild Quarries and Civil will continue to market the gravel material for road base and other construction purposes, particularly in the local road building and mining industries. The proponent's plant hire operation also has an ongoing need for gravel material for the supply to road and local infrastructure projects.

The demand for aggregate material in the Muswellbrook, Singleton, Denman, and Scone areas is high due to road and infrastructure projects and also the ongoing development of open-cut and underground coal mines in the region. Road maintenance and rail upgrade works are also ongoing in the area, and the proponent is strategically placed to service this market, having a long association in the local area providing plant and equipment for construction projects.

The operations are only 9 kilometres from Muswellbrook and is also well placed to service coal mines south of the site, off Thomas Mitchell Drive and towards Singleton.

3.1.3 Resource Estimate and Extended Operational Life

To date, resource has been quarried from several areas of the development, including Stages 1, 2, 3 and 4 (refer Figure 4 - 7 for stages). The majority of material has been extracted from Stage 1 with the remainder extracted from the western areas of Stages 2-4. Based on the extraction to date it has been estimated that approximately 900,000 tonnes have been extracted since the original approval was granted in 2004. Revised resource estimates for the site suggested that there were in excess 2,900,000 tonnes of material within the original approved quarry footprint. On this basis it is estimated that there are 2,000,000 tonnes of material remaining in situ. This remaining resource will allow for the continued operations of the quarry at 100,000tpa for an additional 20 years and beyond.

3.1.4 Staging and Quarrying

The staged quarry plans (refer Figure 4 - 7) show that the design adopted for the pit orientates the quarry face in a south east - north west direction, moving the mine face in a northerly direction. This provides the best acoustic and visual screening to the closest northern neighbour. This orientation assists in projecting

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noise and overpressure towards the south, where there are no near neighbours, and visually screening operations.

Due to the strength of the conglomerate material, each stage requires an initial drill and blast to fragment the rock. An excavator then loads the blasted rock into a mobile crusher that crushes to required sizes. A front-end loader is then used to move stockpiles and load highway trucks to haul the material off site.

The benefit of the mobile crusher is the flexibility of the location of the equipment and stockpiles. Equipment is situated such as to minimise the noise impacts on all surrounding residents. Crushing operations occur as close to the blasted face as possible to reduce double handling of material.

Stockpiles are situated on the quarry floor adjacent to crushing equipment to allow for easy loading. And are no more than 4 metres in height to avoid any visual intrusion.

3.1.5 Equipment

The following equipment is currently utilised for quarry activities at the site:

- 1 x Drill rig;
- 1 x Excavator;
- 1 x Mobile crusher;
- 1 x Mobile screen;
- 1 x Front end loader;
- 1 x Dozer; and
- Highway trucks (12 to 30 tonne capacity).

3.1.6 Truck Movements

As is detailed in the original quarry EIS, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) at full extraction capacity of 100,000tpa. Over the 16 years that the quarry has been operating the site has only produced, on average, 50,000tpa and as such the peak truck movements have never been achieved. It is anticipated that there will be no increase to the predicted traffic movements to and from the development.

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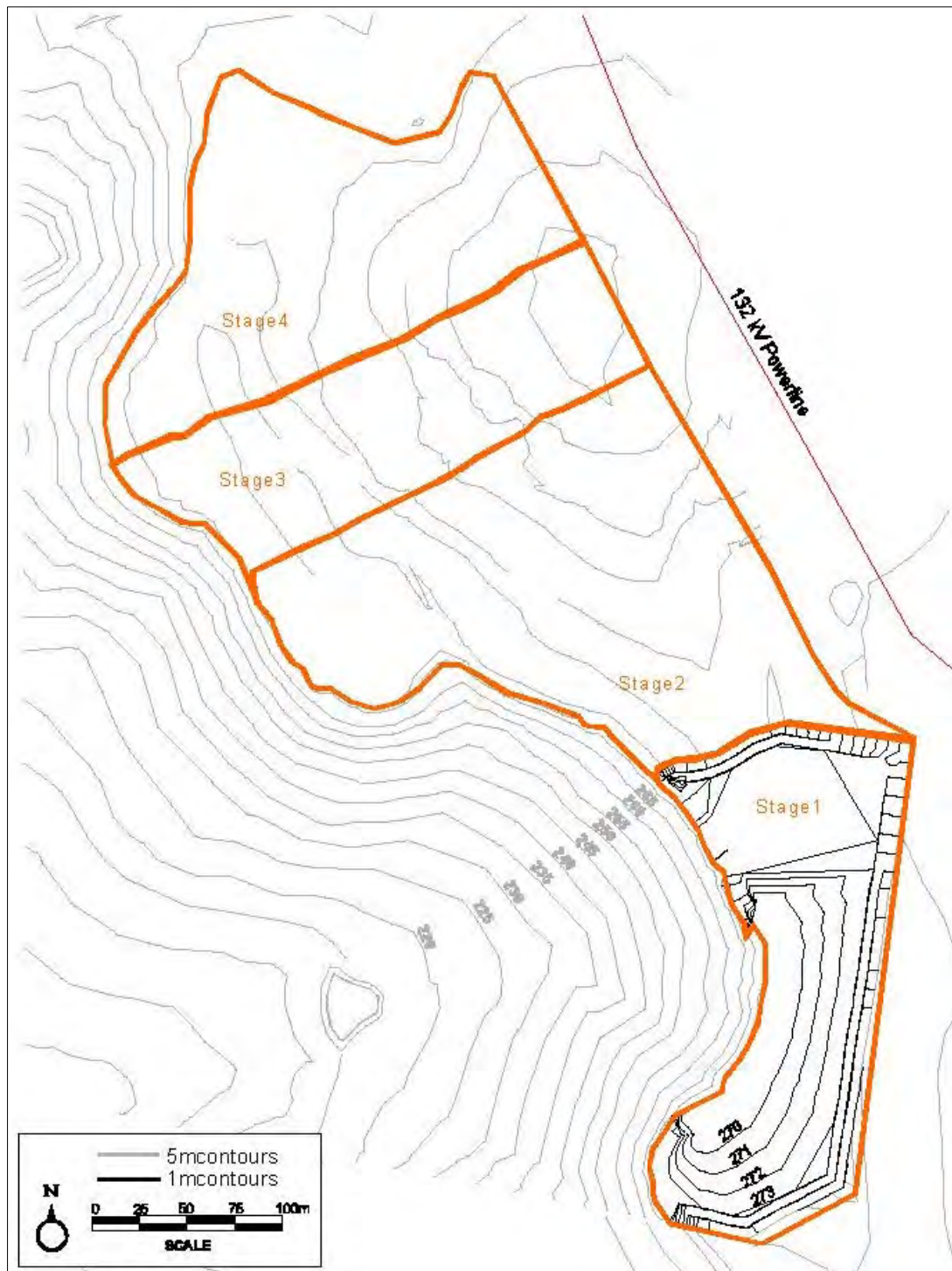


Figure 4 Quarry Plan Stage 1

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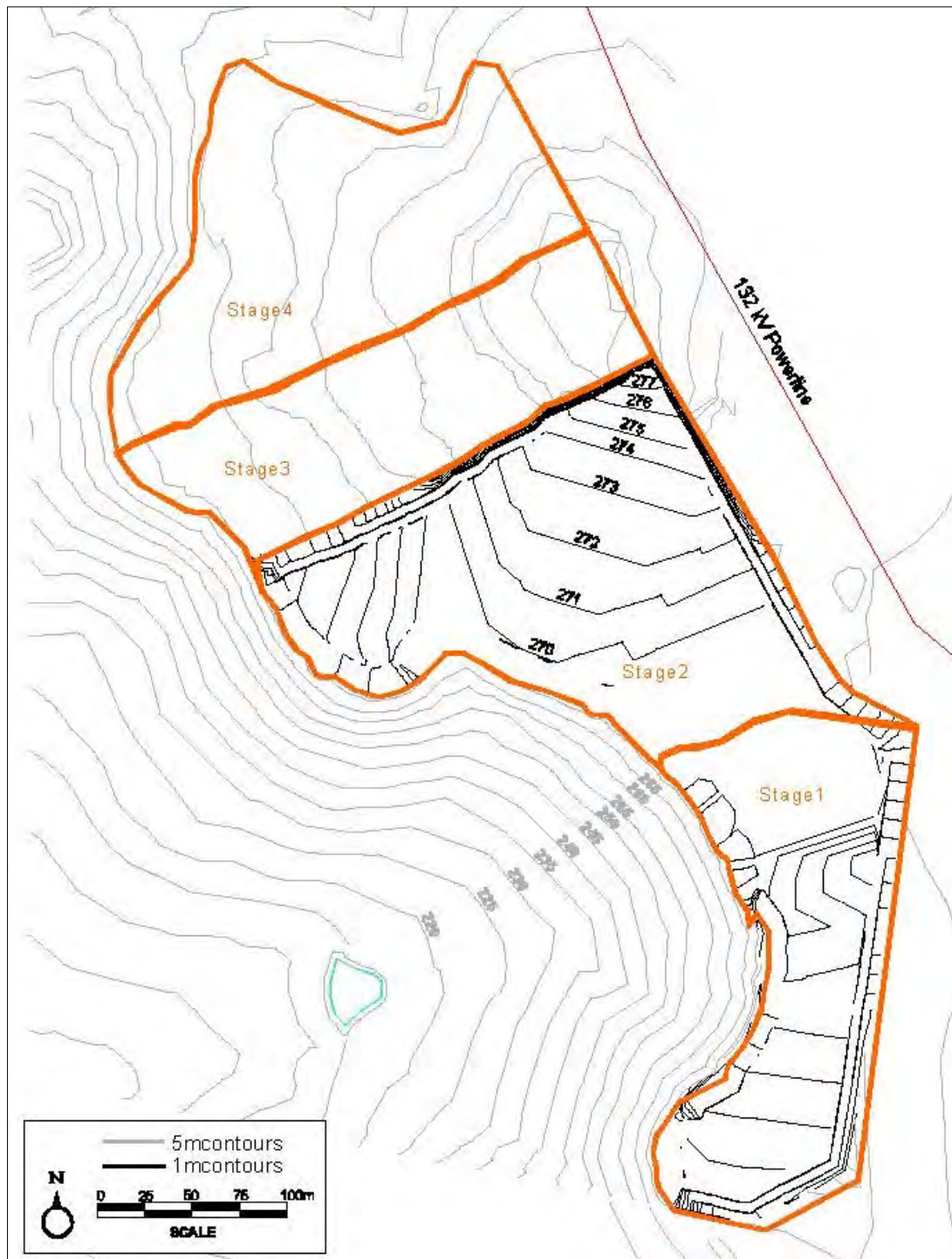


Figure 5 Quarry Plan Stage 2

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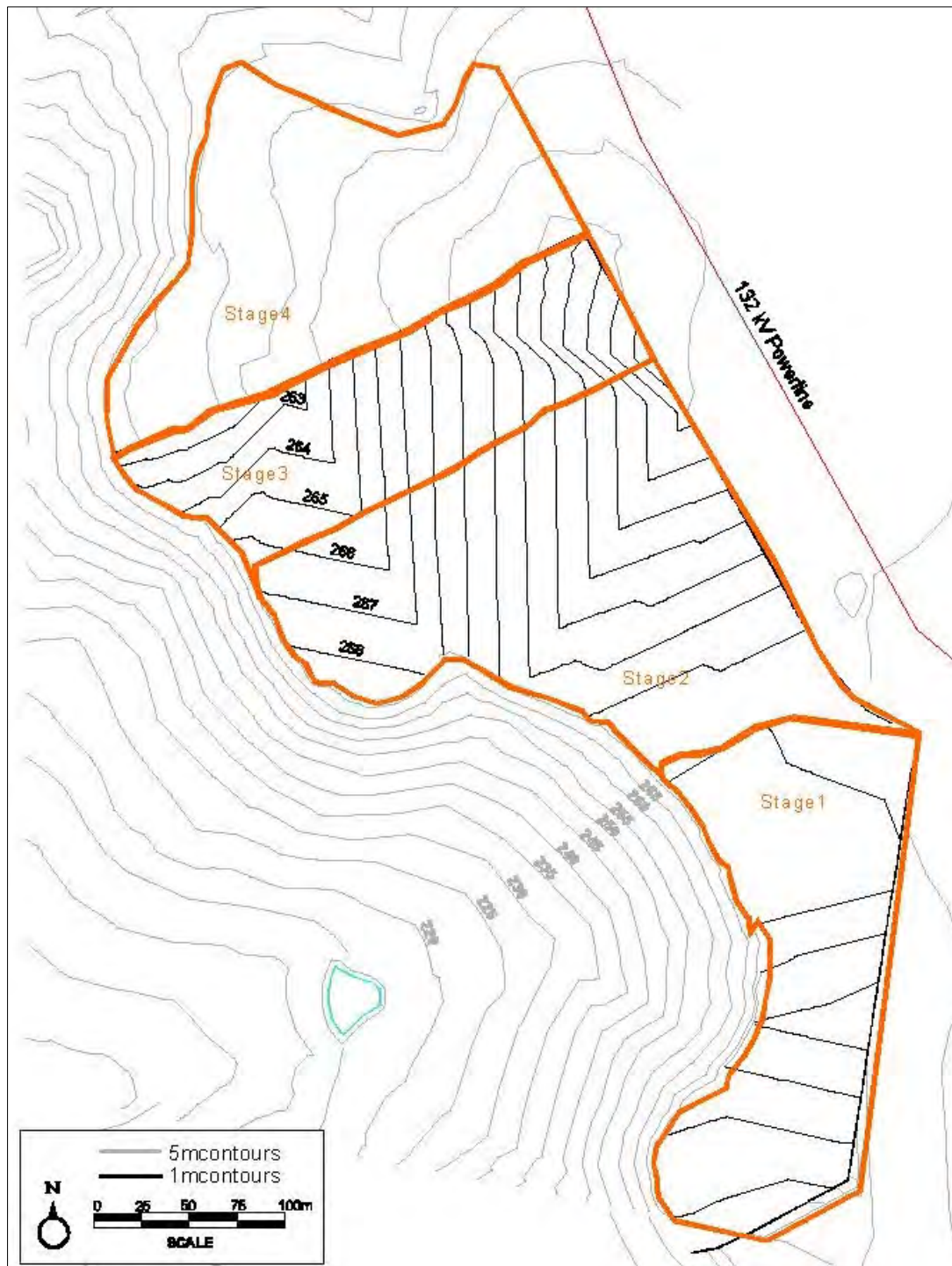


Figure 6 Quarry Plan Stage 3

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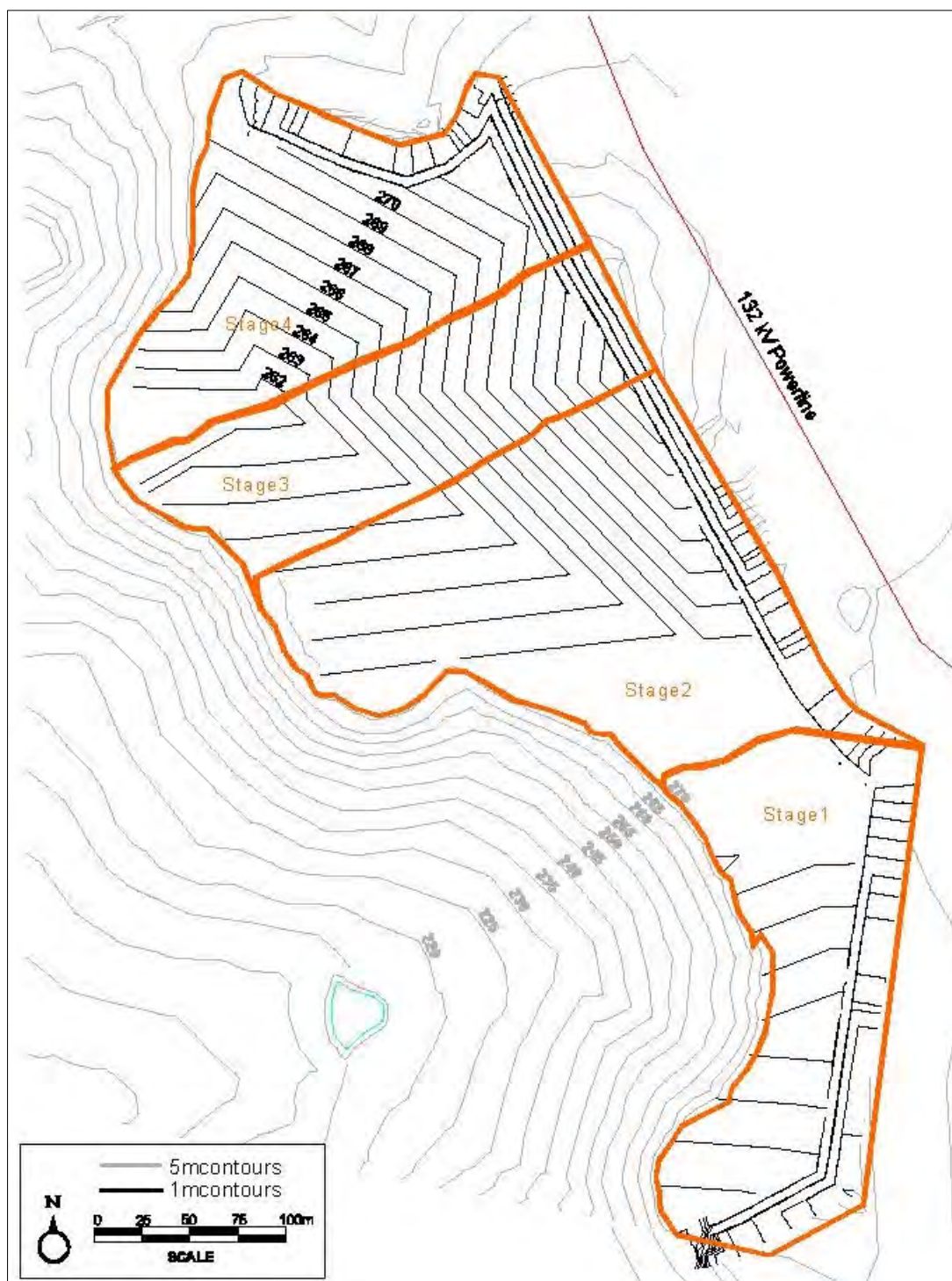


Figure 7 Quarry Plan Stage 4

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3.1.7 Plant Hire Operations

The plant hire operations consist of the following plant and equipment:

- 1 x Float truck;
- 4 x Trucks;
- 4 x Excavators;
- 2 x Dozers;
- 3 x Water carts;
- 8 x Tipper trucks;
- 2 x Rollers; and
- 2 x Graders.

Due to the nature of the hire operation not all equipment is stored on site at the same time. Plant is often hired for long-term projects and it is the aim of the operation to have plant constantly in use. Therefore, some plant may only return to the site once every few weeks for maintenance. The float truck generally exits the site once or twice per day as it is used to transfer equipment between sites.

Maintenance is carried out on the site include such activities as grease and oil changes, engine maintenance, tyre changes and other vehicle maintenance activities. These are conducted within the large maintenance shed.

A wash down bay is located directly adjacent to the maintenance shed for the cleaning of plant and equipment. An oil/water separator treats oily water generated from this area.

3.1.8 Work Force

The existing workforce for the gravel quarry, plant hire operation, and batch plant is up to 40 persons. Some contract staff are utilised as required for both campaign work and also for rail shut down works.

3.1.9 Hours of Operation

Current hours of operation for the quarry are:

- Monday to Friday 7am to 5pm;
- Saturday 7am to 1pm; and
- Sunday and Public Holidays no operations.

The above hours of operation are for quarrying and general operations. Haulage would be within the same hours.

Current hours of operation for the plant hire operation are:

- Monday to Friday 7am to 3pm;
- Saturday 7am to 1pm; and
- Sunday and Public Holidays no operations.

There will be no change to current operating hours for either the quarry or plant hire.

3.2 Concrete Batching Operations**3.2.1 Description**

The operations consist of a mobile concrete batching plant that utilises the raw materials produced from the co-located quarry. The main components of the batching plant and associated infrastructure include:

- Cement silo, including cement auger;

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- Transit mixer loading area;
- Raw product storage bins;
- Water storage tank;
- 2 x recycling pits; and
- Loading apron.

The concrete plant is established in an area of the quarry that has previously been subject to extraction, therefore there is no additional disturbance from its establishment. In addition, as mobile plant is being utilised there has been minimal erection of permanent infrastructure. This allows the plant to be transported to other sites where onsite concrete production is required.

Water for the operations is sourced from storage dams utilised for the existing quarry, with wash down water recycled and re-used as part of the batching process.

The volume of concrete produced is up to 30,000tpa or up to 120 tonnes per day. The layout of the batch plant operation is shown on Figure 8. There are no proposed alterations to the existing batching operations as part of this application.

3.2.2 Plant and Equipment

The following mobile plant and equipment are utilised for the concrete batching operations and will continue to be utilised:

- Front end loader
- Rigid and articulated tip trucks;
- Agitator trucks; and
- Water trucks.

3.2.3 Site Facilities and Work Area

The work area and site facilities include:

- Site office;
- Amenities;
- Light vehicle parking; and
- Material and equipment storage/lay-down areas.

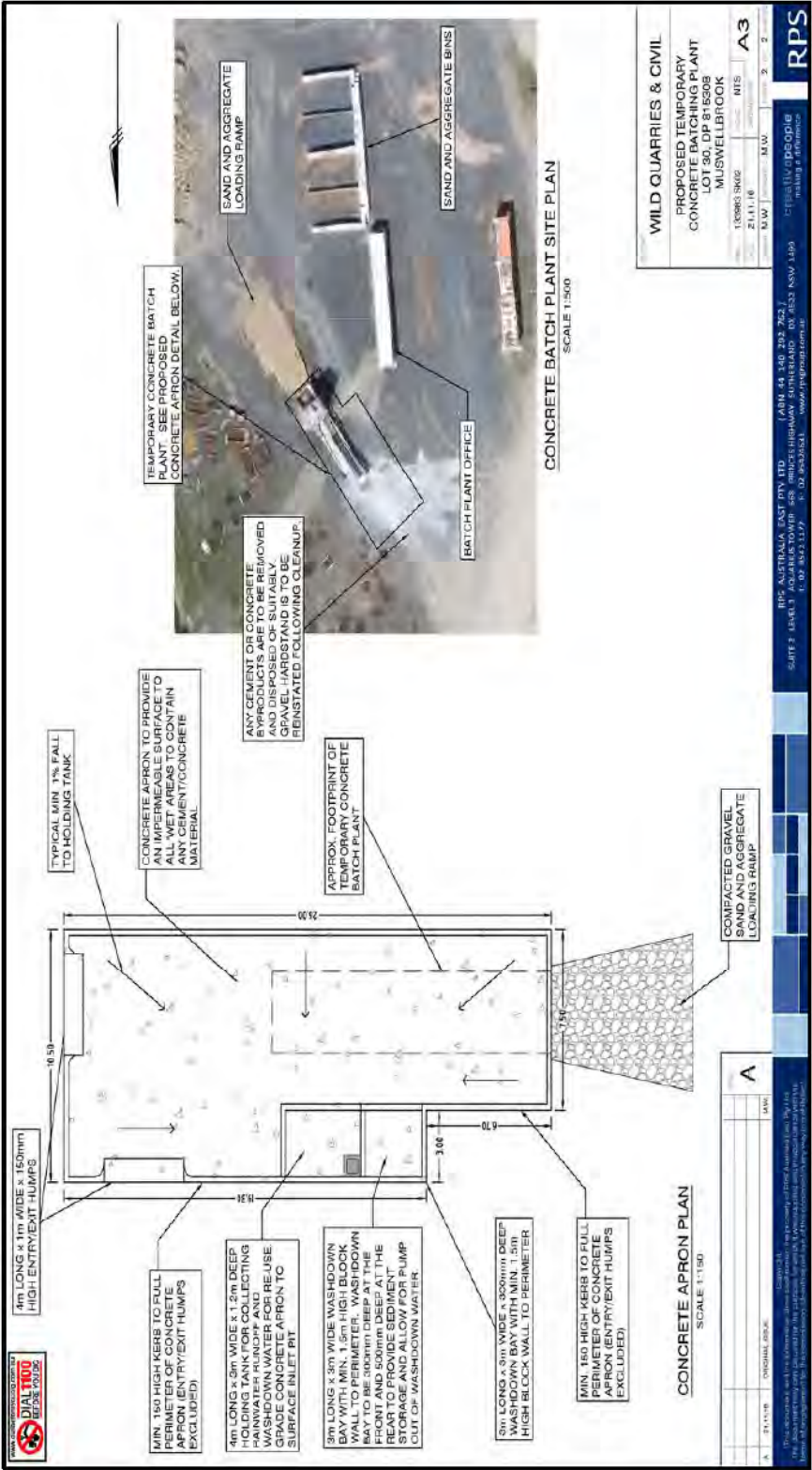


Figure 8 Concrete Batch Plant Layout

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3.2.4 Truck Movements

The batch plant operations produce in order of 20 truck movements per day as a worst-case scenario. The existing intersection into the site and the New England Highway have adequate capacity to accommodate both the quarry and batch plant truck movements. The intersection upgrade that was undertaken for the original quarry approval was designed to cater for 60 truck movements.

3.2.5 Hours of Operation

The batching plant operates during the same hours as the quarry, which are:

- Monday to Friday 7am to 5pm; and
- Saturday 7am to 1pm.
- Sunday and Public Holidays no operations

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4 PROPOSED DEVELOPMENT

The proposed development consists of the addition of Construction and Demolition waste processing (C&D) up to a volume of 30,000tpa. C&D waste proposed to be received would be crushed and screened and used as a substitute to existing quarry products won onsite. This would include concrete, brick, tile, asphalt, and glass to be crushed and blended for use in road bases, stabilised RMS specification products, and for use in concrete batching. Further details of the proposed waste operations are described below.

4.1 Construction and Demolition Waste Processing

4.1.1 Description

The C&D waste processing area is proposed to be established in an area of the quarry that has previously been subject to extraction, therefore there is no additional disturbance required. In addition, as mobile plant is being utilised there will be no installation of permanent infrastructure. This allows the plant to be transported to other sites where onsite crushing may be required for other activities.

Water for dust suppression is proposed to be sourced from existing onsite storage dams and from an in-pit storage within the processing area. The floor of the processing area will be graded back to base of the highwall of the disused extraction area, with an in-pit sump created to manage dirty water generation. Water from this sump will flow to an existing in-pit dam. Water can then be pumped directly from the in-pit dam for use as a dust suppressant or for product washing where required.

Generally, waste material will arrive at the site and be inspected at the weighbridge office prior to being sent to the processing area. Should any non-approved or hazardous materials be found the load will be rejected and the driver will be turned away. Once weighed and inspected, loads will proceed to the waste processing area of the site where the load will be dumped and inspected again. If the load is contaminated it will be rejected, reloaded, and sent off-site with the driver.

Once the load is accepted after dumping and inspecting, the materials will be sorted to remove any rubbish such as steel, timber, or any other rubbish that is not accepted. Reject materials will be separated and taken offsite for further recycling or disposal at a licenced waste facility.

Stockpiles of unprocessed materials will be established adjacent to the processing area. Materials will then be loaded into crushing equipment to produce various products as substitutes for quarry product. Depending on the use, materials may also be screened to remove oversize.

Materials will then be loaded and stockpiled with other quarry products onsite where they will either be blended or used as substitutes for the onsite concrete batching activities.

The maximum volume of waste to be received is up to 30,000tpa tonnes per annum or up to 120 m³/day. The layout of the waste receipt and processing area is shown as **Figure 9**.

4.1.2 Plant and Equipment

The following mobile plant and equipment will be utilised for the C&D waste processing onsite:

- 1 x Excavator;
- 1 x Mobile crusher;
- 1 x Mobile screen;
- 1 x Front end loader;
- Highway trucks (12 to 30 tonne capacity); and
- 1 x Water truck.

4.1.3 Truck Movements

The C&D operations will produce in order of 5 truck movements per day as a worst-case scenario. The existing intersection into the site and the New England Highway have adequate capacity to accommodate

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both the quarry and batch plant truck movements. The intersection upgrade that was undertaken for the original quarry approval was designed to cater for 60 truck movements.

4.1.4 Hours of Operation

The waste receipt and processing activities will operate during the same hours as the quarry, which are:

- Monday to Friday 7am to 5pm; and
- Saturday 7am to 1pm.
- Sunday and Public Holidays no operations.

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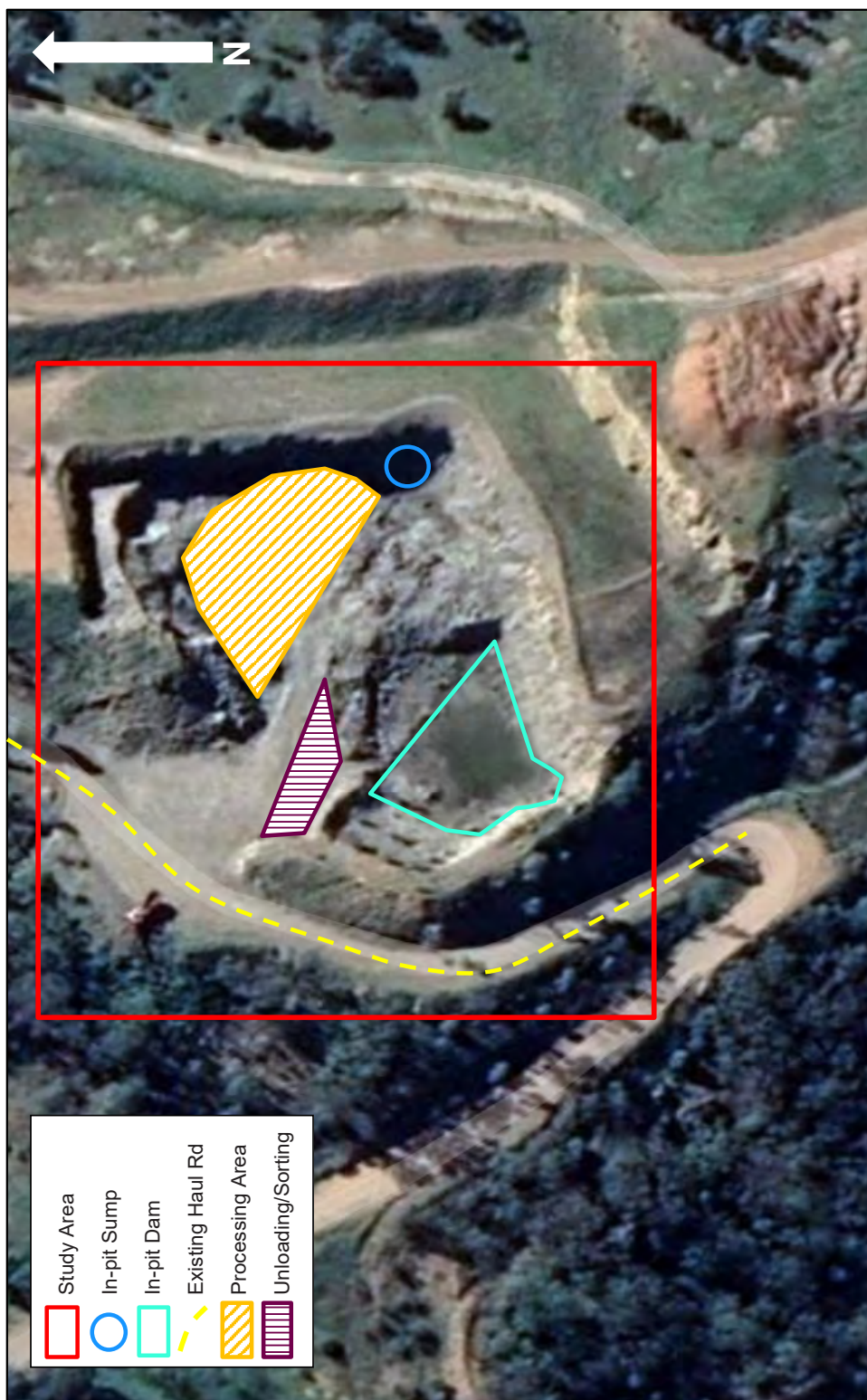


Figure 9 Waste Processing Area and Operations

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5 PLANNING AND STATUTORY CONSIDERATIONS

This section identifies the relevant planning provisions that apply to the site.

5.1 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the planning and approvals process in NSW. The EP&A Act provides for the making of Environmental Planning Instruments (EPIs) including Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs), which set out requirements for particular localities and/or particular types of development. The applicable EPIs and the Regulations made under the EP&A Act determine the relevant planning approval pathway and the associated environmental assessment requirements for proposed development activities.

The modification of the development is being assessed under the provisions of the EP&A Act. The proposal will be determined under Part 4 of the EP&A Act with Muswellbrook Shire Council being the consent authority.

The EP&A Act allows for the modification of an approved development under Section 4.55. Under this section there are four categories of modification depending on the level of change and environmental impact. These include:

- modification involving minor error, misdescription or miscalculation – Section 4.55(1) of the Act;
- modification involving minimal environmental impact – Section 4.55(1A);
- other modifications – Section 4.55(2); and
- modifications of consents granted by the Court – Section 4.56.

It is proposed to modify DA 2002/342 under the provisions of Section 4.55(2) – Other modifications. Section 4.55(2) – Other modifications provides for the following:

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

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority, or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

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5.2 State Environmental Planning Policies

5.2.1 Mining, Petroleum Production and Extractive Industries SEPP 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (NSW) applies to the activity. In recognition of the importance to NSW of mining, petroleum production and extractive industries, the Mining SEPP aims to:

- Provide for the proper management and development of mineral, petroleum, and extractive material resources for the purpose of promoting the social and economic welfare of the State;
- Facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources; and
- Establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum, and extractive material resources.

Part 2, clause 7, sub-clause 4 of the Mining SEPP allows for the establishment of additional development on lands where extractive industry is already being carried out with development consent. The Mining SEPP refers to this as the 'Co-location of Industry'. Specifically, Part 2, clause 7, sub-clause 4 of the SEPP states:

(4) Co-location of industry If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—

- (a) the processing of extractive material,*
- (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

Sub-clause 4(b) allows for the processing of construction and demolition waste (or other materials) where they are to be used as a substitute for extractive materials. It is proposed to blend recycled concrete, brick, tile, and glass with the products produced from the quarry and batching plant.

Under the '**Co-location of Industry**' provisions the processing of construction and demolition waste as a substitute for extractive material is permissible due to the quarry being an existing and approved operation.

5.2.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 provides definitions for hazardous industry and offensive industry, as well as potentially hazardous industry and potentially offensive industry. An application to carry out a potentially hazardous or offensive industry is required to be accompanied by a preliminary hazard analysis (PHA).

The potential for hazard and/or offence as a result of the proposed development is considered in the original EIS for the quarry development. It considers the potential risks of transporting, storing, and using dangerous goods such as fuels and explosives, and concludes that as the quantities of materials are small and will be stored in accordance with relevant standards for the storage of flammable and combustible liquids and in accordance with Dangerous Goods licencing requirements, they are not considered to present any significant hazard or risk beyond the site boundary.

The addition of 30,000tpa of C&D waste per year is also considered to be a low-risk activity as there will be no additional hazardous materials stored or transport to the site. All waste to be received will be inert building waste that will be suitably handled, sorted, processed, and recycled.

Offensiveness is considered to be minimal given that an EPA licence is required, and such operations must comply with the licence conditions. It is concluded that there is no significant risk associated with the transport, storage or use of hazardous material.

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5.2.3 State Environmental Planning Policy (Koala Habitat Protection) 2020

State Environmental Planning Policy (Koala Habitat Protection) 2020 (or Koala SEPP 2020) encourages the conservation and management of koala habitats to ensure that permanent free-living koala populations will be maintained over their present range. The policy applies to specific LGAs including Muswellbrook Shire. Development cannot be approved in the areas listed in Koala SEPP 2020 without investigation of the presence of core koala habitat.

The potential for koala habitat to exist on the site was considered in the original project EIS under SEPP 44. It was found that the disturbance area for the operations does not constitute core koala habitat, and therefore a koala management plan is not required. There is proposed to be no additional disturbance to lands as part of this application.

5.3 Muswellbrook Local Environmental Plan 2009**5.3.1 Zoning and Permissibility**

Muswellbrook Local Environment Plan 2009 (MLEP) is the principal local environment planning instrument governing development on the site. The subject site is currently zoned E3 Environmental Management under MLEP 2009. Under the E3 zone the following land uses are permitted with and without consent or prohibited:

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Camping grounds; Caravan parks; Cellar door premises; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Rural worker's dwellings; Secondary dwellings; Sewerage systems; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Within the E3 zoning 'Industries', including extractive industries and concrete batching plants (ie. general industry), are prohibited.

However, prior to the implementation of MLEP in 2009 the site was zoned 1(a) Rural which did allow for the development of extractive industries on the subject site. The original approval of the quarry operations occurred in 2004 prior to the site being rezoned. Under the provisions of Section 4.65 of the EP & A Act existing use rights would apply. In this regard, Section 4.65 of the EP & A Act defines existing use as,

'Existing Use' means:

(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and

(b) the use of a building, work or land:

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use

As such the provisions of 'existing use' apply due to the quarry being approved prior to the land zone changing by way of an update to the MLEP.

The approval of the C&D waste operations is permissible under the State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007 which allows for the 'co-location of industry' where an approved extractive industry already exists. Activities that are described as 'co-location' include 'the processing of construction and demolition waste or of other material that is to be used as a

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substitute for extractive material. Accordingly, the receipt and processing of C&D waste at the site is permissible under SEPP Mining 2007.

5.4 Muswellbrook Development Control Plan 2009

Muswellbrook Development Control Plan 2009 (MDCP) supplements the MLEP 2009 and provides additional information that should be considered when preparing a Development Application.

The purpose of the MDCP is to provide guidance to proponents carrying out development in the LGA and to promote development that is consistent with Council's overarching vision for the LGA. MDCP also seeks to ensure development incorporates principles of ecologically sustainable development and foster development that responds appropriately to both the natural and built environments.

Muswellbrook Shire Council has a land use specific DCP for extractive industry within its LGA. **Section 11 – Extractive Industry** of MDCP represents Council's commitment to Ecological Sustainable Development (ESD) by establishing a framework in which the industry, community, state government and Council all work together to achieve sustainable outcomes.

The Section 11 of the MDCP sets out land use specific requirements for the development and operation of extractive industries. Specific requirements relate to Application Assessment, Community Consultation, Transport, Visual Amenity, Flora and Fauna, Noise, Blasting, Air Quality, Erosion and Sediment Control, Socio-economic, Rehabilitation, and Environmental Management. These DCP requirements were addressed as part of the original EIS prepared for the quarry in 2002 and also through post consent approvals. Additional studies have been undertaken as part of this modification in relation to noise, traffic, and air quality.

5.5 Other Relevant Environmental Legislation

5.5.1 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) establishes the State's environmental regulatory framework and includes licensing requirements for certain activities. As the site is an operation processing 100,000tpa of gravel material it is deemed to be a land-based extractive activity under Clause 19(1), Schedule 1 of the POEO Act and as such requires an Environmental Protection Licence (or EPL) under Section 43(b) of the Act. The site currently operates under EPL12301 which will be amended to include C&D waste.

5.5.2 Section 4.46 of the EP&A Act, 1979

The proposed development is also *Integrated Development* under Section 4.46 of the EP&A Act, 1979, requiring approvals from other consent authorities including the NSW Environment Protection Authority (EPA). The EPA will be consulted with regard to a variation of EPL12301.

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6 IMPACT ASSESSMENT

6.1 Environment

The following sections provide an assessment of the potential environmental impacts resulting from the proposed activities.

6.1.1 Traffic

6.1.1.1 Overview

A revised Traffic Impact Assessment has been prepared for the proposed modified development by Pavey Consulting Pty Ltd. A Traffic Impact Assessment was also prepared in 2002 as part of the EIS for the original development which assessed existing traffic conditions, including the road network, traffic flows, site access and accident history, and intersection requirements. A further traffic study was undertaken in 2016 in support of the 30,000tpa concrete batching operations. The full Traffic Impact Assessment is attached as **Appendix A**.

6.1.1.2 Existing Environment

6.1.1.2.1 Site Access

Access to the site utilises an intersection and access road off the New England Highway. This intersection was upgraded to an Austroad C (CHR/AUL) standard as part of the consent conditions for DA 342/2002 for the original quarry approval. The intersection provides:

- a right turn in;
- deceleration and storage lane for right turn in;
- a left turn in;
- a deceleration lane for the left turn in; and
- and an extending acceleration and climbing lane for left turn out movements.

The sight distances for traffic approaching this intersection along New England Highway are very good, as the road is straight and level in both directions and drivers can clearly see for at least 300 m both north and south of the intersection. The speed limit on the New England Highway at the site access is 100 km/hr.

6.1.1.2.2 Truck Movements

As is detailed in the original quarry EIS, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) at full extraction capacity of 100,000tpa. Over the 16 years that the quarry has been operating the site has only produced, on average, 50,000tpa and as such the peak truck movements have never been achieved. It is anticipated that there will be no increase to the predicted traffic movements to and from the development.

The existing batch plant operations produce in order of 20 truck movements per day as a worst-case scenario.

As demonstrated and accepted by the issue of the latest Development Consent for the combined operation (quarry and batching plant), the existing intersection into the site and the New England Highway has adequate capacity to accommodate both the quarry and batch plant truck movements. That is 80 inbound and outbound movements a day.

6.1.1.2.3 Traffic Volumes

The latest traffic volumes available for the site have primarily been determined from published RMS daily traffic surveys last carried out in 2020. Daily traffic movements and peak hour movements along the New England Highway in the vicinity of the existing intersection are provided in **Table 1**.

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Table 1 Existing Traffic Volumes New England Highway

Road	Vehicles Numbers	% Heavy Vehicles
RMS 2020 AADT Traffic Volumes		
– New England Highway North Bound	4337	23
– New England Highway South Bound	4372	22
– New England Highway Combined	8709	22
RMS 2020 AM Peak Hour Traffic Volumes		
– New England Highway North Bound	236	26
– New England Highway South Bound	175	21
– New England Highway Combined	411	23
RMS 2020 PM Peak Hour Traffic Volumes		
– New England Highway North Bound	332	19
– New England Highway South Bound	276	17
– New England Highway Combined	608	18

6.1.1.3 Impact Assessment**6.1.1.3.1 Proposed Additional Truck Movements**

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m³/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour. There is no anticipated increase in operational movements at the quarry and or concrete batching plant as the additional waste will be used as a substitute for natural products for these operations.

6.1.1.3.2 Hours of Operation

The waste receipt and processing activities will operate during the same hours as the quarry and concrete batching facilities therefore there is no change to hours of operations. Based on the analysis of traffic data from TfNSW permanent traffic counting station 6164 and the hours of operation, the morning peak hour (7am to 10 am) will have the greatest interaction between traffic flow along the New England Highway and vehicles entering and leaving the site (all operations).

6.1.1.3.3 Traffic Demand – Existing Operations

As is detailed in the original quarry EIS, and the subsequent consolidation approval (quarry and concrete batching), the maximum predicted truck movements from the site peak at 80 movements per day (80 inbound and 80 outbound) at full extraction capacity of up to 100,000 tonnes of quarry materials and 30,000 tonnes of concrete products from and to the site per year.

Over the 14 years that the quarry has been operating the quarrying operations the site has only produced, on average, 50,000tpa due to changing RMS standards and specifications for road base resulting in a reduced market for the material produced by the quarry and as such the peak truck movements have never been achieved.

The concrete batch plant operations produce in order of 20 truck movements per day based on plant capacity (based on a campaign demand), typically the total number per day is between 4 and 5 deliveries.

Traffic movements associated with the current operations (both quarry and concrete batching plant) were found to be on average around 40 vehicles per day, i.e. 40 inbound and 40 outbound.

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6.1.1.3.4 Traffic Demand – C&D Waste Operations

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m³/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour. In assessing the intersection, it has been (conservatively) modelled that an additional truck movement has been allocated to all turning movements in the peak hours (i.e. assuming 4 vehicles arrive at the same time).

6.1.1.3.5 Traffic Demand – Existing and Proposed

Based on the traffic generation from the proposed C&D operations detailed above, the total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS.

6.1.1.3.6 Traffic Distribution – All Operations

It is anticipated that for all developments (existing and proposed) the distribution has been assumed as follows:

- Finished product is generally distributed in a directional split (due to conditions imposed in Development Consent 85/2016 to restrict vehicles over 5 Tonnes to left out only) will be 10% right and 90% left; and
- Incoming material will be approx. 50% from the north and 50% from the south due to locations of clients.

Consequently, the distribution of traffic used in this assessment (AM peak hour) for campaign delivery (i.e., worst case) is as follows:

- Peak Movements of truck of trucks turning right into site from New England Highway is 41 vehicle per hour (QR);
- Peak Movements of truck of trucks turning left into site from New England Highway is 41 vehicle per hour (QL);
- New England Highway Traffic Volume (QM) is 527 vehicle per hour; and
- Peak Movements of trucks turning right into New England Highway from development is 9 vehicle per hour.

6.1.1.3.7 Capacity Standards

Rural intersection operations are assessed from the combination of the peak hourly through and turning traffic volumes occurring at the intersection. This determines the need for additional intersection turning lanes in accordance with Austroads warrants design charts. **Figure 10** shows the design charts for rural intersections on roads at speeds of 100km/hr or greater.

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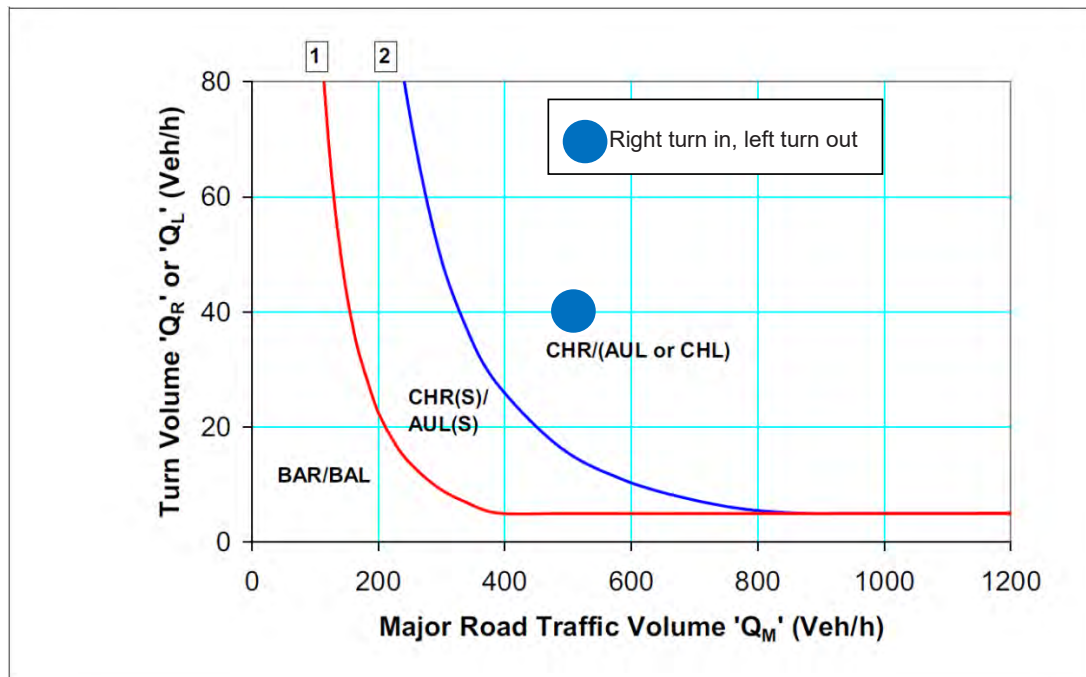


Figure 10 Austroads Warrants Design Charts for Rural Intersections

The assessment of Austroads Warrant Design Charts for Additional Turning Lanes at Rural Intersections indicates the current intersection meets the requirements set out in this standard and as such that additional intersection works are not required at the intersection New England Highway.

6.1.1.3.8 Intersection Performance

The available sight distances on all legs of the intersection comply with the requirements specified in the RTA's Road Design Guidelines.

Accident history was reviewed which indicated that there were no particular safety concerns relating to intersection operation. It was considered that the existing intersection safety would not be adversely affected by the continued development.

Utilising the above demands for turning movements, and the current traffic volumes along the New England Highway, the existing upgraded intersection and the New England Highway have adequate capacity to accommodate the quarry, batch plant and waste processing truck movements.

6.1.1.4 Conclusions

Traffic impacts from the proposed C&D operations have been assessed and the following key findings apply:

- The available sight distances of the existing site access with New England Highway are adequate for the speed environment;
- The intersection has straight and level approaches and more than adequate for the road speed limit which is 100 km/hr;
- Total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS; and
- The assessment of Austroads Warrant Design Charts for Additional Turning Lanes at Rural Intersections indicates the current intersection meets the requirements set out in this standard and as such that additional intersection works are not required at the intersection New England Highway.

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The full Traffic Impact Assessment is attached as **Appendix A**.

6.1.2 Noise

6.1.2.1 Overview

A revised Noise Impact Assessment has been prepared for the proposed modified development by Spectrum Acoustics. A Noise Impact Assessment was also prepared in 2002 as part of the EIS for the original development, and again in 2016 when consent was modified to add the 30,000tpa concrete batching operations. The full Noise Impact Assessment is attached as **Appendix B**.

The assessment has been prepared in consideration of the *NSW Noise Policy for Industry* (NPI), EPA (2017) and *NSW Road Noise Policy* (RNP), OEH (2011). Noise criteria for the assessment have been adopted from the previous noise assessment undertaken in 2016 for the consolidation application (Global Acoustics, 2016).

6.1.2.2 Existing Environment

6.1.2.2.1 Acoustic Environment and Receivers

The area around the project site is rural in nature with some potential noise from agricultural activities but contains significant road traffic and industrial noise sources. The site is situated on the boundary of the New England Highway and is within a 5km radius of several industrial noise sources such as mines and power stations.

Landowners surrounding the project site are identified on **Figure 11**. Representative private residences considered in this assessment are shown in **Table 2**.



Figure 11 Project Site and Residential Receivers (Source: Global Acoustics 2016)

Table 2 Assessed Residential Receivers

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Receiver	Property Name	Distance from Project Footprint
R02	Sharman	1050m
R07	Cross	980m
R08	Smith	860m

6.1.2.2.2 Meteorology

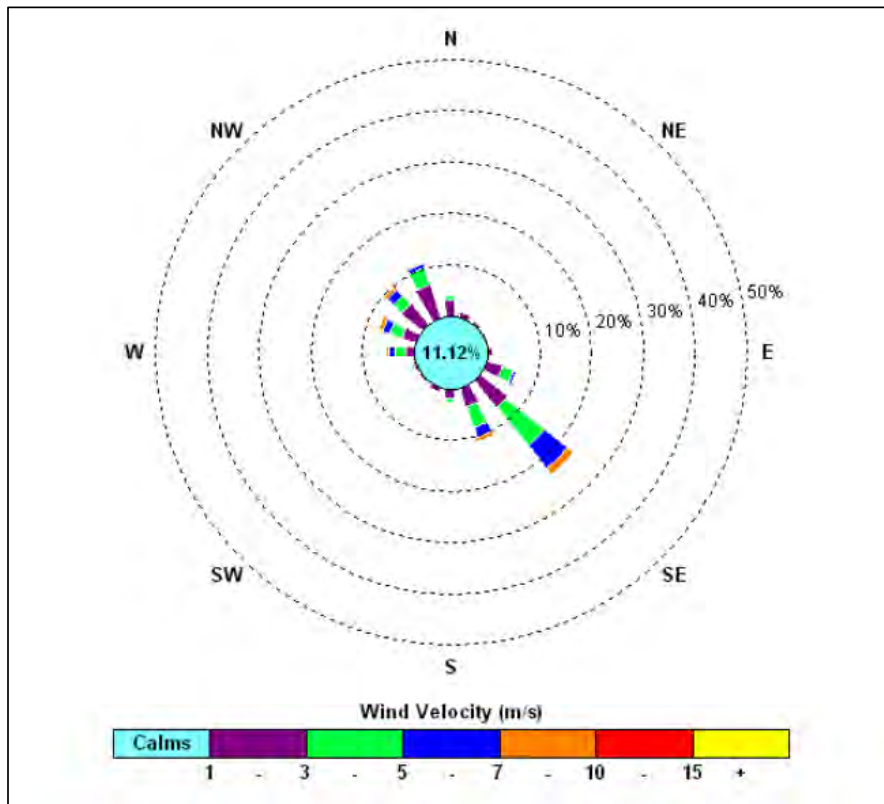
An AGL Macquarie Meteorological Station on the Mount Arthur Coal site was the principal station used to assess meteorological conditions. That station is located approximately 7km west-northwest of the subject site, so its data is considered relevant to conditions likely to be experienced at the site. Over a year, prevailing winds tend to be aligned along a NW-SE axis which is common for most sites in the Upper Hunter valley. Summer winds are generally from the south-east, while in winter north-west winds are more common. Average annual wind speeds of 3-4 m/s were recorded, depending on elevation. Both of these wind directions have been adopted in the noise modelling. A wind rose for the meteorological site is provided as **Figure 12**.

6.1.2.2.3 Construction Noise Goals

This project will not require the construction of any new infrastructure, haul roads or the use of any additional machinery in comparison to current operating conditions.

6.1.2.2.4 Project Noise Goals

The daytime noise limit in the current Project Approval for receivers R1 – R7 near the site is 43 dB(A), Leq (15min) and 36 dB(A), Leq (15min) at R8. These criteria will be adopted as the noise emission criterion for all existing and proposed activities.



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Figure 12 Wind Rose - Mt Arthur Coal Mine 2002**6.1.2.2.5 Sleep Disturbance**

As the extraction process and product transport will only operate after 7 am (i.e. during the day) the sleep disturbance criterion does not apply.

6.1.2.2.6 Vehicle Noise

In NSW, noise from vehicle movements associated with an industrial source is assessed in terms of the INP if the vehicles are not on a public road. If the vehicles are on a public road, the *NSW Road Noise Policy* (RNP) applies. Noise from the proposal must, therefore, be assessed against the project specific noise goals of the INP and also the criteria in the RNP.

The RNP recommends various criteria based on the functional categories of roads applied by the Roads and Traffic Authority (RTA). **Table 3** below shows the noise criteria from the RNP relevant to traffic on various road types.

Table 3 Road Traffic Noise Criteria

Situation	Recommended Criteria	
	Day (7am to 10pm)	Night* (10pm to 7am)
3. Existing residences affected by additional traffic on existing freeways/arterial/sub-arterial roads generated by land use developments	Leq (1hr) 60 (external)	Leq (1hr) 55 (external)

* It is not proposed to haul product at night, so only the daytime criteria are applicable.

The proposal would introduce an additional 20 – 30% truck numbers above the currently approved numbers at maximum production. This would present a negligible increase in existing heavy vehicle numbers on the New England Highway and full quantitative assessment of traffic noise impacts from the proposal is not warranted.

6.1.2.3 Impact Assessment**6.1.2.3.1 Plant Sound Power Levels**

The sound power level of 117 dB(A) has been adopted from the 2016 noise assessment conducted by Global Acoustics for a mobile crushing and screening plant associated with the proposed construction and demolition waste processing.

6.1.2.3.2 Noise Impact Prediction

The Environmental Noise Model (ENM, v3.06) was used in point calculation model to calculate noise levels at the three assessed receivers (R02, R07, and R08) under the neutral and adverse meteorological conditions as described above.

6.1.2.3.3 Predicted Operational Noise Levels

Noise levels were modelled using ENM for each of the atmospheric scenarios as described above. Point calculations were performed for receivers in **Table 2**. Predicted noise levels are provided in **Table 4**.

Table 4 Calculated Noise Levels dB(A), Leq (15 min)

Receiver	Meteorological Condition			Criterion
	Neutral	NW Wind	SE Wind	
R02	<20	<25	<25	43

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R07	<20	<25	<25	43
R08	<20	<25	<25	36

The calculated noise levels in **Table 4** are well below the existing noise criteria.

6.1.2.3.4 Cumulative Noise Levels

Worst case noise emission levels for the representative receivers and meteorological conditions are summarised in **Table 5**. Previously modelled noise levels from the 2016 assessment of quarry operations and the concrete batching plant are added to the results for the proposed construction and demolition waste processing from **Table 4**.

Table 5 Calculated Cumulative Noise Levels dB(A), L_{eq} (15 min)

Receiver	Contributing Sources			Criterion
	2016	C&D Waste	Total	
R02	41	<25	41	43
R07	43	<25	43	43
R08	34	<25	<35	36

The results in **Table 5** confirm that with the addition of the proposed construction and demolition waste processing, noise emission will not increase significantly from existing levels and will not exceed the existing noise impact criteria.

6.1.2.4 Conclusions

A noise and vibration impact assessment has been conducted for the proposed addition of a C&D waste sorting and processing facility at a site, located approximately 9km south-east of Muswellbrook, on the eastern side of the New England Highway.

The assessment considered noise emissions from:

- Operational Noise;
- Road Traffic Noise; and
- Cumulative Noise.

The results of the assessment have shown that there will be no adverse impacts as a result of the modelled operational scenarios and meteorological conditions.

The full **Noise Impact Assessment** is attached as **Appendix B**.

6.1.3 Air Quality

6.1.3.1 Overview

A revised Air Quality Impact Assessment (AQIA) has been prepared for the proposed modified development by Todoroski Air Sciences. An AQIA was also prepared in 2002 as part of the EIS for the original development, with a further revised AQIA prepared in 2016 for the concrete batching plant.

The AQIA has been prepared in general accordance with the NSW Environment Protection Authority (EPA) document *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (NSW EPA, 2017).

To assess the potential air quality impacts associated with the proposed project, the following aspects were considered:

- A background to the project and description of the proposed site and operations;
- A review of the existing meteorological and air quality environment surrounding the site;

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- A description of the dispersion modelling approach and emission estimation used to assess potential air quality impacts; and
- Presentation of the predicted results and discussion of the potential air quality impacts and associated mitigation and management measures.

The full Air Quality Impact Assessment is attached as **Appendix C**.

6.1.3.2 Existing Environment

6.1.3.2.1 Climate

Long-term climatic data from the Bureau of Meteorology (BoM) weather station at Jerrys Plains Post Office (Site No. 061086) were analysed to characterise the local climate in the proximity of the Project. The weather station at Jerrys Plains Post Office is located approximately 18km southwest of the Project and has since closed on 17 April 2014.

The data indicates that, on average, January is the hottest month with a mean maximum temperature of 31.8°C, and July is the coldest month with a mean minimum temperature of 3.8°C.

Rainfall peaks during the summer months and declines during the winter months, with an annual average rainfall of 645.9 mm over 67.5 days. The data show January is the wettest month with an average rainfall of 77.1 mm over 6.4 days, and August is the driest month with an average rainfall of 36.1 mm over 5.2 days.

Humidity levels exhibit variability over the day and seasonal fluctuations. Mean 9am humidity levels range from 59% in October to 80% in June. Mean 3pm humidity levels vary from 42% in October, November, and December to 54% in June.

As expected, wind speeds during the warmer months have a greater spread between the 9am and 3pm conditions compared to the colder months. The mean 9am wind speeds range from 8.6 km/h in April to 11.7 km/h in September. The mean 3pm wind speeds vary from 11.0 km/h in May to 14.7 km/h in September.

6.1.3.2.2 Meteorological

The 2015 calendar year was selected as the meteorological year for the dispersion modelling based on an analysis of long-term data trends in meteorological data recorded for the area and air quality levels as outlined in Appendix A of **Appendix C**.

On an annual basis, winds typically occur along a southeast to northwest axis with the highest portion of winds from the southeast. In summer, strong winds are typically from the southeast. The autumn and spring distributions are similar to the annual distribution with dominant winds from southeast and south-southeast. In winter, the distribution is varied with a high proportion of winds originating from the west-northwest and northwest.

6.1.3.2.3 Local Air Quality Monitoring

The main sources of air pollutants in the wider area surrounding the Project include mining, agriculture, commercial and industrial (including power generation) activities, urban activity and emissions from local anthropogenic activities such as motor vehicle exhaust and domestic wood heaters.

Ambient air quality monitoring data sourced from the NSW DPIE-operated Upper Hunter Air Quality Monitoring Network (UHAQMN), and from the air quality monitoring network for the Maxwell Project, have been reviewed. The DPIE air quality monitoring stations at Muswellbrook and Muswellbrook NW are located approximately 8km and approximately 10km respectively from the site, and the Maxwell Project air quality monitoring stations are located approximately 0.8-3.5km from the site. The air quality monitoring data from these monitors have been used to quantify the existing ambient background levels for this study.

PM₁₀ Monitoring

A review of the data from each station indicates that the annual average PM₁₀ concentrations for each monitoring station were below the relevant criterion of 25µg/m³ except for Muswellbrook in 2018 and both Muswellbrook and Muswellbrook NW in 2019. The maximum 24-hour average PM₁₀ concentrations recorded at these stations were found to exceed the relevant criterion of 50µg/m³ on occasion during the review period.

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Examination of the potential cause of the elevated PM₁₀ levels indicates that they typically coincide with regional dust events and bushfires which affect a wide area, for example as indicated by other air quality monitoring stations in the surrounding region also recording elevated levels on such days. At other times, potential sources including local agriculture, open cut mining activity and localised fires may have contributed to the periods of elevated PM₁₀ levels.

PM_{2.5} Monitoring

A review of data indicates that the annual average PM_{2.5} concentrations at Muswellbrook were above the criterion of 8µg/m³ for the review period. The maximum 24-hour average PM_{2.5} concentrations also exceeded the relevant criterion of 25µg/m³ on occasion during the review period.

A seasonal trend in 24-hour average PM_{2.5} concentrations for the Muswellbrook monitoring station can be seen, with elevated levels occurring in the cooler months. Ambient PM_{2.5} levels at the Muswellbrook monitoring station are likely to be governed by local background sources such as wood heaters and motor vehicles.

TSP Monitoring

A review of data indicates that the annual average TSP concentrations at the Maxwell Infrastructure monitor were below the criterion of 90µg/m³ for the review period and that the TSP monitoring data show relatively similar interannual levels.

Deposited Dust Monitoring

A review of data indicates that the annual average deposited dust levels at the Maxwell Infrastructure monitors were below the criterion of 4g/m²/month for the review period.

Estimated Background Levels

As there are no readily available site-specific monitoring data, therefore the background dust levels around the project site were estimated to be similar to those recorded at the nearby monitoring sites for the 2015 calendar period.

The annual average PM₁₀ levels from the Muswellbrook monitoring station and TSP and deposited dust levels from the Maxwell Infrastructure monitoring stations are used to represent the background levels for the project.

Background Dust Levels

The annual average background air quality levels applied to the assessment are as follows:

- PM_{2.5} concentrations – 4.5µg/m³;
- PM₁₀ concentrations – 19.1µg/m³;
- TSP concentrations – 47.6µg/m³; and
- Deposited dust levels – 1.9g/m²/month.

Background Dust from Mining

The predicted dust levels in the *Maxwell Project Air Quality and Greenhouse Gas Assessment* (Todoroski Air Sciences, 2019) were used to infer the potential background dust contribution from the coal mining operations. Modelling for the Maxwell Project indicates that the dust contribution from the coal mining operations would be approximately <20µg/m³ for the project area.

6.1.3.3 Impact Assessment**6.1.3.3.1 Dispersion Modelling**

Modelling was undertaken using a combination of the CALPUFF Modelling System and The Air Pollution Model (TAPM). The CALPUFF Modelling System includes three main components: CALMET, CALPUFF and CALPOST and a large set of pre-processing programs designed to interface the model to standard, routinely available meteorological and geophysical datasets.

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6.1.3.3.2 Emissions Estimations

The significant dust generating activities associated with operation of the project are identified as drilling and blasting rock, loading/unloading of material, vehicles travelling on-site and off-site, crushing, screening, and windblown dust from exposed areas and stockpiles. The on-site and off-site vehicle and plant equipment also have the potential to generate particulate emissions from the diesel exhaust. The emissions rate provided in **Table 6** were applied to the modelling.

Table 6 Estimated TSP Emission Rate for the Project (kg/year)

Operation	Annual Average	Peak 24 hour
Gravel Quarry	53,688	68,384
Concrete Batching	2,767	6,054
C&D Waste Processing	5,400	13,269
Total	61,855	87,707

6.1.3.3.3 Dust Concentration Results

The dispersion model predictions presented in this section include those for the operation of the project in isolation (incremental impact) and the operation of the project with consideration of other sources (total cumulative impact). The results show the predicted:

- Maximum 24-hour average PM_{2.5} and PM₁₀ concentrations;
- Annual average PM_{2.5}, PM₁₀ and TSP concentrations; and
- Annual average dust (insoluble solids) deposition rates.

Table 7 presents the predicted incremental particulate dispersion modelling results at each of the assessed receptor locations. The results show that minimal incremental effects would arise at the receptor locations due to the project.

Table 7 Particulate Dispersion Modelling Results for Assessed Receptors – Incremental Impact

Receptor ID	PM _{2.5} (µg/m³)		PM ₁₀ (µg/m³)		TSP (µg/m³)	DD [^] (g/m²/month)
	24-hour average	Annual average	24-hour average	Annual average	Annual average	Annual average
	Air quality impact criteria					
	-	-	-	-	-	2
R1	1.2	0.2	7.0	0.9	2.3	0.1
R2	0.4	<0.1	2.3	0.1	0.2	<0.1
R3	0.9	<0.1	4.5	0.2	0.5	<0.1
R4	0.9	<0.1	4.0	0.1	0.4	<0.1
R5	0.9	0.1	3.9	0.3	0.6	<0.1
R6	0.4	<0.1	1.4	<0.1	0.1	<0.1

[^]Deposited dust

The predicted cumulative annual average PM_{2.5}, PM₁₀, TSP and dust deposition levels due to the project with the estimated background levels are presented in **Table 8**. The results in **Table 8** indicate that all of the assessed receptors are predicted to experience levels below the relevant criteria for each of the assessed dust metrics.

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Table 8 Particulate Dispersion Modelling Results for Assessed Receptors – Cumulative Impact

Receptor ID	PM _{2.5} (µg/m ³)	PM ₁₀ (µg/m ³)	TSP (µg/m ³)	DD (g/m ² /month)
	Annual average			
	Air quality impact criteria			
	8	25	90	4
R1	4.7	20.0	49.9	2.0
R2	4.5	19.2	47.8	1.9
R3	4.5	19.3	48.1	1.9
R4	4.5	19.2	48.0	1.9
R5	4.6	19.4	48.2	1.9
R6	4.5	19.1	47.7	1.9

6.1.3.3.4 Total (Cumulative) 24 hour Average PM_{2.5} and PM₁₀ Concentrations

As shown in **Section 6.1.3.2.3**, the maximum measured 24-hour concentrations of PM_{2.5} and PM₁₀ have in the past exceeded or come close to the relevant criterion level on occasion.

As a result, the NSW EPA Level 1 contemporaneous assessment approach of adding maximum background levels to maximum predicted levels from the Project would show levels above the criterion whether or not the Project was operating. In such situations, the NSW EPA applies a Level 2 contemporaneous assessment approach where the measured background levels are added to the day's corresponding predicted dust level from the project.

Ambient (background) PM_{2.5} and PM₁₀ concentration data corresponding with the year of modelling (2015) from the NSW DPIE monitoring site at Muswellbrook have been applied in this case to represent the prevailing background levels in the vicinity of the project and applied for representative receptor locations (R1 and R5) surrounding the project likely to experience the highest impact.

The Level 2 assessment at the representative receptor locations for both PM_{2.5} and PM₁₀ indicate that the project does not increase the number of days above the 24-hour average criterion. Detailed tables of the contemporaneous assessment results are provided in Appendix D of **Appendix C**.

6.1.3.4 Conclusions

It is predicted that all the assessed air pollutants generated by the operation of the project would comply with the applicable assessment criteria at the receptors and therefore would not lead to any unacceptable level of environmental harm or impact in the surrounding area.

The following mitigation measures are to be applied to the operations:

- Activities to be assessed during adverse weather conditions and modified as required (e.g. cease activity where reasonable levels of dust cannot be maintained using the available means).
- Weather forecast to be checked prior to undertaking material handling or processing.
- Engines of on-site vehicles and plant to be switched off when not in use.
- Vehicles and plant are to be fitted with pollution reduction devices where practicable.
- Vehicles are to be maintained and serviced according to manufacturer's specifications.
- Visual monitoring of activities is to be undertaken to identify dust generation.
- The extent of exposed surfaces and stockpiles is to be kept to a minimum.
- Exposed areas and stockpiles are either to be covered or are to be dampened with water as far as is practicable if dust emissions are visible, or there is potential for dust emissions outside operating hours.
- Reduce drop heights from loading and handling equipment where practical.
- Dampen material when excessively dusty during handling.

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- Use dust suppression for crushing and screening activity.
- Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise on-road dust generation but not so much as to cause dirt track out to occur.
- Vehicle traffic is to be restricted to designated routes.
- Speed limits are to be enforced.
- Vehicle loads are to be covered when travelling off-site.

Overall, the assessment demonstrates that even using conservative assumptions, the project can operate without causing any significant air quality impact at receptors in the surrounding environment.

The full Air Quality Impact Assessment is attached as **Appendix C**.

6.1.4 Visual

A Visual Impact Assessment was prepared in 2002 as part of the EIS for the original development.

The site is physically divided into 2 sections, the lower section generally consisting of disturbed woodland with open grazing areas and dams, and the upper section consisting of a residence, shed, open grazing areas and areas cleared for various easements. The upper section, divided from the lower by an escarpment and steeper slopes, rises to 292 metres. The lower section, near Maidswater Creek and the New England Highway, is approximately 180 metres in elevation. The steep slope dividing the 2 sections of the property, which forms the southwestern boundary of the quarry, is between 220 and 270 metres in elevation. The conglomerate resource comprises the top 10m or so of this slope.

A small natural wooded amphitheatre which slopes down towards the intermittent creek line forms the western boundary.

The area surrounding the site is characterised by the water bodies associated with the Liddell and Bayswater power stations, woodland areas, rural and rural residential cleared areas, and mining infrastructure. The New England Highway provides a transport corridor through the visual landscape, which rises on both sides of the highway.

The partly cleared lower hills closer to the highway are backed in the distance by the higher and steeper, mostly forested hills that form the backdrop to the Hunter Valley towards the east and west. The visual landscape created is therefore diverse, with its varied combination of natural and man-made features and activities.

Due to the higher elevation of the quarry area above the surrounding landscape, sections of the quarry are visible from the New England Highway however, these impacts are minimal as these views are filtered by existing trees, distance, and the speed at which the vehicles travel.

Views from surrounding residences are generally be screened by existing vegetation. Views from residences to the north west and west will generally be of Stage 3 and 4 as the pit face is progressing. As operations progress deeper and the pit is developed in this these areas operations will be screened. As the quarry face is orientated away from the north and north west, the benches are not visible from this direction. The most noticeable visual change will most likely occur from the relocation of the mobile phone tower during Stage 4, as this is an easily identifiable landmark on the ridgetop.

Views from the residence to the east of the site are filtered by existing vegetation and the active quarry floor are not able to be viewed from this direction. As Stages 1 and 2 have been developed there is now no view of these stages, however during initial operations on the ridge some filtered views through trees were visible. During Stages 3 and 4 initial operations on the ridge will be viewed until a quarry face is developed.

Although no trucks will use Grasstree Ridge Road, the visual amenity of the shed area from this direction has been enhanced over the past 17 years by the provision of 1 m high planted bunds on the northern side of the maintenance shed.

The C&D processing area is proposed to be located in a previously quarried area that is totally shielded by vegetation and the quarry pit walls. Accordingly, it is considered that there will be no additional visual impacts from the proposed activity.

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6.1.5 Flora and Fauna

A Flora and Fauna Impact Assessment was prepared in 2002 as part of the EIS for the original development. The flora and fauna impact assessment addressed the potential adverse impacts on threatened species and local biodiversity.

The general aims of the assessment were to:

- describe the existing biological environment of the study area in relation to flora and fauna;
- discuss the potential impacts of the proposal for any threatened species that occur or would be likely to occur in the subject site; and
- provide discussion on measures to mitigate impacts.

The assessment included:

- a review of available literature pertaining to the site and surrounding locality and preliminary habitat assessment of the subject site; and
- the completion of targeted field surveys for threatened species regarded as potential subject species, and surveys to investigate the inherent biological attributes of the site.

The site has been used for pastoral practices, as well as some small-scale quarrying in the past, which has resulted in some areas being predominantly cleared and the vegetated areas degraded and simplified to varying degrees. The site does, however, contain habitats known to be used by threatened species, habitats that are potentially utilised by other threatened species, and habitats of significance for local biodiversity.

The assessment determined that a total of 20 of threatened fauna were considered to be potential subject species. Of these 20 species, 5 were positively identified during the field surveys. These included the Southern Myotis *Myotis macropus*, Large Bentwing Bat *Miniopterus schreibersii*, Speckled Warbler *Pyrholaemus sagittatus*, Hooded Robin *Melanodryas cucullata* and Squirrel Glider *Petaurus norfolcensis*.

In addition, the Large-eared Pied Bat *Chalinolobus dwyeri* was identified from a probable ultrasonic call and the Eastern False Pipistrelle *Falsistrellus tasmaniensis* and East Coast Freetail-bat *Mormopterus norfolkensis* were identified by possible ultrasonic calls.

The remaining 12 species considered as potential subject species included the Square-tailed Kite, Black-chinned Honeyeater, Barking Owl, Grey-crowned Babbler, Diamond Firetail, Regent Honeyeater, Swift Parrot, Grey-headed Flying-fox, Spotted-tailed Quoll, Koala and Green and Golden Bell Frog.

No threatened flora species were recorded in any part of the study area during the field surveys, and none are considered likely to occur.

In terms of threatened species, the results indicated that any impacts from the quarry development were likely to be minimal. With the possible exception of the Large-eared Pied Bat, such impacts were not considered likely to significantly affect the life-cycles of local populations. This conclusion is based largely on the presence of extensive areas of equal quality habitat throughout the wider locality and within this particular portion of the bio-region. Therefore, the habitat that occurs on the site is not likely to be essential for the life-cycles of these threatened subject species.

The assessment also investigated the requirements of the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and the State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44) (and subsequent amendments) to these and concluded that the proposed did not require reference to the Commonwealth under the EPBC Act nor did it require a Koala Plan of Management under SEPP 44.

The C&D processing area is proposed to be located in a previously quarried area that is fully disturbed and totally devoid of any vegetation. Accordingly, it is considered that there will be no additional impacts from the proposed activity to flora and fauna.

6.1.6 Aboriginal Heritage

An Aboriginal Heritage Assessment was prepared in 2002 as part of the EIS for the original development. A field survey was also undertaken at that time with the Wonnarua Local Aboriginal Land Council and the Upper Hunter Wonnarua Council.

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The survey of the site located three sites comprising two isolated finds and one site of two artefacts (refer to 2002 EIS for locations). The sites were considered of low significance and the potential for further material was deemed limited. The soils on the site are generally thin and there is little potential for stratified deposit.

Due to the low volume of material was found on the ridge, in spite of good visibility (80 or 90 % of 25% of the area proposed for the quarry footprint), it was interpreted as an area that was not a focus of Aboriginal activities. Evidence is there for passing use by small bands of hunters and gatherers moving through the area but not as a camp.

A thorough investigation was made of the eroded overhangs on the boulders forming the side of the ridgetop. There was no evidence of human occupation, and the shelters are obviously well used by wallabies local to the area. It is possible that these shelters are significantly larger than they were at the time of Aboriginal occupation of the area. The stone is quite coarse grained and not suitable for engravings or art. The floor was uneven and sloped at >10 deg to the rear of the shelter and appears to have been subject to quite rapid deposition from the roof. The shelters are generally too small (in depth and height) for human occupation.

The drip lines of the overhangs were carefully inspected to ensure that material was not buried. The shelters did not have potential stratified archaeological deposit on the floors due to the sharp slope of floor deposit and the shallowness of deposit over the base of the boulder.

The footprint of the quarry impacted on the first site which was an isolated artefact on the ridge top. There was no evidence to suggest that this isolated piece is an indication of further material in the soil on the ridge top. The exposure was adequate to indicate the low potential that this artefact is part of a larger more complex site. No further artefacts have been discovered to date. The other two artefact sites, near Maidswater Creek, will not be disturbed by current or future development.

The C&D processing area is proposed to be located in a previously quarried area that has been fully disturbed. Accordingly, it is considered that there will be no additional impacts from the proposed activity to Aboriginal heritage items.

In the event that Aboriginal items are encountered the following measures would be implemented:

- All relevant staff and contractors must be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974, which may be implemented as a heritage induction.
- In the unlikely event that disturbed Aboriginal objects are identified during the development then they are to be collected and recorded in accordance with Heritage NSW guidelines and in consultation with the Registered Aboriginal Parties.
- With regard to Aboriginal heritage - if unrecorded Aboriginal sites or object/s are identified in the project area during works, then all works in the immediate area must cease and the area cordoned off. Heritage NSW must be notified via the Enviroline 131 555 so that the site can be adequately assessed and managed.

6.1.7 Erosion and Stormwater Management

A Hydrological Assessment was prepared in 2002 as part of the EIS for the original development. Further to this assessment a revised Erosion and Stormwater Management Plan has been prepared for the subject application.

The site has a number of existing erosion and sediment control devices, including a network of dams and gully erosion control devices. Existing site dams are shown on **Figure 2**.

During the construction of the original haul road a diversion drain was located on the high side of the road to capture clean water and divert it to existing watercourses via stormwater culverts. This was designed to limit erosion potential of the road.

Sediment loading generated from the exposed rock surface during quarrying is quite coarse and therefore has a relatively fast settling time. Grass swales built during the original quarry development extract the majority of sediment particles prior to the water entering the main site sediment dam. As the main dam is used to supply water to the crusher and water cart, this dam remains at a relatively low levels and therefore reduces the amount of sediment laden water entering the drainage channel and downstream dam on the site.

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Dams and drainage channels on the site have been stabilised for erosion in the past are inspected on a regular basis to determine any works that may be required to prevent further erosion. Any works are undertaken in consultation with the NSW EPA, Local Land Services, and DPIE Water.

The floor of the processing area will be graded back to base of the highwall of the disused quarry area, with an in-pit sump created to manage dirty water generation. Water from this sump will flow to an existing in-pit dam. Water can then be pumped directly from the in-pit dam for use as a dust suppressant or for product washing where required.

The C&D processing area is proposed to be located in a previously quarried area that will have a graded floor sloping towards the highwall. This area will be a close system, having no connection to clean water areas outside of the disturbed areas. Accordingly, it is considered that there will be no additional impacts to erosion or stormwater across the site from the proposed activity.

The following safeguards and management measures will be implemented to ensure any impacts are suitably managed:

- Erosion and sediment control measures are to be implemented and maintained to prevent sediment moving offsite.
- Erosion controls are to be regularly inspected for their functionality and cleared if required, especially after rainfall.
- There is to be no release of dirty water into drainage lines/waterways.
- All fuel/chemicals are to be stored either in self-bunded containers or in a bunded facility.
- An emergency spill kit is to be kept in the work area where equipment is being used.
- Surface water across the activity area will be managed in accordance with *Landcom Managing Urban Stormwater – Soils and Construction* (the Blue Book) to ensure any impacts to surface water are minimised.

6.1.8 Socio-Economic

An assessment of socio-economic impacts was prepared in 2002 as part of the EIS for the original development.

All approved activities at the site employ up to 40 permanent staff. In addition to this there are contractors who supply support services to the operations. The quarry, plant hire, and batching operations provide material for road, civil, mining, and other industries in the area that assist in continued employment within these industries.

Local amenity and health issues arising from any potential changes in air quality, noise and vibration, and safety on roads, as well as visual impact, have been discussed in this document and the EIS prepared for the original quarry operations. It is considered that any identified potential adverse impacts from the existing operations are suitably mitigated and managed through post-consent management plans.

The proposed C&D waste activities will not result in an increase in the workforce numbers for the development. Existing quarry staff will sort, crush, and blend the recycled C&D materials as part of their regular daily activities.

The C&D waste sorting will result in the diversion of waste from landfill and the re-use of materials as a substitute to quarried materials. This will extend not only the life of the quarry resource, but it will make use of materials that would otherwise be buried to landfill.

6.1.9 Waste Management

Any waste and reject materials from the C&D recycling will be disposed of in accordance with the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*.

Waste Hierarchy

Waste management at the site across all operations will be undertaken consistent with the waste management hierarchy in the following order of priority from most desirable to least desirable:

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- **Avoid:** Waste avoidance by reducing the quantity of waste being generated. This is the simplest and most cost-effective way to minimise waste. It is the most preferred option in the waste management hierarchy.
- **Re-use:** Reuse occurs when a product is used again for the same or similar use with no reprocessing. Reusing a product more than once in its original form reduces the waste generated and the energy consumed, which would have been required to recycle.
- **Recycle:** Recycling involves processing waste into a similar non-waste product consuming less energy than production from raw materials. Recycling spares the environment from further degradation, saves landfill space, and saves resources.
- **Dispose:** Removing waste from worksites and dumping on a licensed landfill site, or other appropriately licensed facility.

Waste Streams

Any wastes generated during operations are to be classified in accordance with the NSW EPA Waste Classification Guidelines (2014), which classifies wastes into the following streams:

- Special waste (e.g. clinical and related waste, asbestos, waste tyres).
- Liquid waste (e.g. fuels, oils, chemicals, and pesticides).
- Hazardous waste (e.g. lead-acid batteries and lead paint).
- Restricted solid waste (currently no wastes pre-classified as restricted by EPA).
- General solid waste (putrescible) (e.g. general litter and food waste).
- General solid waste (non-putrescible) (e.g. glass, paper, plastic, building demolition waste, concrete).

Waste Classification

Waste that cannot be avoided, re-used, or recycled will be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014) and disposed of at appropriately licensed facilities. The guidelines detail how to assess and classify waste and management options for disposal of the classified waste. A summary of the waste classification steps is provided below:

- Establish if the waste should be classified as special waste.
- If not special waste, establish whether the waste should be classified as liquid waste.
- If not special waste or liquid waste, establish whether the waste is of a type that has already been classified. Note EPA has 'pre-classified' a number of commonly generated wastes.
- If the waste is not special waste, liquid waste, or pre-classified waste, establish if it has certain hazardous characteristics and can therefore be classified as hazardous waste.
- If the waste does not possess hazardous characteristics, it needs to be chemically assessed to determine what class of waste it is. If the waste is not chemically assessed, it should be treated as hazardous waste.
- If the waste is chemically assessed as general solid waste, a further test is available to determine whether the waste is putrescible or non-putrescible. This test determines whether the waste is capable of significant biological transformation. If the waste is not tested, it should be managed as general solid waste (putrescibles).

Mitigation and Management

Mitigation measures and responsibilities associated with waste management on the site are outlined below and will be developed to ensure consistency with industry best practice:

- Ensure that all waste is managed in accordance with waste hierarchy (avoid, reuse, recycle, dispose) to reduce adverse impact on the environment.

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- Manage and reduce consumption and use of natural resources and promote the use of alternative environmentally friendly materials where practical.
- Waste is to be collected, transported, and disposed of at a licensed off-site facility in accordance with waste regulations.
- Waste will be appropriately stored away from any drainage paths.
- No burning of waste or vegetation is allowed under any circumstances.
- General and putrescible waste and recyclables such as metal, plastic, glass, paper, cardboard will be segregated and appropriately disposed.
- Soil materials will be stored in stockpiles away from drainage lines and drip lines of trees with appropriate run-off controls.
- All waste bins will have secure lids in place to prevent water ingress and access for animals.
- Quantities of waste kept on-site will be kept to a minimum.
- Excavated soil will be re-used on-site within the test pits.
- Should any Asbestos Containing Materials (ACM) be identified during construction activities it will be suitably contained and disposed off-site at a licensed facility in accordance with waste classification guidelines.

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7 JUSTIFICATION AND CONCLUSIONS

This Statement of Environmental Effects has been prepared by RPS Australia East Pty Ltd (RPS) on behalf of Wild Quarries and Civil (the 'Applicant') to support an application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The modified application seeks to add a 30,000tpa Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW (the 'site'). Activities occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road.

The site is currently the location of an operating 100,000tpa gravel quarry and a 30,000tpa concrete batching plant. Both activities are approved under DA 2002/342 (as amended). Prior to the establishment of these activities, the site was utilised as a depot for a local transport business approved under DA 141/96 and DA 2/97. The site has also been utilised for pastoral grazing activities and some minor quarrying activities. A residential house is also located on the site which is the dwelling of the current and previous landowners.

The proposed modification relates to the establishment of a 30,000tpa Construction and Demolition Waste Facility (C&D) which will provide recycled aggregates to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site. This application seeks to add the waste activities within the same disturbance footprint as the existing approved activities. Waste receipt, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site that is shielded both visually and acoustically, and drains to an existing in-pit dirty water dam.

Following a review and assessment of the potential environmental impacts of the proposed activity (including noise, dust, and traffic), it has been determined that with the implementation of existing and additional mitigation measures (refer **Section 6**), the C&D recycling operations can occur with minimal additional environmental impacts.

The proposed C&D waste recycling activities are permitted with consent at the site under SEPP (Mining) 2007 as a 'co-location of industry' activity which is ancillary to the existing quarry operations. The proposed waste recycling will have minimal social, economic, or environmental impacts. The proposed development also complies with the relevant state and local environmental planning controls. The proposal is reasonable and appropriate and satisfies the relevant provisions of Section 4.15 (1) of the EP&A Act.

Accordingly, it is requested that Muswellbrook Shire Council approve the subject modification.

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Appendix A

Traffic Impact Assessment

Traffic Impact Assessment
Addition of Construction and Demolition Waste

Pavey Consulting Services

David Pavey Pty Ltd trading as
Pavey Consulting Services
Traffic Studies and Transportation Planning
Road Safety Reviews
Project Management and Contract Administration
Mediation and Government Relations
Civil and Structural Design

Traffic Impact Assessment

MODIFICATION OF DA 2002/342

ACCEPT AND PROCESS UP TO 30,000 TONNE PER ANNUM (tpa) OF CONSTRUCTION AND DEMOLITION WASTE AS AN EXTRACTIVE MATERIAL SUBSTITUTE

**Wild Quarries and Civil,
8440 New England Highway, Muswellbrook**

Prepared By

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Revision 2

Traffic Impact Assessment
Addition of Construction and Demolition Waste

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DOCUMENT CONTROL SHEET

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Traffic Impact Assessment
Addition of Construction and Demolition Waste

Pavey Consulting Services

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1. INTRODUCTION

1.1 Overview

Pavey Consulting Services has been requested by Wild Quarries and Civil to prepare a Traffic Impact Statement to support an application under Section 4.55 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The modified application seeks to add a 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW (the 'site'). Activities occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road off New England Highway.

The location of the site is shown as **Figure 1**

The subject site is located approximately 9 kilometres (km) south-east of Muswellbrook within a rural setting.



Figure 1 Site Location

The proposed modification relates to the establishment of a 30,000tpa Construction and Demolition Waste Facility (C&D) which will provide recycled aggregates to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site. This application seeks to add the waste activities within the same disturbance footprint as the existing approved activities. Waste receipt, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site that is shielded both visually and acoustically, and drains to an existing in-pit dirty water dam. Further detail on the continuation of operations is provided below.

1.2 Basis of Traffic Impact Assessment

This Traffic Impact Assessment (TIA) has been prepared in accordance with the relevant governmental assessment requirements, guidelines and policies, and in consultation with the relevant Government Agencies.

The TMP has been developed in accordance with:

- Austroads Guide to Traffic Management Part 3 Traffic Studies and Analysis;

- Austroads Guide to Traffic Management Part 12 Traffic Impacts of Developments; and
- NSW Roads and Maritime Services (RMS) Guide to Traffic Generating Developments (2002).

The assessment is based on the following general scope for matters to consider in a TMP which is defined by the NSW Roads and Maritime Services (RMS) Guide to Traffic Generating Developments (RTA 2002):

- The existing locality and surrounding land uses;
- The existing road network;
- Traffic generation characteristics;
- Traffic impacts; and
- A summary of assessed traffic impacts and any traffic mitigation measures proposed.

2 Existing Condition

2.1 Existing Approvals

The subject site is located within the Muswellbrook Shire Council Local Government Area (LGA) with a property address of 8440 New England Highway, Muswellbrook, NSW and a legal property description of Lot 30 in DP 815308 (refer **Figure 1**). Current operations generally occupy the north-eastern portion of the site, with haul roads connecting active pit areas with the site office and maintenance areas in the north-western portion.

Existing quarry and concrete batching operations at the site are approved under DA 342/2002 (as modified 2007, 2016, 2018, 2019).

The existing development is approved to produce or transport up to 100,000 tonnes of quarry materials and 30,000 tonnes of concrete products from and to the site per year. Both activities are approved under one consent with consolidated conditions. Details of the operations for both activities are provided below.

2.2 Quarry, Plant Hire and Concrete Batching Plant Operations

The following components apply to the quarry and plant hire aspects of the development:

- Existing site office, maintenance shed, staff amenities, and associated hard stand areas for equipment maintenance;
- Existing upgraded intersection of Grasstree Ridge Road with the New England Highway;
- Existing haul road from Grasstree Ridge Road near the intersection with the New England Highway to the quarry area;
- Existing equipment and plant hire operations;
- Crushing and screening of up to 100,000tpa of extracted material over a 20 year period;
- Stockpiling of material on site;
- Haulage of material from the site by 12 to 30 tonne trucks;
- Water management and erosion and sediment control structures including dams, culverts, pipes, and pits;
- Progressive rehabilitation of quarried areas.
- Loading apron. Cement silo, including cement auger;
- Transit mixer loading area;
- Raw product storage bins;
- Water storage tank;
- 2 x recycling pits;

2.3 Existing Hours of Operation

The current hours of operations are as follows:

- Monday to Friday 7am to 5pm;
- Saturday 7am to 1pm; and
- Sunday and Public Holidays no operations.

The above hours of operation are for quarrying and general operations. Haulage would be within the same hours.

2.4 Network and Transport Routes

Access to the site utilises an intersection and access road off the New England Highway. This intersection was ungraded to an Austroad C (CHR/AUL) standard as part of the consent conditions for DA 342/2002 for the original quarry approval.

This intersection (see Figure 2) provides

- a right turn in;
- deacceleration and storage lane for right turn in;
- a left turn in;
- a deacceleration lane for the left turn in; and
- and an extending acceleration and climbing lane for left turn out movements.



Figure 2 Existing Intersection

The speed limit on the New England Highway is 100 km/hr near the site.

2.5 Site Access

As detailed above the principal access to the site is via the existing intersection on New England Highway which was design and construction and approved by the Roads and Maritime Services.

The sight distances for traffic approaching this intersection along New England Highway are very good, as the road is straight and level in both directions and drivers can clearly see for at least 300 m both north and south of the intersection.

2.6 Existing Traffic Volumes

2.6.1 New England Highway

The latest traffic volumes available for the site have primarily been determined from published RMS daily traffic surveys last carried out in 2021. Tables 1, 2 and 3 provide daily traffic movements and peak hour movements along the New England Highway in the vicinity of the existing intersection.

Road	AADT	% heavy vehicles
New England Highway North Bound	4337	23%
New England Highway South Bound	4372	22%
New England Highway Combined	8709	22%

Table 1 RMS 2020 AADT Traffic Volumes New England Highway¹

Road	AM Peak hr	% heavy vehicles
New England Highway North Bound	236	26%
New England Highway South Bound	175	21%
New England Highway Combined	411	23%

Table 2 RMS 2020 AM Peak Hr Traffic Volumes New England Highway

Road	PM Peak hr	% heavy vehicles
New England Highway North Bound	332	19%
New England Highway South Bound	276	17%
New England Highway Combined	608	18%

Table 3 RMS 2020 PM Peak Hr Traffic Volumes New England Highway

2.6.2 Existing Truck Movements

As is detailed in the original quarry EIS, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) at full extraction capacity of 100,000tpa. Over the 16 years that the quarry has been operating the site has only produced, on average, 50,000tpa and as such the peak truck movements have never been achieved. It is anticipated that there will be no increase to the predicted traffic movements to and from the development.

The existing batch plant operations produce in order of 20 truck movements per day as a worst-case scenario.

As demonstrated and accepted by the issue of the latest Development Consent for the combined operation (quarry and batching plant), the existing intersection into the site and the New England Highway has adequate capacity to accommodate both the quarry and batch plant truck movements. That is 80 inbound and outbound movements a day.

3 Proposed Development

The proposed development consists of the addition of Construction and Demolition waste processing (C&D) up to a volume of 30,000 tpa. C&D waste proposed to be received would be sorted, crushed and screened and used as a substitute to existing quarry products won onsite. This would include concrete, brick, tile, asphalt, and glass to be crushed and blended for use in road bases, stabilised RMS specification products, and for use in concrete batching.

¹ RMS Traffic Volume Viewer Site Station Id: 6154 Location
1.64km South of Muscle Creek Road, Muswellbrook 2333

3.1 Construction and Demolition Waste Processing

The C&D waste processing area is proposed to be established in an area of the quarry that has previously been subject to extraction, therefore there is no additional disturbance required. In addition, as mobile plant is being utilised there will be no installation of permanent infrastructure. This allows the plant to be transported to other sites where onsite crushing may be required for other activities.

Generally, waste material will arrive at the site and be inspected at the weighbridge office prior to being sent to the processing area. Once the load is accepted after dumping and inspecting, the materials will be sorted to remove any rubbish such as steel, timber, or any other rubbish that is not accepted. Reject materials will be separated and taken offsite for further recycling or disposal at a licenced waste facility.

Stockpiles of unprocessed materials will be established adjacent to the processing area. Materials will then be loaded into crushing equipment to produce various products as substitutes for quarry product. Depending on the use, materials may also be screened to remove oversize.

Materials will then be loaded and stockpiled with other quarry products onsite where they will either be blended or used as substitutes for the onsite concrete batching activities.

3.2 Proposed Additional Truck Movements

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m³/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour.

There is no anticipated increase in operational movements at the quarry and or concrete batching plant as the additional waste will be used as a substitute for natural products for these operations.

3.3 Hours of Operation

The waste receipt and processing activities will operate during the same hours as the quarry and concrete batch facilities therefore there is no change to hours of operations.

Based on the analysis of traffic data from TfNSW permanent traffic counting station 6164 and the hours of operation, the morning peak hour (7am to 10 am) will have the greatest interaction between traffic flow along the New England Highway and vehicles entering and leaving the site (all operations).

4 Traffic Demands

4.1 Traffic Demand for Existing Operations

As is detailed in the original quarry EIS and its subsequent approval, the maximum predicted truck movements from the site peak at 80 movements per day (80 inbound and 80 outbound) at full extraction capacity of up to 100,000 tonnes of quarry materials and 30,000 tonnes of concrete products from and to the site per year.

Over the 14 years that the quarry has been operating the quarrying operations the site has only produced, on average, 50,000 tpa due to changing RMS standards and specifications for road base resulting in a reduced market for the material produced by the quarry and as such the peak truck movements have never been achieved.

The concrete batch plant operations produce in order of 20 truck movements per day based on plant capacity (based on a campaign demand), typically the total number per day is between 4 and 5 deliveries.

Traffic movements associated with the current operations (both quarry and concrete batching plant) were found to be on average around 40 vehicles per day, i.e. 40 inbound and 40 outbound.

4.2 Traffic Demand for New Construction and Demolition waste facility

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m³/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour. In assessing the intersection, it has been (conservatively) modelled that an additional truck movement has been allocated to all turning movements in the peak hours (i.e., assuming 4 vehicles arrive at the same time).

4.3 Total Traffic Demand for Current and proposed operations

Based on the traffic generation outlined in section 4.2 above, the total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS.

4.4 Traffic Distribution All Operations

It is anticipated that for all developments (existing and proposed) the distribution has been assumed as follows:

- Finished product is generally distributed in a directional split (due to conditions imposed in Development Consent 85/2016 to restrict vehicles over 5 Tonnes to left out only) will be 10% right and 90% left.
- Incoming material will be approx. 50% from the north and 50% from the south due to locations of clients.

Consequently, the distribution of traffic used in this assessment (AM peak hour) for campaign delivery (i.e., worst case) is as follows:

- Peak Movements of truck of trucks turning right into site from New England Highway is 41 vehicle per hour (Q_R).
- Peak Movements of truck of trucks turning left into site from New England Highway is 41 vehicle per hour (Q_L).
- New England Highway Traffic Volume (Q_M) is 527 vehicle per hour.
- Peak Movements of trucks turning right into New England Highway from development is 9 vehicle per hour.

4.5 Capacity Standards

Rural intersection operations are assessed from the combination of the peak hourly through and turning traffic volumes, which are occurring at the intersection. This determines the need for additional intersection turning lanes for which the current Austroads design standards are shown in Figure 2.

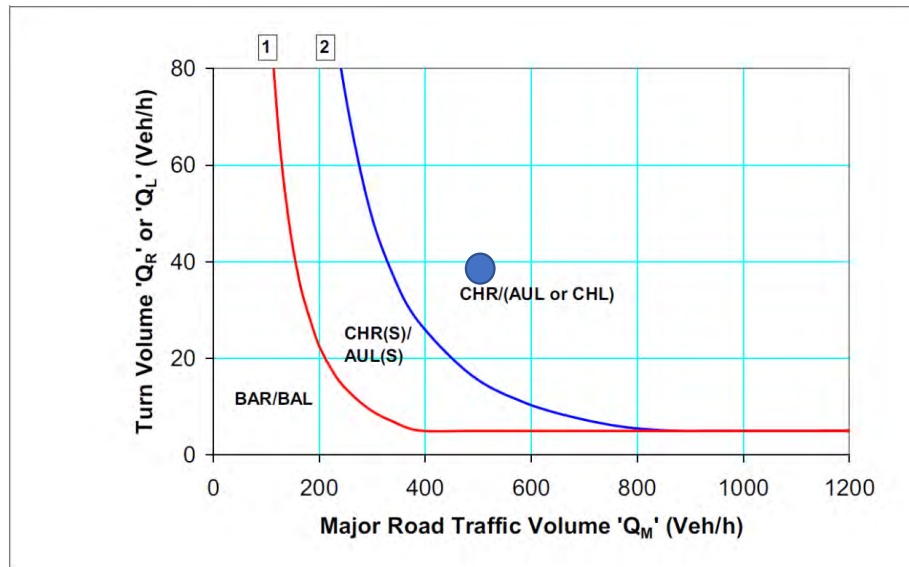


Figure 3 Austroads warrants design charts for rural intersection turn lanes
Warrant Chart for additional turn lanes for traffic volumes for design speeds 100 km/hr or greater.

● right turn in, left Turn in

5 Traffic Impact at Intersections

The available sight distances on all legs of the intersection comply with the requirements specified in the RTA's Road Design Guidelines.

Accident history was reviewed which indicated that there were no particular safety concerns relating to intersection operation. It was considered that the existing intersection safety would not be adversely affected by the continued development.

Utilising the above demands for turning movements, and the current traffic volumes along the New England Highway, the existing upgraded intersection and the New England Highway have adequate capacity to accommodate the quarry, batch plant and waste processing truck movements.

6 Summary

The traffic impacts from the combined development have been assessed and the key findings are as follows:

- The available sight distances of the existing site access with New England Highway are adequate for the speed environment.
- The intersection has straight and level approaches and more than adequate for the road speed limit which is 100 km/hr;

Traffic Impact Assessment

Addition of Construction and Demolition Waste

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- Total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS.
- The assessment of Austroads Warrant Design Charts for Additional Turning Lanes at Rural Intersections indicates the current intersection meets the requirements set out in this standard and as such that additional intersection works are not required at the intersection New England Highway.

Based on the findings of this report, Pavey Consulting Services is of the opinion that there are no traffic engineering related matters that should preclude approval of this Development Application.

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REPORT

Appendix B

Noise Impact Assessment



Project No: 212106

Noise Impact Assessment Wild Quarries Proposed Waste Sorting and Processing Area Muswellbrook, NSW

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March 2021



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EXECUTIVE SUMMARY

A noise and vibration impact assessment has been conducted for the proposed addition of a construction and demolition waste sorting and processing facility at a Site located approximately 9 kilometres (km) south-east of Muswellbrook, on the eastern side of the New England Highway. The proposed operating hours are as follows.

Proposed Hours of Operation

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Quarrying and General Activities	7:00am to 5:00pm	7:00am to 1:00pm	Nil
Truck Haulage	7:00am to 5:00pm	7:00am to 1:00pm	Nil
Plant Hire	7:00am to 3:00pm	7:00am to 3:00pm	Nil

Documents referred to in conducting the assessment include:

- NSW Noise Policy for Industry (NPI), EPA (2017);
- NSW Road Noise Policy (RNP), OEH (2011);

Noise criteria for the proposal have been adopted from the noise assessment conducted in 2016 for the consolidation application (Global Acoustics, 2016) as sourced from Condition 46a of the Project Approval.

Noise modelling for the proposed activities were added to predicted levels from currently approved activities on site and found to result in total noise emissions which do not exceed the existing noise criteria.

Accordingly, the assessment has shown that there will be no additional noise impacts from the proposed and cumulative operations.





1.0 INTRODUCTION

1.1 The Proposal

Wild Quarries and Civil Pty Ltd (the “Applicant”), proposes to add a 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW. Operations occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road. The location of the site is shown as **Figure 1** and the extent of the site encompassing existing operations shown as **Figure 2**.

This noise impact assessment has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is submitted to Muswellbrook Shire Council for assessment and consideration accordingly.

1.2 Receiver Locations

Land owners around the Project Site are identified in **Figure 3**. Representative private residences considered in this assessment are shown in **Table 1**.

TABLE 1 ASSESSED RESIDENTIAL RECEIVERS		
Receiver	Property Name	Distance from project footprint
R02	Sharman	1050 m
R07	Cross	980 m
R08	Smith	860 m





Figure 1. Project Site – Local Area

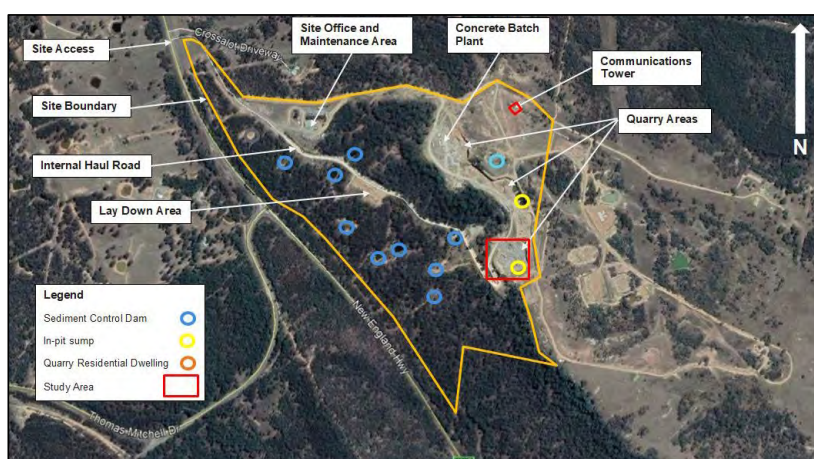


Figure 2. Existing Project Site Layout.



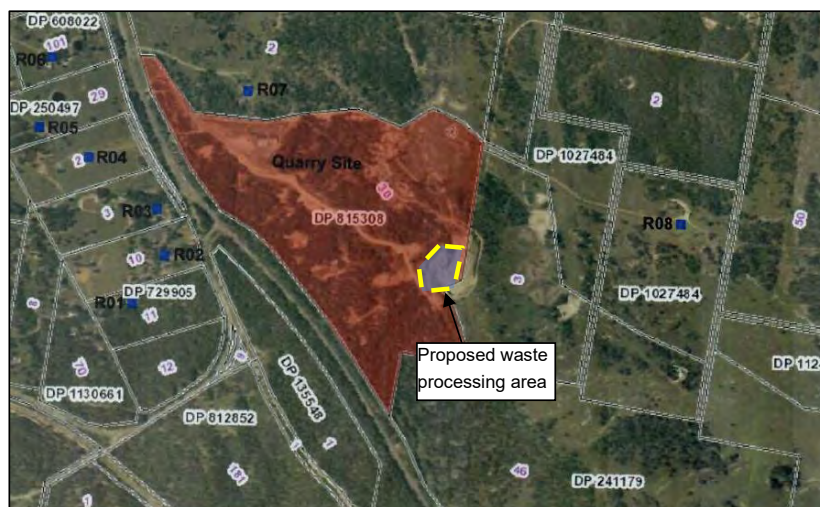


Figure 3. Project Site and Residential Receivers (Source: Global Acoustics 2016)





2.0 THE PROPOSAL

2.1 Quarry Operations Modification

The proposed activities relate to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site and the proposed addition of construction and demolition waste processing at a maximum rate of 30,000tpa. This application seeks to continue the current operations at the same intensity and within the same disturbance footprint and incorporate the additional construction and demolition waste processing.



Figure 4. Proposed site layout

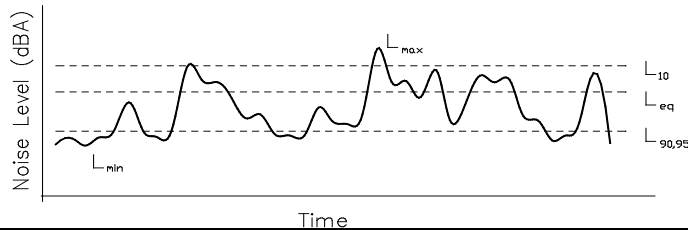




3.0 DESCRIPTION OF TERMS

Table 2 contains the definitions of commonly used acoustical terms and is presented as an aid to understanding this report.

TABLE 2 DEFINITION OF ACOUSTICAL TERMS	
Term	Description
dB(A)	The quantitative measure of sound heard by the human ear, measured by the A- Scale Weighting Network of a sound level meter expressed in decibels (dB).
SPL	Sound Pressure Level. The incremental variation of sound pressure above and below atmospheric pressure and expressed in decibels. The human ear responds to pressure fluctuations, resulting in sound being heard.
STL	Sound Transmission Loss. The ability of a partition to attenuate sound, in dB.
Lw	Sound Power Level radiated by a noise source per unit time re 1pW.
Leq	Equivalent Continuous Noise Level - taking into account the fluctuations of noise over time. The time-varying level is computed to give an equivalent dB(A) level that is equal to the energy content and time period.
L1	Average Peak Noise Level - the level exceeded for 1% of the monitoring period.
L10	Average Maximum Noise Level - the level exceeded for 10% of the monitoring period.
L90	Average Minimum Noise Level - the level exceeded for 90% of the monitoring period and recognised as the Background Noise Level. In this instance, the L90 percentile level is representative of the noise level generated by the surrounds of the residential area.





4.0 EXISTING ENVIRONMENT AND NOISE CRITERIA

The existing meteorological and acoustical environments of the site have been studied to determine prevailing conditions and to allow noise goals to be set.

4.1 Meteorology

The atmospheric conditions most relevant to noise assessments are temperature inversions, gentle winds (indicative of possible wind shear) and relative humidity. The NSW Noise Policy for Industry (NPI, 2017) states that wind effects need to be assessed where source to receiver winds (at 10m height) of 3m/s or below occur for 30% or more of the time in any season in any assessment period.

An AGL Macquarie Meteorological Station on the Mount Arthur Coal site was the principal station used to assess meteorological conditions. That station is located approximately 7 km west-northwest of the subject site, so its data is considered relevant to conditions likely to be experienced at the site. Over a year, prevailing winds tend to be aligned along a NW-SE axis which is common for most sites in the Upper Hunter valley. Summer winds are generally from the south-east, while in winter north-west winds are more common. Average annual wind speeds of 3-4 m/s were recorded, depending on elevation. Both of these wind directions have been adopted in the noise modelling.

The NPI also requires assessment of temperature inversions if the project is to operate at night time during winter months. As a daytime-only operation, inversions are not required to be considered.

In addition to the two prevailing wind directions, noise modelling for the proposal also considers neutral daytime conditions of 20°C air temperature and 70% relative humidity with no vertical temperature gradient.

4.2 Existing Acoustic Environment

The area around the Project Site is rural in nature with some potential noise from agricultural activities, but contains significant road traffic and industrial noise sources. The site is situated on the boundary of the New England Highway and is within a 5km radius of several industrial noise sources such as mines and power stations.



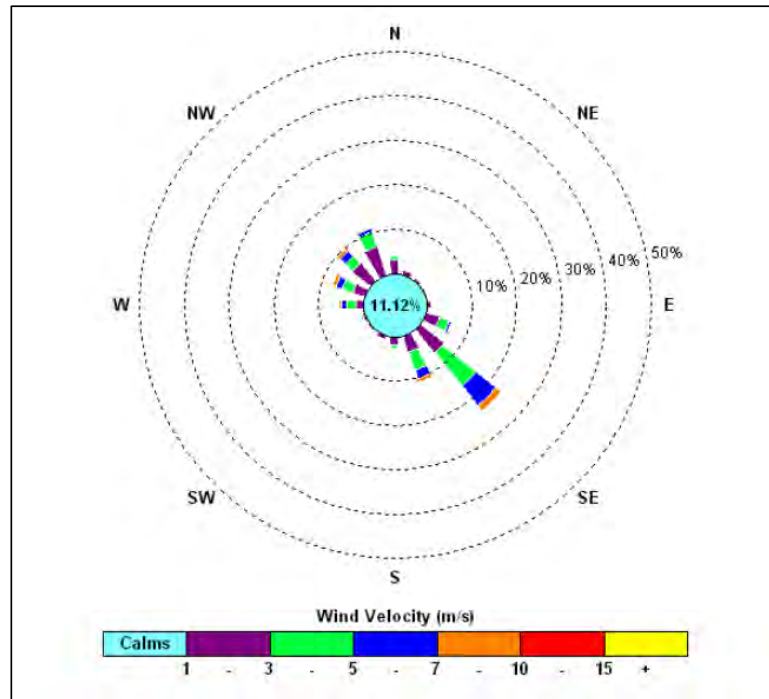


Figure 5. Wind rose, Mt Arthur Coal Mine 2002

4.3 Construction Noise Goals

This project will not require the construction of any new infrastructure, haul roads or the use of any additional machinery in comparison to current operating conditions.

4.4 Project Noise Goals

The daytime noise limit in the current Project Approval for receivers R1 – R7 near the site is 43 dB(A), Leq(15min) and 36 dB(A), Leq(15min) at R8. These criteria will be adopted as the noise emission criterion for all existing and proposed activities.

4.5 Sleep Disturbance

As the extraction process and product transport will only operate after 7 am (i.e. during the day) the sleep disturbance criterion does not apply.

4.6 Vehicle Noise

In NSW, noise from vehicle movements associated with an industrial source is assessed in terms of the INP if the vehicles are not on a public road. If the vehicles are on a public road, the *NSW Road Noise Policy* (RNP) applies. Noise from the proposal must, therefore, be assessed against the project specific noise goals of the INP and also the criteria in the RNP.





The RNP recommends various criteria based on the functional categories of roads applied by the Roads and Traffic Authority (RTA). The RTA differentiates roads based on a number of factors including traffic volume, heavy vehicle use, through or local traffic, vehicle speeds and applicable traffic management options.

Vehicles accessing the site will do so via the New England Highway.

Table 3 below shows the noise criteria relevant to traffic on various road types extracted from Table 1 of the RNP. For the assessment of traffic noise, the day time period is from 7am to 10pm, whilst night is from 10pm to 7am.

TABLE 3 ROAD TRAFFIC NOISE CRITERIA		
Situation	Recommended Criteria	
	Day (7am to 10pm)	Night* (10pm to 7am)
3. Existing residences affected by additional traffic on existing freeways/arterial/sub-arterial roads generated by land use developments	Leq (1hr) 60 (external)	Leq (1hr) 55 (external)

* It is not proposed to haul product at night, so only the daytime criteria are applicable.

The proposal would introduce an additional 20 – 30% truck numbers above the currently approved numbers at maximum production. This would present a negligible increase in existing heavy vehicle numbers on the New England Highway and full quantitative assessment of traffic noise impacts from the proposal is not warranted.

5.0 ASSESSMENT METHODOLOGY

5.1 Plant sound power levels

The sound power level of 117 dB(A) has been adopted from the 2016 noise assessment conducted by Global Acoustics for a mobile crushing and screening plant associated with the proposed construction and demolition waste processing.

5.2 Noise impact prediction

The Environmental Noise Model (ENM, v3.06) was used in point calculation model to calculate noise levels at the three assessed receivers under the neutral and adverse meteorological conditions described in Section 4.1.





6.0 RESULTS AND DISCUSSION

6.1 Predicted operational noise levels

Noise levels were modelled using ENM for each of the atmospheric scenarios described in Section 4.1. Point calculations were performed for receivers in **Table 1**. Predicted noise levels **Tables 4**.

TABLE 4 CALCULATED NOISE LEVELS dB(A), L_{eq} (15 min)				
Receiver	Meteorological condition			Criterion
	Neutral	NW wind	SE wind	
R02	<20	<25	<25	43
R07	<20	<25	<25	43
R08	<20	<25	<25	36

The calculated noise levels in **Table 4** are well below the existing noise criteria.

6.2 Cumulative noise levels

Worst case noise emission levels for the representative receivers and meteorological conditions are summarised in **Table 5**. Previously modelled noise levels from the 2016 assessment of quarry operations and the concrete batching plant are added to the results for the proposed construction and demolition waste processing from **Table 4**.

TABLE 5 CALCULATED CUMULATIVE NOISE LEVELS dB(A), L_{eq} (15 min)				
Receiver	Contributing sources			Criterion
	2016	C&D Waste	TOTAL	
R02	41	<25	41	43
R07	43	<25	43	43
R08	34	<25	<35	36

The results in **Table 5** confirm that with the addition of the proposed construction and demolition waste processing, noise emission will not increase significantly from existing levels and will not exceed the existing noise impact criteria.





7.0 SUMMARY

A noise and vibration impact assessment has been conducted for the proposed addition of a construction and demolition waste sorting and processing facility at a Site located approximately 9 kilometres (km) south-east of Muswellbrook, on the eastern side of the New England Highway.

The assessment considered noise emissions from;

- Operational Noise;
- Road Traffic Noise;
- Cumulative Noise;

The results of the assessment have shown that there will be no adverse impacts as a result of the modelled operational scenarios and meteorological conditions.



REPORT

Appendix C

Air Quality Impact Assessment



AIR QUALITY IMPACT ASSESSMENT
WILD QUARRIES AND CIVIL
MUSWELLBROOK

RPS Australia East Pty Ltd

11 March 2021

Job Number 20121217

Prepared by
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Air Quality Impact Assessment Wild Quarries and Civil Muswellbrook

DOCUMENT CONTROL

Report Version	Date	Prepared by	Reviewed by
DRAFT - 001	08/03/2021	P Henschke	D Kjellberg
FINAL - 001	11/03/2021	P Henschke	

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1 INTRODUCTION

Todoroski Air Sciences has prepared this report for RPS Australia East Pty Ltd on behalf of Wild Quarries and Civil Pty Ltd. The report presents an assessment of potential air quality impacts associated with the proposed acceptance and processing of up to 30,000 cubic metre (m³) of construction and demolition (C&D) waste at the Wild Quarries and Civil site at Muswellbrook, New South Wales (NSW) (hereafter referred to as the Project).

The existing operations include a gravel quarry with a maximum production rate of 100,000 tonnes per annum (tpa) and a concrete batching plant with a maximum production rate of 30,000tpa. The Project seeks to allow for the importation and processing of up to 30,000tpa of C&D waste at the site.

This air quality impact assessment has been prepared in general accordance with the NSW Environment Protection Authority (EPA) document *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (NSW EPA, 2017). The assessment forms part of the environmental assessment prepared to accompany the application for the Project.

To assess the potential air quality impacts associated with the proposed Project, this report incorporates the following aspects:

- ✦ A background to the Project and description of the proposed site and operations;
- ✦ A review of the existing meteorological and air quality environment surrounding the site;
- ✦ A description of the dispersion modelling approach and emission estimation used to assess potential air quality impacts; and
- ✦ Presentation of the predicted results and discussion of the potential air quality impacts and associated mitigation and management measures.

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2 PROJECT BACKGROUND

2.1 Project setting

The Project site is located at 8440 New England Highway, Muswellbrook, approximately 9 kilometres (km) southeast of Muswellbrook town centre and approximately 33km northwest of Singleton. The local land use surrounding the site is rural comprising various agricultural activities with scattered rural residences and open cut coal mining operations.

The nearest identified residential receptor is located approximately 800 metres (m) from the active quarry area. **Figure 2-1** presents the location of the residential receptors assessed as discrete receptors in this assessment.

Figure 2-2 presents a pseudo three-dimensional visualisation of the topography in the general vicinity of the Project. The Project area is located on a ridgeline and flattens to the east and west of the site.

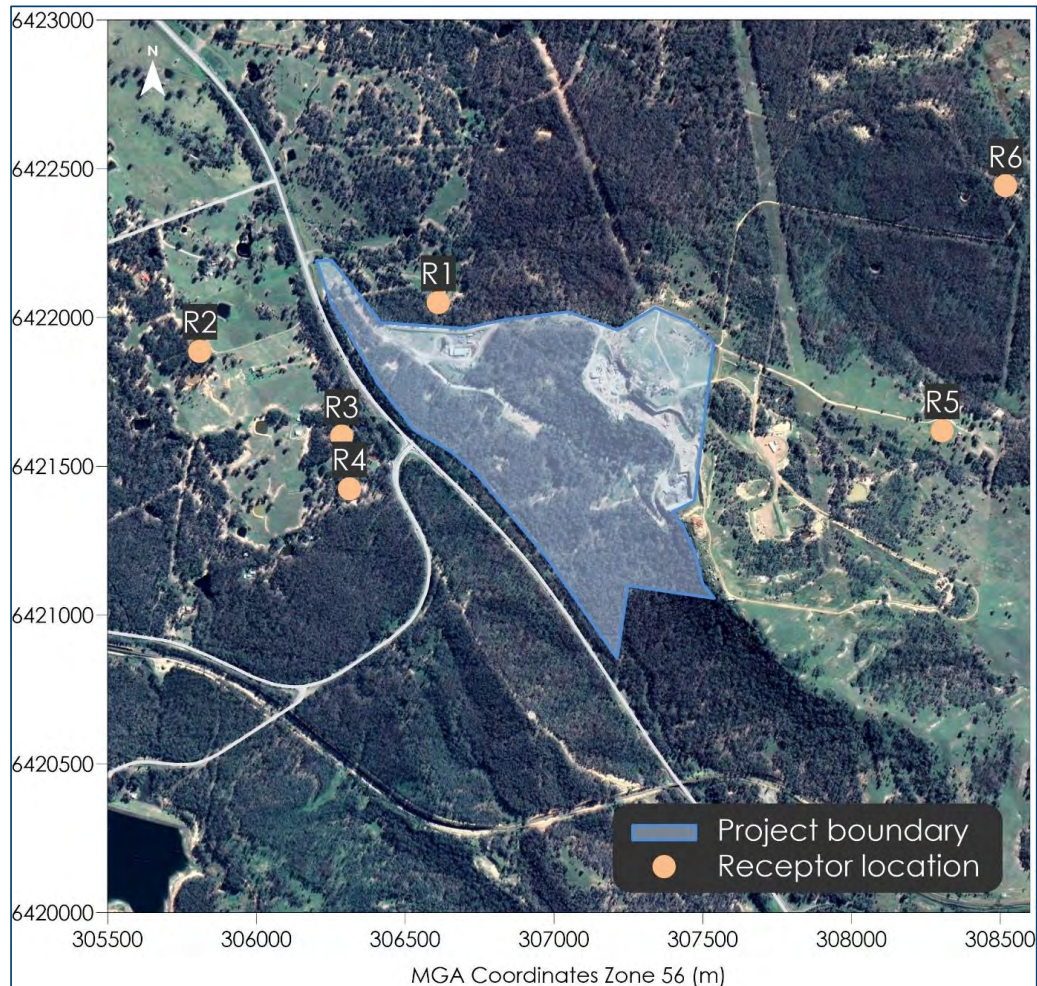


Figure 2-1: Project setting

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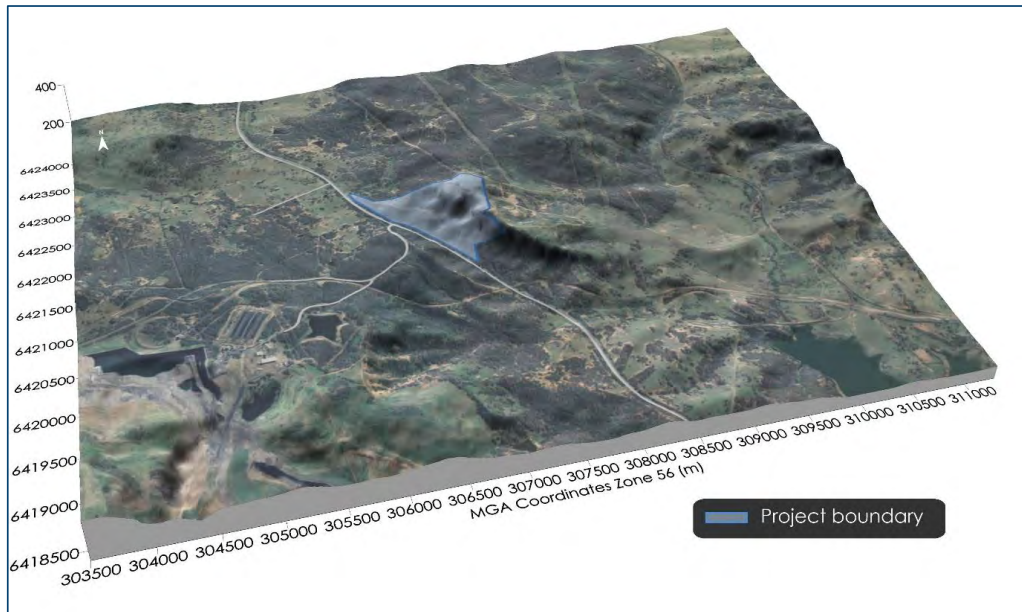


Figure 2-2: Representative visualisation of topography in the area surrounding the Project

2.2 Project description

The existing activities at the site include gravel quarrying and concrete batching. The gravel quarrying activities are as follows; rock is fractured using drill and blast methods with excavators used to extract the material and transfer for processing on-site. Crushing and screening of the extracted materials produce a variety of processed material for sale. The produced materials are stockpiled on-site, then transported to various customers. The concrete batching activities consist of a mobile concrete batching plant which utilises raw materials produced from the quarry. The volume of concrete produced is up to 30,000tpa with a peak rate of 120 tonnes per day (tpd). The site also includes a plant hire operation that consists of equipment storage and maintenance. This activity would produce negligible air emissions in comparison to the gravel quarrying and concrete batching operations and have not been considered further in this assessment.

The Project seeks to incorporate C&D waste processing at the site of up to 30,000tpa. The C&D waste processing would occur in an established area of the existing quarry and include sorting, crushing, screening and stockpiling of the material. The processed materials would be used as a substitute to the existing quarry products won at the site.

The Project would produce in the order of an additional 20 truck movements per day at the site as a worst-case scenario. The operating hours for the C&D waste process would be the same as the gravel quarrying and concrete batching activities, which are currently Monday to Friday from 7:00am to 5:00pm, Saturday from 7:00am to 1:00pm with no activity conducted on Sundays or public holidays.

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3 AIR QUALITY CRITERIA

3.1 Particulate matter

Particulate matter consists of dust particles of varying size and composition. Air quality goals refer to measures of the total mass of all particles suspended in air defined as the Total Suspended Particulate matter (TSP). The upper size range for TSP is nominally taken to be 30 micrometres (μm) as in practice particles larger than 30 to 50 μm will settle out of the atmosphere too quickly to be regarded as air pollutants.

Two sub-classes of TSP are also included in the air quality goals, namely PM_{10} , particulate matter with equivalent aerodynamic diameters of 10 μm or less, and $\text{PM}_{2.5}$, particulate matter with equivalent aerodynamic diameters of 2.5 μm or less.

Particulate matter, typically in the upper size range, that settles from the atmosphere and deposits on surfaces is characterised as deposited dust. The deposition of dust on surfaces may be considered a nuisance and can adversely affect the amenity of an area by soiling property in the vicinity.

3.1.1 NSW EPA impact assessment criteria

Table 3-1 summarises the air quality goals that are relevant to this assessment as outlined in the NSW EPA document *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (NSW EPA, 2017).

The air quality goals for total impact relate to the total dust burden in the air and not just the dust from the Project. Consideration of background dust levels needs to be made when using these goals to assess potential impacts.

Table 3-1: NSW EPA air quality impact assessment criteria

Pollutant	Averaging Period	Impact	Criterion
TSP	Annual	Total	90 $\mu\text{g}/\text{m}^3$
PM_{10}	Annual	Total	25 $\mu\text{g}/\text{m}^3$
	24 hour	Total	50 $\mu\text{g}/\text{m}^3$
$\text{PM}_{2.5}$	Annual	Total	8 $\mu\text{g}/\text{m}^3$
	24 hour	Total	25 $\mu\text{g}/\text{m}^3$
Deposited dust	Annual	Incremental	2 $\text{g}/\text{m}^2/\text{month}$
		Total	4 $\text{g}/\text{m}^2/\text{month}$

Source: NSW EPA, 2017

$\mu\text{g}/\text{m}^3$ = micrograms per cubic metre

$\text{g}/\text{m}^2/\text{month}$ = grams per square metre per month



4 EXISTING ENVIRONMENT

This section describes the existing environment including the climate and ambient air quality in the area surrounding the Project.

4.1 Local climatic conditions

Long-term climatic data from the Bureau of Meteorology (BoM) weather station at Jerrys Plains Post Office (Site No. 061086) were analysed to characterise the local climate in the proximity of the Project. The weather station at Jerrys Plains Post Office is located approximately 18km southwest of the Project and has since closed on 17 April 2014.

Table 4-1 and **Figure 4-1** present a summary of data from the Jerrys Plains Post Office collected over an approximate 52 to 128-year period for the various meteorological parameters.

The data indicate that, on average, January is the hottest month with a mean maximum temperature of 31.8°C, and July is the coldest month with a mean minimum temperature of 3.8°C.

Rainfall peaks during the summer months and declines during the winter months, with an annual average rainfall of 645.9 mm over 67.5 days. The data show January is the wettest month with an average rainfall of 77.1 mm over 6.4 days, and August is the driest month with an average rainfall of 36.1 mm over 5.2 days.

Humidity levels exhibit variability over the day and seasonal fluctuations. Mean 9am humidity levels range from 59% in October to 80% in June. Mean 3pm humidity levels vary from 42% in October, November and December to 54% in June.

As expected, wind speeds during the warmer months have a greater spread between the 9am and 3pm conditions compared to the colder months. The mean 9am wind speeds range from 8.6 km/h in April to 11.7 km/h in September. The mean 3pm wind speeds vary from 11.0 km/h in May to 14.7 km/h in September.

Table 4-1: Monthly climate statistics summary – Jerrys Plains Post Office

Parameter	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann.
Temperature													
Mean max. temp. (°C)	31.8	30.9	28.9	25.3	21.3	18.0	17.4	19.4	22.9	26.3	29.1	31.2	25.2
Mean min. temp. (°C)	17.2	17.1	15.0	11.0	7.4	5.3	3.8	4.4	7.0	10.3	13.2	15.7	10.6
Rainfall													
Rainfall (mm)	77.1	73.1	59.7	44.0	40.7	48.1	43.4	36.1	41.7	51.9	61.9	67.5	645.9
No. of rain days (≥1mm)	6.4	6.0	5.8	4.9	4.9	5.5	5.2	5.2	5.2	5.8	6.3	6.3	67.5
9am conditions													
Mean temp. (°C)	23.4	22.7	21.2	18.0	13.6	10.6	9.4	11.4	15.3	19.0	21.1	23.0	17.4
Mean R.H. (%)	67	72	72	72	77	80	78	71	65	59	60	61	70
Mean W.S. (km/h)	9.6	9.0	8.8	8.6	9.0	9.4	10.6	11.0	11.7	10.9	10.5	9.9	9.9
3pm conditions													
Mean temp. (°C)	29.8	28.9	27.2	24.1	20.1	17.1	16.4	18.2	21.2	24.2	26.9	29.0	23.6
Mean R.H. (%)	47	50	49	49	52	54	51	45	43	42	42	42	47
Mean W.S. (km/h)	13.2	13.0	12.4	11.3	11.0	11.5	13.0	14.3	14.7	14.1	14.2	14.2	13.1

Source: **BoM, 2020 (accessed November 2020)**

°C = degrees Celsius mm = millimetres % = percent km/h = kilometres per hour

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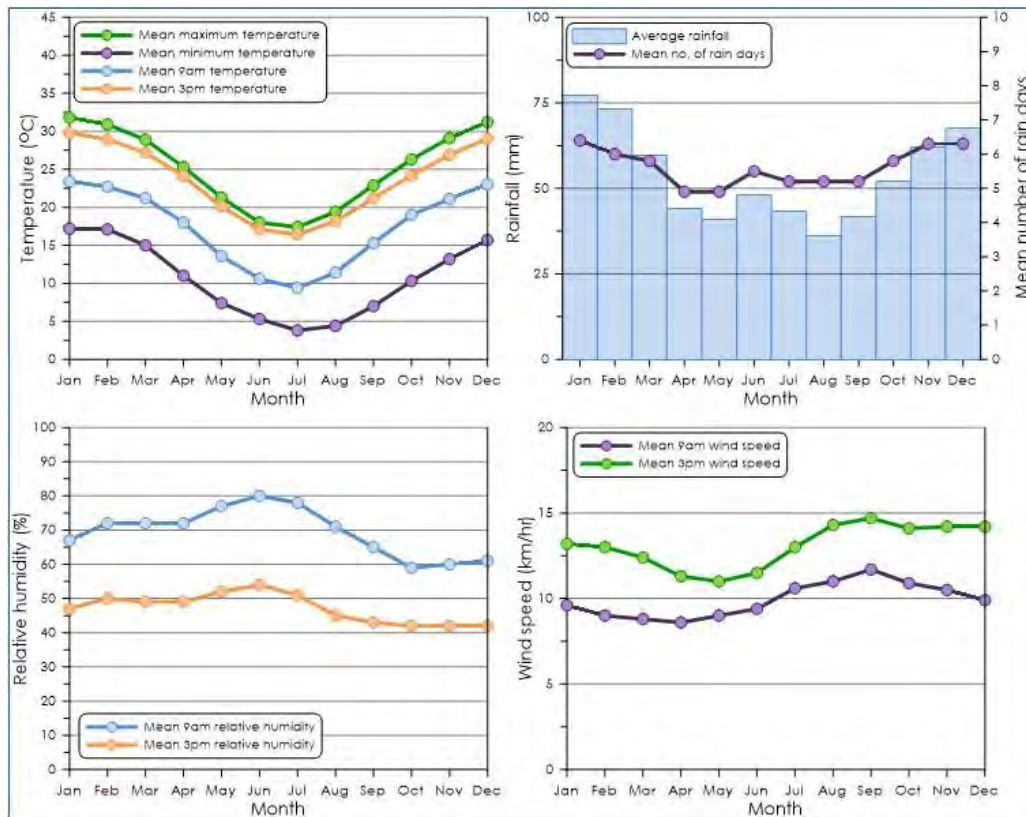


Figure 4-1: Monthly climate statistics summary – Jerrys Plains Post Office

4.2 Local meteorological conditions

Annual and seasonal windroses for the NSW Department of Planning, Industry and Environment (DPIE) Muswellbrook monitoring station during the 2015 calendar period are presented in **Figure 4-2**.

The 2015 calendar year was selected as the meteorological year for the dispersion modelling based on an analysis of long-term data trends in meteorological data recorded for the area and air quality levels as outlined in **Appendix A**.

On an annual basis, winds typically occur along a southeast to northwest axis with the highest portion of winds from the southeast. In summer, strong winds are typically from the southeast. The autumn and spring distributions are similar to the annual distribution with dominant winds from southeast and south-southeast. In winter, the distribution is varied with a high proportion of winds originating from the west-northwest and northwest.



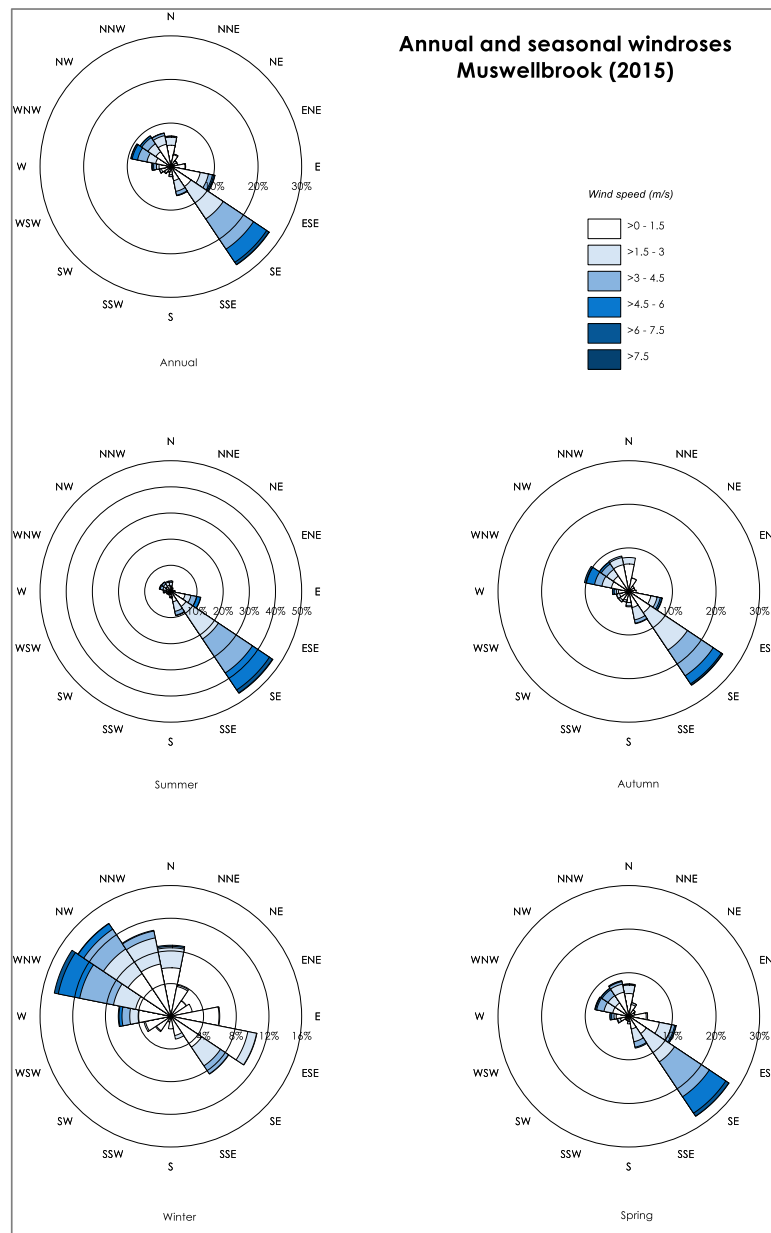


Figure 4-2 : Annual and seasonal windroses – Muswellbrook (2015)

4.3 Local air quality monitoring

The main sources of air pollutants in the wider area surrounding the Project include mining, agriculture, commercial and industrial (including power generation) activities, urban activity and emissions from local anthropogenic activities such as motor vehicle exhaust and domestic wood heaters.

Ambient air quality monitoring data sourced from the NSW DPIE-operated Upper Hunter Air Quality Monitoring Network (UHAQMN), and from the air quality monitoring network for the Maxwell Project,

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have been reviewed. The DPIE air quality monitoring stations at Muswellbrook and Muswellbrook NW are located approximately 8km and approximately 10km respectively from the site, and the Maxwell Project air quality monitoring stations are located approximately 0.8-3.5km from the site. The air quality monitoring data from these monitors have been used to quantify the existing ambient background levels for this study.

The location of the monitoring stations relative to the Project is shown in **Figure 4-3**.



Figure 4-3: Monitoring locations

4.3.1 PM₁₀ monitoring

A summary of the available PM₁₀ monitoring data is presented in **Table 4-2**. Recorded 24-hour average PM₁₀ concentrations for the DPIE air quality monitoring stations are presented in **Figure 4-4**.

A review of **Table 4-2** indicates that the annual average PM₁₀ concentrations for each monitoring station were below the relevant criterion of 25µg/m³ except for Muswellbrook in 2018 and both Muswellbrook and Muswellbrook NW in 2019. The maximum 24-hour average PM₁₀ concentrations recorded at these stations were found to exceed the relevant criterion of 50µg/m³ on occasion during the review period.

Examination of the potential cause of the elevated PM₁₀ levels indicates that they typically coincide with regional dust events and bushfires which affect a wide area, for example as indicated by other air quality

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monitoring stations in the surrounding region also recording elevated levels on such days. At other times, potential sources including local agriculture, open cut mining activity and localised fires may have contributed to the periods of elevated PM₁₀ levels. The high PM₁₀ concentrations recorded in 2018, 2019 and 2020 are attributed to the drought period and widespread bushfires affecting NSW.

Table 4-2: Summary of PM₁₀ levels (µg/m³)

Year	Muswellbrook	Muswellbrook NW	Maxwell Infrastructure *	Criterion
Annual average				
2014	21.4	19.2	17.6	25
2015	19.1	16.7	13.8	25
2016	19.2	16.6	14.5	25
2017	21.7	18.5	16.1	25
2018	27.2	25.0	-	25
2019	34.4	33.7	-	25
2020	22.5	21.0	-	25
Maximum 24-hour average				
2014	53	50.8	50.0	50
2015	72.6	72.9	56.9	50
2016	43.9	44.8	41.6	50
2017	56.5	51.0	47.3	50
2018	185.9	195.4	-	50
2019	231.3	244.6	-	50
2020	181	238.6	-	50

* Source: Todoroski Air Sciences, 2019

It can be seen from **Figure 4-4** that PM₁₀ concentrations are nominally highest in spring and summer with the warmer weather raising the potential for drier ground, elevating the occurrence of windblown dust, bushfires and increased pollen levels.

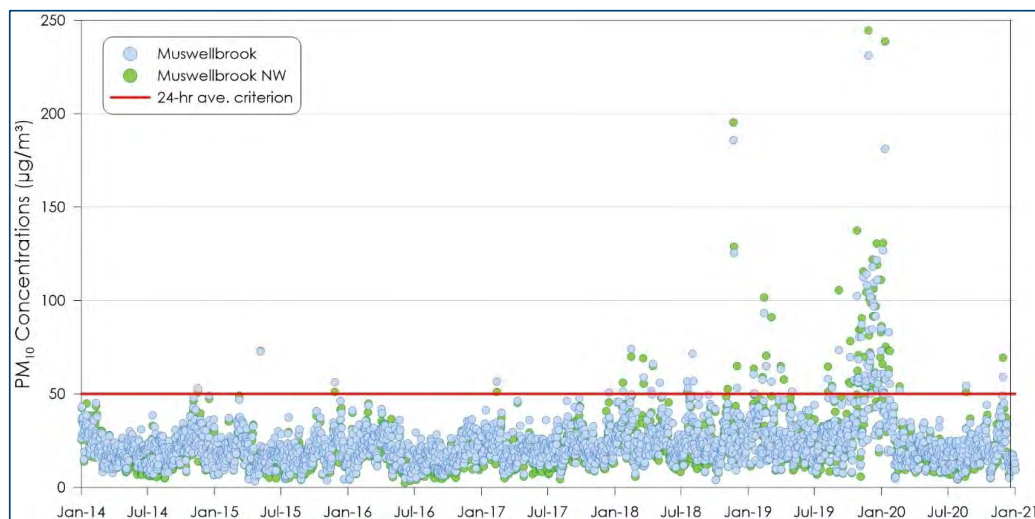


Figure 4-4: 24-hour average PM₁₀ concentrations at UHAQMN monitoring stations

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4.3.2 PM_{2.5} monitoring

A summary of the available PM_{2.5} monitoring data is presented in **Table 4-3**. The recorded 24-hour average PM_{2.5} concentrations are presented in **Figure 4-5**.

Table 4-3 indicates that the annual average PM_{2.5} concentrations at Muswellbrook were above the criterion of 8µg/m³ for the review period. The maximum 24-hour average PM_{2.5} concentrations also exceeded the relevant criterion of 25µg/m³ on occasion during the review period.

A seasonal trend in 24-hour average PM_{2.5} concentrations for the Muswellbrook monitoring station can be seen in **Figure 4-5** with elevated levels occurring in the cooler months. Ambient PM_{2.5} levels at the Muswellbrook monitoring station are likely to be governed by local background sources such as wood heaters and motor vehicles. Studies have shown that other PM_{2.5} monitors located near mining operations (and away from towns) have no significant seasonal trends in comparison to the Muswellbrook monitoring station (**Todoroski Air Sciences, 2019**). This suggests the influence of anthropogenic sources on PM_{2.5} levels are localised to the towns and do not significantly affect the areas which are sparsely populated.

Table 4-3: Summary of PM_{2.5} levels (µg/m³)

Year	Muswellbrook	Criterion
Annual average		
2014	9.7	8
2015	8.7	8
2016	8.4	8
2017	9.4	8
2018	9.4	8
2019	12.2	8
2020	9.8	8
Maximum 24-hour average		
2014	27.4	25
2015	31.2	25
2016	29.4	25
2017	31.1	25
2018	26.5	25
2019	77.4	25
2020	49.1	25



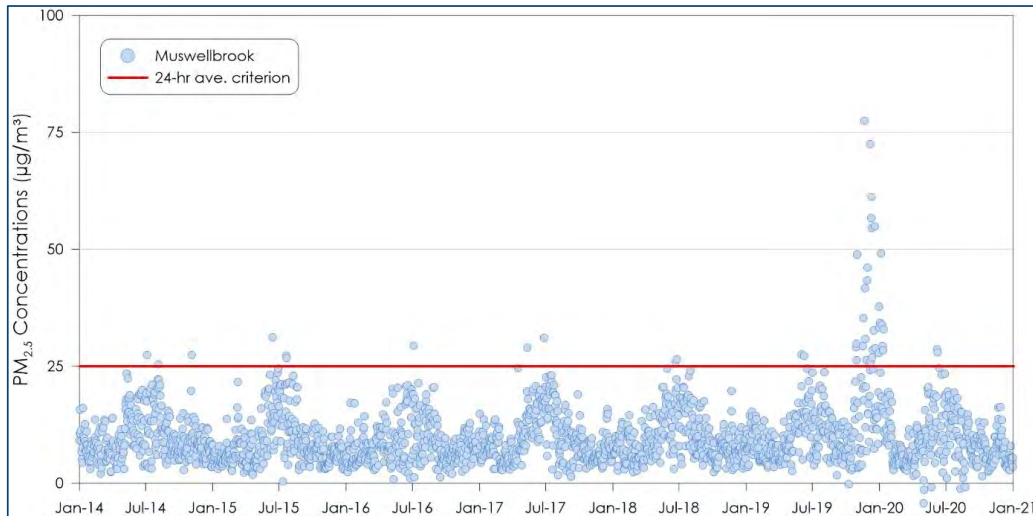


Figure 4-5: 24-hour average PM_{2.5} concentrations at UHAQMN monitoring stations

4.3.3 TSP monitoring

A summary of the available TSP monitoring data is presented in **Table 4-4**.

Table 4-4 indicates that the annual average TSP concentrations at the Maxwell Infrastructure monitor were below the criterion of 90 µg/m³ for the review period and that the TSP monitoring data show relatively similar interannual levels.

Table 4-4: Summary of TSP levels (µg/m³)

Year	Maxwell Infrastructure *	Criterion
Annual average		
2014	60.9	90
2015	47.6	90
2016	49.3	90
2017	51.9	90

* Source: **Todoroski Air Sciences, 2019**

4.3.4 Deposited dust monitoring

A summary of the available deposited dust monitoring data is presented in **Table 4-5**.

Table 4-5 indicates that the annual average deposited dust levels at the Maxwell Infrastructure monitors were below the criterion of 4g/m²/month for the review period.

Table 4-5: Summary of deposited dust levels (g/m²/month)

Year	2175 *	2130 *	Criterion
Annual average			
2014	2.1	2.4	4
2015	1.6	1.9	4
2016	2.0	2.2	4
2017	1.9	1.8	4

* Source: **Todoroski Air Sciences, 2019**

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4.3.5 Estimated background dust levels

As outlined above, there are no readily available site-specific monitoring data, and therefore the background dust levels around the Project site were estimated to be similar to those recorded at the nearby monitoring sites for the 2015 calendar period which corresponds to the period of meteorological modelling used in this assessment.

The annual average PM₁₀ levels from the Muswellbrook monitoring station and TSP and deposited dust levels from the Maxwell Infrastructure monitoring stations are used to represent the background levels for the Project.

As noted, the PM_{2.5} levels from the Muswellbrook monitoring station are above the annual average criterion of 8µg/m³ due to local background sources such as wood heaters and motor vehicles. For the area surrounding the Project, a lower PM_{2.5} background level would apply as it is located away from these sources. The PM_{2.5} background level estimated in the *Maxwell Project Air Quality and Greenhouse Gas Assessment* (**Todoroski Air Sciences, 2019**) is considered appropriate for the Project location and has been applied in this assessment.

4.3.6 Summary of background dust levels

The annual average background air quality levels applied in this assessment are as follows:

- ✦ PM_{2.5} concentrations – 4.5µg/m³;
- ✦ PM₁₀ concentrations – 19.1µg/m³;
- ✦ TSP concentrations – 47.6µg/m³; and,
- ✦ Deposited dust levels – 1.9g/m²/month.

4.3.7 Background dust from coal mining operations

The predicted dust levels in the *Maxwell Project Air Quality and Greenhouse Gas Assessment* (**Todoroski Air Sciences, 2019**) are used to infer the potential background dust contribution from the coal mining operations near the Project. The Project is located approximately 4km to the northeast of the Maxwell Project.

Figure 4-6 presents the predicted annual average PM₁₀ concentrations due to the Maxwell Project and other sources for the modelled Scenario 1. The modelling predictions include the contribution from the Maxwell Project and surrounding coal mining operations along with a contribution from non-mining sources. **Figure 4-6** indicates by the shape of the contour, that the dust contribution from the coal mining operations would be approximately <20µg/m³ for the Project area.

The applied background level annual average PM₁₀ concentration of 19.1µg/m³ is therefore considered a conservative background level for the Project and would already include a potential contribution from the coal mining operations, hence these have not been explicitly included in the modelling assessment for the Project.





Source: **Todoroski Air Sciences (2019)**

Figure 4-6: Predicted annual average PM₁₀ concentration due to emissions from the Maxwell Project and other sources – Scenario 1 (µg/m³)

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5 DISPERSION MODELLING APPROACH

5.1 Introduction

The following sections are included to provide the reader with an understanding of the model and modelling approach applied for the assessment. The CALPUFF is an advanced air dispersion model which can deal with the effects of complex local terrain on the dispersion meteorology over the modelling domain in a three-dimensional, hourly varying time step.

The model was setup in general accord with the methods provided in the NSW EPA document *Generic Guidance and Optimum Model Setting for the CALPUFF Modeling System for Inclusion into the 'Approved Methods for the Modeling and Assessments of Air Pollutants in NSW, Australia' (TRC, 2011)*.

5.2 Modelling methodology

Modelling was undertaken using a combination of the CALPUFF Modelling System and The Air Pollution Model (TAPM). The CALPUFF Modelling System includes three main components: CALMET, CALPUFF and CALPOST and a large set of pre-processing programs designed to interface the model to standard, routinely available meteorological and geophysical datasets.

5.2.1 Meteorological modelling

TAPM was applied to the available data to generate a three dimensional (3D) upper air data file for use in CALMET. The centre of analysis for TAPM was 32deg19.5min south and 150deg57min east. The simulation involved an outer grid of 30km, with three nested grids of 10km, 3km and 1km with 35 vertical grid levels.

CALMET modelling domain was run for a 10 x 10 km area with 0.1km grid resolution. The 2015 calendar year was selected as the meteorological year for the dispersion modelling based on analysis of long-term data trends in meteorological data and ambient air quality data recorded for the area as outlined in **Appendix A**. The available meteorological data from the NSW DPIE meteorological stations at Camberwell, Muswellbrook and Muswellbrook NW were included in the simulation.

The outputs of the CALMET modelling are evaluated using visual analysis of the wind fields and extracted data.

Figure 5-1 presents a visualisation of the wind field generated by CALMET for a single hour of the modelling period. The wind fields are seen to follow the terrain well and indicate the simulation produces realistic fine scale flow fields (such as terrain forced flows) in surrounding areas



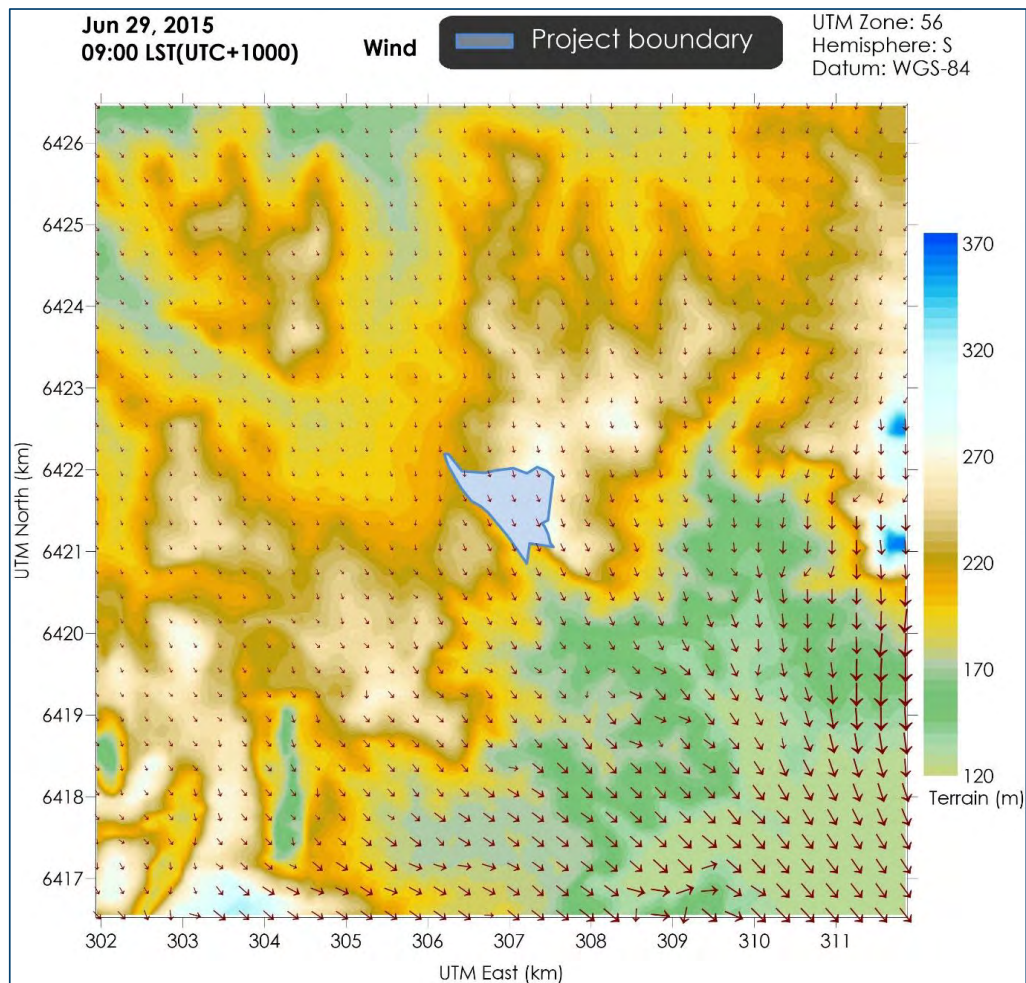


Figure 5-1: Representative snapshot of wind field for the Project

CALMET generated meteorological data were extracted from a point within the CALMET domain and are graphically represented in **Figure 5-2** and **Figure 5-3**.

Figure 5-2 presents the annual and seasonal windroses from the CALMET data. Overall, the windroses generated in the CALMET modelling reflect the expected wind distribution patterns of the area as determined based on the available measured data and the expected terrain effects on the prevailing winds.

Figure 5-3 includes graphs of the temperature, wind speed, mixing height and stability classification over the modelling period and show sensible trends considered to be representative of the area.

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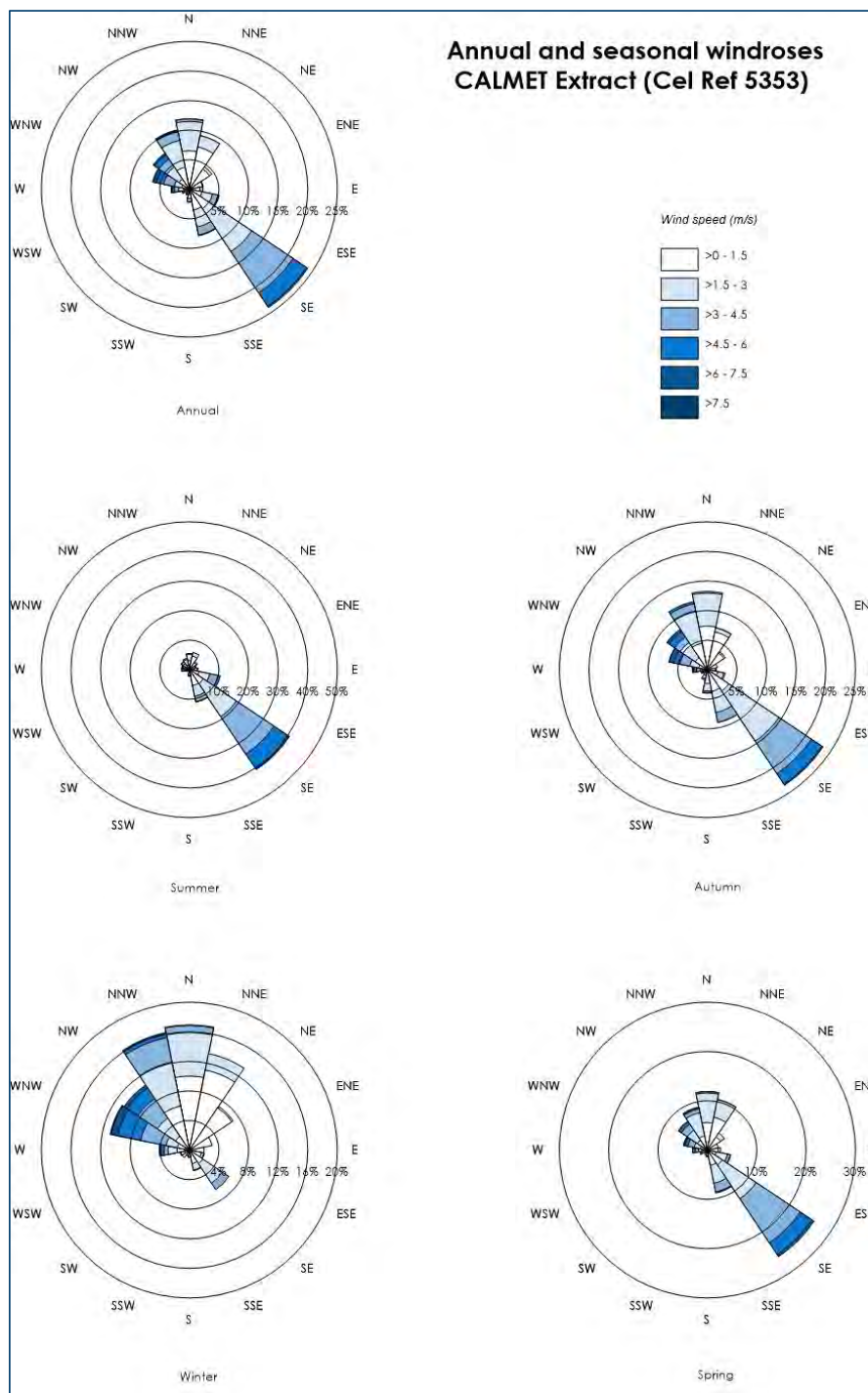


Figure 5-2: Annual and seasonal windroses from CALMET (Cell reference 5353)

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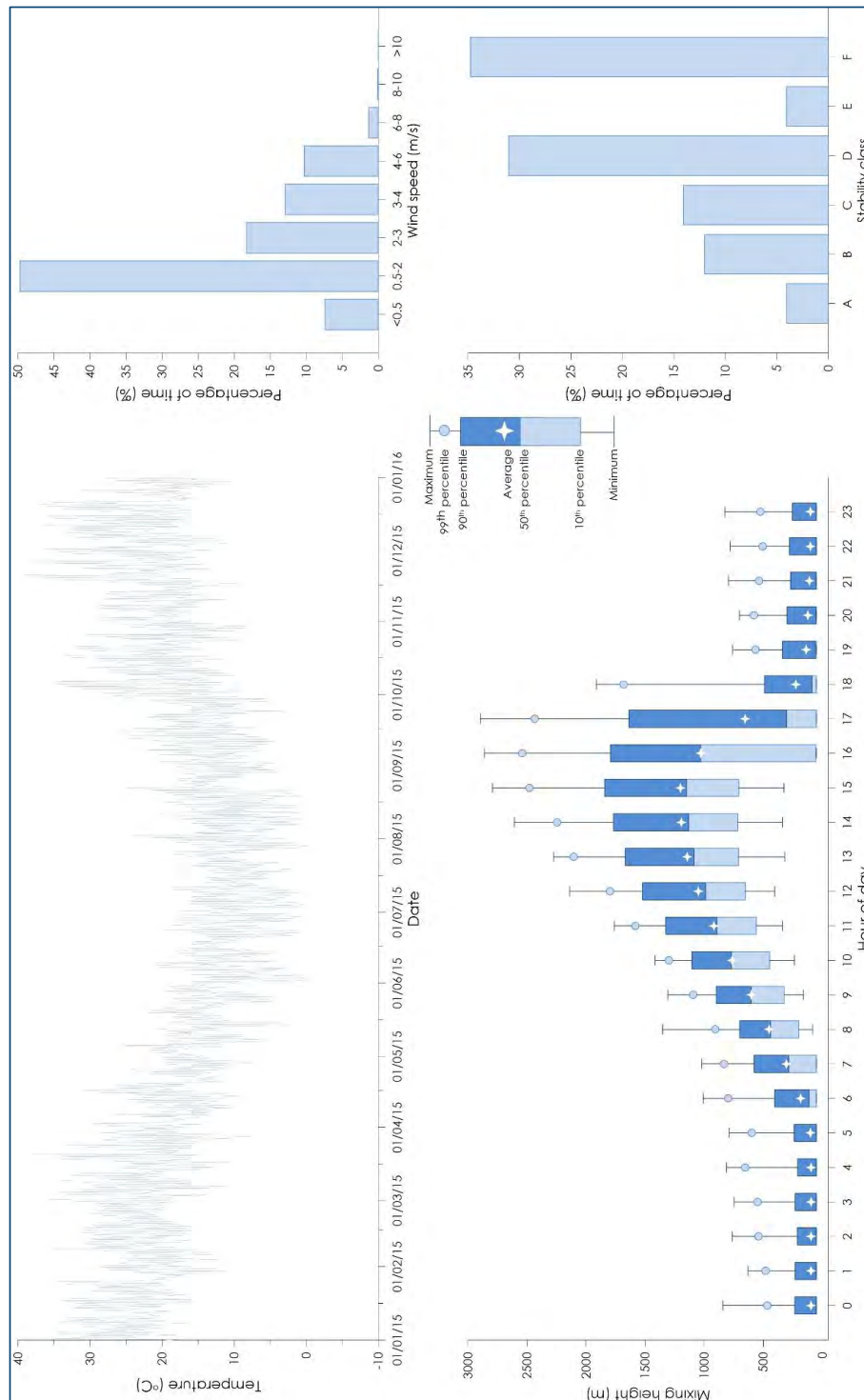


Figure 5-3: Meteorological analysis of CALMET (Cell Ref 4852)

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5.2.2 Dispersion modelling

Emissions from each operational activity of the Project were represented by a series of volume sources and were included in the CALPUFF model via an hourly varying emission file. Meteorological conditions associated with dust generation (such as wind speed) and levels of dust generating activity were considered in calculating the hourly varying emission rate for each source.

It should be noted that as a conservative measure, the effect of the precipitation rate (rainfall) in reducing dust emissions has not been considered in this assessment.

5.3 Emission estimation

The significant dust generating activities associated with operation of the Project are identified as drilling and blasting rock, loading/unloading of material, vehicles travelling on-site and off-site, crushing, screening, and windblown dust from exposed areas and stockpiles. The on-site and off-site vehicle and plant equipment also have the potential to generate particulate emissions from the diesel exhaust.

Dust emission estimates have been calculated by analysing the various types of dust generating activities taking place and utilising suitable emissions sourced from both locally developed and United States Environmental Protection Agency (US EPA) developed documentation.

Annual average and peak 24-hour conditions have been assessed for the operation of the Project. The annual average scenario is based on the proposed maximum annual tonnage for each activity at the Project. The peak 24-hour conditions assess the maximum potential 24-hour average impacts from the Project based on the peak daily movements and activity rate for the various activity at the Project. This includes a maximum of 60 truck movements for the gravel quarrying activity, 120tpd for the concrete batching and 20 truck movements for the C&D waste processing.

A summary of the estimated annual average and peak 24-hour TSP dust emissions is presented in **Table 5-1**. Detailed calculations of the dust emission estimates are provided in **Appendix B**. The calculations apply conservative variables based on the use of practical dust controls applied to the activities outlined in **Section 7**.

Table 5-1: Estimated TSP emission rate for the Project (kg/year)

Operation	Annual average	Peak 24-hour
Gravel quarry	53,688	68,384
Concrete batching	2,767	6,054
C&D waste process	5,400	13,269
Total	61,855	87,707

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6 DISPERSION MODELLING RESULTS

This section presents the predicted impacts on air quality which may arise from air emissions generated by the Project.

6.1 Dust concentrations

The dispersion model predictions presented in this section include those for the operation of the Project in isolation (incremental impact) and the operation of the Project with consideration of other sources (total cumulative impact). The results show the predicted:

- ✦ Maximum 24-hour average PM_{2.5} and PM₁₀ concentrations;
- ✦ Annual average PM_{2.5}, PM₁₀ and TSP concentrations; and,
- ✦ Annual average dust (insoluble solids) deposition rates.

It is important to note that when assessing impacts per the maximum 24-hour average levels, these predictions are based on the highest predicted 24-hour average concentrations which were modelled at each point within the modelling domain for the worst day (i.e. a 24-hour period) in the one year long modelling period.

Associated isopleth diagrams of the dispersion modelling results are presented in **Appendix C**.

Table 6-1 presents the predicted incremental particulate dispersion modelling results at each of the assessed receptor locations. The results show that minimal incremental effects would arise at the receptor locations due to the Project.

Table 6-1: Particulate dispersion modelling results for assessed receptors – Incremental impact

Receptor ID	PM _{2.5} (µg/m ³)		PM ₁₀ (µg/m ³)		TSP (µg/m ³)	DD [^] (g/m ² /month)
	24-hour average	Annual average	24-hour average	Annual average	Annual average	Annual average
	Air quality impact criteria					
	-	-	-	-	-	2
R1	1.2	0.2	7.0	0.9	2.3	0.1
R2	0.4	<0.1	2.3	0.1	0.2	<0.1
R3	0.9	<0.1	4.5	0.2	0.5	<0.1
R4	0.9	<0.1	4.0	0.1	0.4	<0.1
R5	0.9	0.1	3.9	0.3	0.6	<0.1
R6	0.4	<0.1	1.4	<0.1	0.1	<0.1

[^]Deposited dust

The cumulative (total) impact is defined as the modelling impact associated with the operation of the Project combined with the estimated ambient background levels in **Section 4.3.5**.

The predicted cumulative annual average PM_{2.5}, PM₁₀, TSP and dust deposition levels due to the Project with the estimated background levels are presented in **Table 6-2**. The results in **Table 6-2** indicate that all of the assessed receptors are predicted to experience levels below the relevant criteria for each of the assessed dust metrics.

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Table 6-2: Particulate dispersion modelling results for assessed receptors – Cumulative impact

Receptor ID	PM _{2.5} (µg/m³)	PM ₁₀ (µg/m³)	TSP (µg/m³)	DD (g/m²/month)
	Annual average			
	Air quality impact criteria			
	8	25	90	4
R1	4.7	20.0	49.9	2.0
R2	4.5	19.2	47.8	1.9
R3	4.5	19.3	48.1	1.9
R4	4.5	19.2	48.0	1.9
R5	4.6	19.4	48.2	1.9
R6	4.5	19.1	47.7	1.9

6.2 Assessment of Total (Cumulative) 24-hour average PM_{2.5} and PM₁₀ Concentrations

As shown in **Section 4.3**, the maximum measured 24-hour concentrations of PM_{2.5} and PM₁₀ have in the past exceeded or come close to the relevant criterion level on occasion.

As a result, the NSW EPA Level 1 contemporaneous assessment approach of adding maximum background levels to maximum predicted levels from the Project would show levels above the criterion whether or not the Project was operating. In such situations, the NSW EPA applies a Level 2 contemporaneous assessment approach where the measured background levels are added to the day's corresponding predicted dust level from the Project.

Ambient (background) PM_{2.5} and PM₁₀ concentration data corresponding with the year of modelling (2015) from the NSW DPIE monitoring site at Muswellbrook have been applied in this case to represent the prevailing background levels in the vicinity of the Project and applied for representative receptor locations (R1 and R5) surrounding the Project likely to experience the highest impact.

The Level 2 assessment at the representative receptor locations for both PM_{2.5} and PM₁₀ indicate that the Project does not increase the number of days above the 24-hour average criterion. Detailed tables of the contemporaneous assessment results are provided in **Appendix D**.

Time series plots of the predicted cumulative 24-hour average PM_{2.5} and PM₁₀ concentrations for Receptor R1, are presented in **Figure 6-1**. The orange bars in the figure represent the contribution from the Project and the blue bars represent the background levels. It is clear from the figures that the Project has a relatively small influence at the assessed receptor locations.



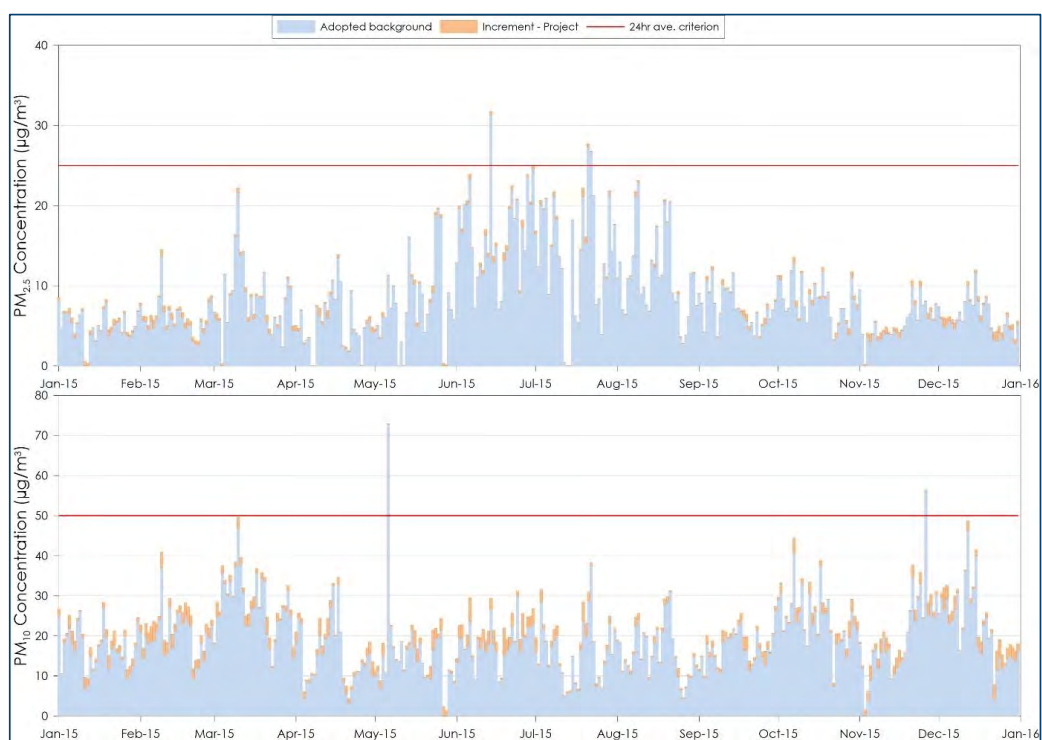


Figure 6-1: Time series plots of predicted cumulative 24-hour average PM_{2.5} and PM₁₀ concentrations for R1

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7 DUST MITIGATION AND MANAGEMENT

The proposed operations at the Project have the potential to generate dust emissions.

To ensure that activities associated with the Project have a minimal effect on the surrounding environment and at receptor locations, it is recommended that appropriate operational and physical mitigation measures should be implemented where feasible and reasonable as outlined in **Table 7-1**.

Table 7-1: Potential operational dust mitigation options

Source	Mitigation Measure
General	Activities to be assessed during adverse weather conditions and modified as required (e.g. cease activity where reasonable levels of dust cannot be maintained using the available means).
	Weather forecast to be checked prior to undertaking material handling or processing.
	Engines of on-site vehicles and plant to be switched off when not in use.
	Vehicles and plant are to be fitted with pollution reduction devices where practicable.
	Vehicles are to be maintained and serviced according to manufacturer's specifications.
	Visual monitoring of activities is to be undertaken to identify dust generation.
Exposed areas/stockpiles	The extent of exposed surfaces and stockpiles is to be kept to a minimum.
	Exposed areas and stockpiles are either to be covered or are to be dampened with water as far as is practicable if dust emissions are visible, or there is potential for dust emissions outside operating hours.
Material handling	Reduce drop heights from loading and handling equipment where practical.
	Dampen material when excessively dusty during handling.
	Use dust suppression for crushing and screening activity.
Hauling activities	Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise on-road dust generation but not so much as to cause mud/dirt track out to occur.
	Driveways and hardstand areas to be swept/cleaned regularly as required etc.
	Vehicle traffic is to be restricted to designated routes.
	Speed limits are to be enforced.
	Vehicle loads are to be covered when travelling off-site.



8 SUMMARY AND CONCLUSIONS

This report has assessed the potential air quality impacts associated with the proposed addition of C&D waste processing at Wild Quarries and Civil, Muswellbrook.

Air dispersion modelling was used to predict the potential for off-site dust impacts in the surrounding area due to the operation of the Project. The estimated emissions of dust applied in the modelling are likely to be conservative and would overestimate the actual impacts.

It is predicted that all the assessed air pollutants generated by the operation of the Project would comply with the applicable assessment criteria at the receptors and therefore would not lead to any unacceptable level of environmental harm or impact in the surrounding area.

Nevertheless, the site would apply appropriate dust management measures to ensure it minimises the potential occurrence of excessive air emissions from the site.

Overall, the assessment demonstrates that even using conservative assumptions, the Project can operate without causing any significant air quality impact at receptors in the surrounding environment.

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9 REFERENCES

Bureau of Meteorology (2018)

Climate statistics for Australian locations, Bureau of Meteorology website, accessed January 2018. <http://www.bom.gov.au/climate/averages>

Katestone Environmental Pty Ltd (2010)

"NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining", Katestone Environmental Pty Ltd prepared for DECCW, 2010.

NSW EPA (2017)

"Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales", NSW Environment Protection Authority, January 2017.

TRC (2011)

"Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion into the Approved Methods for the Modelling and Assessments of Air Pollutants in NSW, Australia", Prepared for the NSW Office of Environment and Heritage by TRC Environmental Corporation.

Todoroski Air Sciences (2019)

"Maxwell Project Air Quality and Greenhouse Gas Assessment", prepared for Malabar Coal Limited by Todoroski Air Sciences, July 2019.

US EPA (1985 and update)

"Compilation of Air Pollutant Emission Factors", AP-42, Fourth Edition United States Environmental Protection Agency, Office of Air and Radiation Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711.

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Appendix A

Selection of Meteorological Year

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Selection of meteorological year

The selection of the period for modelling considered the representativeness of the chosen year against available long-term datasets.

A statistical analysis of seven contiguous years of meteorological data from the Scone Airport Automatic Weather Station (AWS) is presented in **Table A-1**. The standard deviation of the seven years was analysed against the long-term measured wind speed, temperature and relative humidity spanning a 14 to 19-year period recorded at the station.

The analysis indicates that 2014 and 2016 are closest to the long-term average for wind speed, followed closely by 2015. The closest year to the long-term average for temperature is 2013, followed by 2015. For relative humidity, 2015 is the closest and shows greater variation between the selected years.

This analysis suggests 2015 could be considered as the most representative of the long-term measured wind speed, temperature and relative humidity. Further analysis of 2015 against the other years was performed to determine its suitability.

Table B-1: Statistical analysis results of standard deviation from long-term meteorological data at Scone Airport AWS

Year	Wind speed	Temperature	Relative humidity
2013	0.38	0.90	5.42
2014	0.30	1.03	5.82
2015	0.32	0.97	3.76
2016	0.30	1.16	6.35
2017	0.36	1.45	8.32
2018	0.34	1.22	9.37
2019	0.39	1.65	10.84

The analysis shows that 2015 is not an outlier year in terms of deviation from the long term mean wind speed and relative humidity. **Figure A-1** shows the frequency distributions for wind speed, wind direction, temperature and relative humidity of 2015 compared with the mean of the 2013 to 2019 data set. The 2015 data aligned satisfactorily with mean data, therefore based on a review of all years, the 2015 data were selected for modelling.



A-2

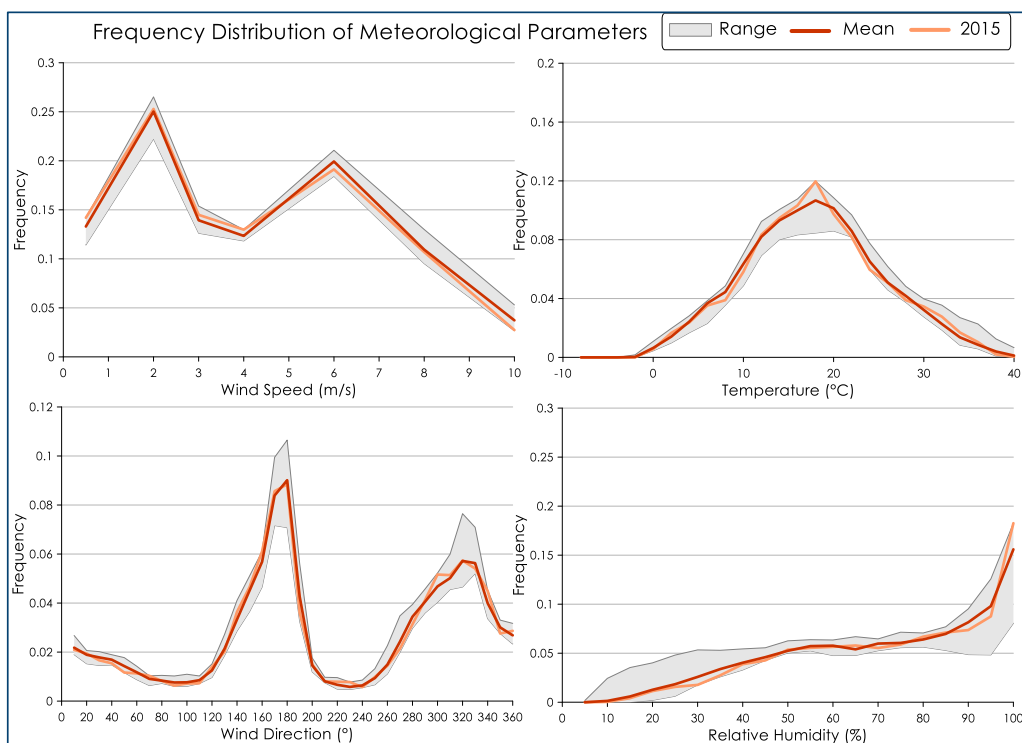


Figure A-1: Graphical analysis of meteorological conditions at Scone Airport AWS

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Appendix B

Emission Calculations

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Emission Calculation

The dust emissions from the Project have been estimated from the operational description of the proposed activities provided by the Proponent and have been combined with emissions factor equations that relate to the quantity of dust emitted from particular activities based on intensity, the prevailing meteorological conditions and composition of the material being handled.

Emission factors and associated controls have been sourced from:

- ✦ United States (US) EPA AP42 Emission Factors (**US EPA, 1985 and Updates**);
- ✦ Office of Environment and Heritage document, "NSW Coal Mining Benchmarking Study: International Best Practise Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining", prepared by Katestone Environmental (**Katestone Environmental, 2010**).

The emission factor equations used for each dust generating activity are outlined in **Table B-1** below. A detailed emission inventory for the modelled period is presented in **Table B-2** and **Table B-3**.

Control factors include the following:

- ✦ Dust suppression on drilling equipment – 70% control.
- ✦ Hauling on unpaved surfaces – 50% control for watering of trafficked areas.
- ✦ Wind erosion on exposed areas and stockpiles – 50% control for watering.



B-2

Table B-1: Emission factor equations

Activity	Emission factor equation		
	TSP	PM ₁₀	PM _{2.5}
Loading / emplacing material	$EF = 0.74 \times 0.0016 \times \left(\frac{U^{1.3}}{2.2} \right) \left(\frac{M^{1.4}}{2} \right) \text{ kg/tonne}$	$EF = 0.35 \times 0.0016 \times \left(\frac{U^{1.3}}{2.2} \right) \left(\frac{M^{1.4}}{2} \right) \text{ kg/tonne}$	$EF = 0.053 \times 0.0016 \times \left(\frac{U^{1.3}}{2.2} \right) \left(\frac{M^{1.4}}{2} \right) \text{ kg/tonne}$
Hauling on unsealed surfaces	$EF = \left(\frac{0.4536}{1.6093} \right) \times 4.9 \times (s/12)^{0.7} \times (1.1023 \times M/3)^{0.45} \text{ kg/VKT}$	$EF = \left(\frac{0.4536}{1.6093} \right) \times 1.5 \times (s/12)^{0.9} \times (1.1023 \times M/3)^{0.45} \text{ kg/VKT}$	$EF = \left(\frac{0.4536}{1.6093} \right) \times 0.15 \times (s/12)^{0.9} \times (1.1023 \times M/3)^{0.45} \text{ kg/VKT}$
Hauling on sealed surfaces	$EF = 3.23 \times s \cdot L^{0.91} \times (1.1023 \times W)^{1.02} \text{ kg/VKT}$	$EF = 0.62 \times s \cdot L^{0.91} \times (1.1023 \times W)^{1.02} \text{ kg/VKT}$	$EF = 0.15 \times s \cdot L^{0.91} \times (1.1023 \times W)^{1.02} \text{ kg/VKT}$
Crushing	$EF = 0.0027 \text{ kg/tonne}$	$EF = 0.0012 \text{ kg/tonne}$	$0.075 \times \text{TSP}$
Screening	$EF = 0.0125 \text{ kg/tonne}$	$EF = 0.0043 \text{ kg/tonne}$	$0.075 \times \text{TSP}$
Wind erosion on exposed areas, stockpiles	$EF = 850 \text{ kg/ha/year}$	$0.5 \times \text{TSP}$	$0.075 \times \text{TSP}$
Cement unloading to silo	$EF = 0.0005 \text{ kg/tonne}$	$EF = 0.00017 \text{ kg/tonne}$	$0.072 \times \text{TSP}$
Mixer loading	$EF = 0.0092 \text{ kg/tonne}$	$0.58 \times \text{TSP}$	$0.15 \times \text{PM}_{10}$

EF = emission factor, U = wind speed (m/s), M = moisture content (%), s = silt content (%), VKT = vehicle kilometres travelled (km).



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B-3

Table B-2: Emissions Inventory – Annual average

ACTIVITY	TSP emission	PM10 emissions	PM2.5 emissions	Intensity	Units	EF - TSP	EF - PM10	EF - PM2.5	Units	Var.1	Units	Var.2	Units	Var.3 - TSP / PM10 / PM2.5	Units	Var.4	Units	Var.5	Units	Var.6	Units	
CBP	Delivering sand and aggregate material onsite	705	181	18	25,000	t/yr	0.1881	0.0483	0.00483	kg/t	30	t/road	2.6	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Unloading sand materials to stockpile	12	6	1	10,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Unloading aggregate materials to stockpile	18	9	1	15,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Rehandle sand materials at stockpile	12	6	1	10,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Rehandle aggregate materials at stockpile	18	9	1	15,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Unloading sand materials to hopper	12	6	1	10,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Unloading aggregate materials to hopper	18	9	1	15,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Delivering cement material onsite	190	49	5	5,000	t/yr	0.2527	0.0649	0.00649	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Unloading cement to elevated storage silo	3	1	0	5,000	t/yr	0.0005	0.0002	0.00001	kg/t	24	t/road	2.6	km/return	2.3 / 0.6 / 0.1	kg/VKT	5	S.C. %	34	Ave weight (t)	85	% C.
	Weight hopper loading	36	17	3	30,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
Quarry	Mixer loading (central mix)	276	160	24	30,000	t/yr	0.0092	0.0053	0.0008	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Agitator truck travelling onsite	1,365	351	35	30,000	t/yr	0.3934	0.0780	0.00780	kg/t	14	t/road	2.6	km/return	1.6 / 0.4 / 0.04	kg/VKT	5	S.C. %	15	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	39	20	3	0.01	ha	3,504	1752.0	262.8	kg/ha/yr												
	Diesel exhaust emissions	62	62	60																		
	Drilling	850	425	64	1,440	holes/yr	0.59	0.30	0.04	kg/hole												
	Blasting	26	13	1	8	blasts/yr	3.23	1.68	0.10	kg/blast	600	m2										
	Excavator Loading to crusher	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	JAW crusher	270	120	22	100,000	t/yr	0.0027	0.0012	0.0003	kg/t												
	Screening	1,250	430	29	100,000	t/yr	0.0125	0.0043	0.0003	kg/t												
	Cone crusher	270	120	22	100,000	t/yr	0.0027	0.0012	0.0003	kg/t												
C&D	Unloading to stockpile	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Rehandle material	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Dozer activity	35,144	8,493	3,690	2,100	h/yr	16.7	4.0	1.8	kg/h	1000	S.C. %	2	M.C. %								
	Loading to haul truck	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Hauling product material off-site	4,123	1,059	106	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Wind erosion - open stockpile area	10,894	5,447	817	6.2	ha	3,504	1,752	263	kg/ha/yr	30	t/road	3.8	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Diesel exhaust emissions	378	378	367																		
	Hauling material on-site	1,107	284	28	30,000	t/yr	0.246	0.063	0.006	kg/t	30	t/road	3.4	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Unloading material to stockpile	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Rehandle material	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
Total emissions (kg/yr)	Loading to crusher	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Crusher	81	36	7	30,000	t/yr	0.0027	0.0012	0.0003	kg/t												
	Unloading to stockpile	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Loading to screen	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Screening	375	129	9	30,000	t/yr	0.00125	0.0043	0.0003	kg/t												
	Unloading to stockpile	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Rehandle material	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Loading to haul truck	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2	M.C. %									
	Hauling product material off-site	1,107	284	28	30,000	t/yr	0.246	0.063	0.006	kg/t	30	t/road	3.4	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	2,278	1,139	171	1.3	ha	3,504	1,752	263	kg/ha/yr												
Diesel exhaust emissions	163	163	158																			
Total emissions (kg/yr)	61,855	19,770	5,729																			



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B-4

Table B-3: Emissions Inventory – Peak 24-hour average

	Peak	TSP emission	PM10 emissions	PM2.5 emissions	Intensity	Units	EF - TSP	EF - PM10	EF - PM2.5	Variable 1	Units	Variable 2	Units	Var.3 - TSP	Units	Var.4	Units	Var.5	Units	Var.6 Units	
CBP	Delivering sand and aggregate material onsite	1,287	331	33	45,625	t/yr	0.1881	0.0483	0.00483	kg/t	30 t/load	2.6 km/return	2.2 / 0.6 / 0.1	kg/VKT	5 S.C. %	29	Ave weight (t)		85 % C.		
	Unloading sand materials to stockpile	22	10	2	18,250	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Unloading aggregate materials to stockpile	33	16	2	27,375	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Rehandle sand materials at stockpile	22	10	2	18,250	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Rehandle aggregate materials at stockpile	33	16	2	27,375	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Unloading sand materials to hopper	22	10	2	18,250	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Unloading aggregate materials to hopper	33	16	2	27,375	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Delivering cement material onsite	346	89	9	9,125	t/yr	0.2527	0.0649	0.00649	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Unloading cement to elevated storage silo	5	2	0	9,125	t/yr	0.0005	0.0002	0.0000	kg/t	24 t/load	2.6 km/return	2.3 / 0.6 / 0.1	kg/VKT	5 S.C. %	34	Ave weight (t)		85 % C.		
	Weight hopper loading	66	31	5	54,750	t/yr	0.0012	0.0006	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2.0 M.C. %									
Quarry	Mixer loading (central mix)	504	292	44	54,750	t/yr	0.0092	0.0053	0.0008	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2.6 km/return	1.6 / 0.4 / 0.04	kg/VKT	5 S.C. %	34	Ave weight (t)		85 % C.		
	Aggrator truck travelling onsite	3,564	916	92	54,750	t/yr	0.4339	0.1115	0.0115	kg/t	14 t/load	2.6 km/return	1.6 / 0.4 / 0.04	kg/VKT	5 S.C. %	34	Ave weight (t)		85 % C.		
	Wind erosion - open stockpile area	39	20	3	0.01	ha	3.504	1.752.0	262.8	kg/ha/yr											
	Diesel exhaust emissions	78	78	76																	
	Drilling	850	425	64	1,440	holes/yr	0.59	0.30	0.04	kg/hole											
	Blasting	26	13	1	8	blasts/yr	3.23	1.68	0.10	kg/blast	600 m2										
	Excavator loading to crusher	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	JAW crusher	887	394	73	328,500	t/yr	0.0027	0.0012	0.0002	kg/t											
	Screening	4,106	1,413	95	328,500	t/yr	0.0125	0.0043	0.0003	kg/t											
	Cone crusher	887	394	73	328,500	t/yr	0.0027	0.0012	0.0002	kg/t											
Quarry	Unloading to stockpile	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Rehandle material	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Dozer activity	35,144	8,493	3,690	2,100	t/yr	16.7	4.0	1.8	kg/h	10.00 S.C. %	2 M.C. %									
	Loading to haul truck	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Hauling product material off-site	13,545	3,480	348	328,500	t/yr	0.0275	0.0071	0.0007	kg/t	30 t/load	3.8 km/return	2.2 / 0.6 / 0.1	kg/VKT	5 S.C. %	29	Ave weight (t)		85 % C.		
	Wind erosion - open stockpile area	10,894	5,447	817	6.2	ha	3.504	1.752	263	kg/ha/yr										50 % C.	
	Diesel exhaust emissions	459	459	445																	
	Hauling material on-site	4,040	1,038	104	109,500	t/yr	0.246	0.063	0.006	kg/t	30 t/load	3.4 km/return	2.2 / 0.6 / 0.1	kg/VKT	5 S.C. %	29	Ave weight (t)		85 % C.		
	Unloading material to stockpile	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Rehandle material	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
C&D	Loading to crusher	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Cruiser	296	131	24	109,500	t/yr	0.0027	0.0012	0.0002	kg/t											
	Unloading to stockpile	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Loading to screen	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Screening	1,369	471	32	109,500	t/yr	0.0125	0.0043	0.0003	kg/t											
	Unloading to stockpile	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Rehandle material	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Loading to haul truck	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02 Ave. (WS/2.2) ^{1,3}	2 M.C. %									
	Hauling product material off-site	4,040	1,038	104	109,500	t/yr	0.246	0.063	0.006	kg/t	30 t/load	3.4 km/return	2.2 / 0.6 / 0.1	kg/VKT	5 S.C. %	29	Ave weight (t)		85 % C.		
	Wind erosion - open stockpile area	2,278	1,139	171	1.3	ha	3.504	1.752	263	kg/ha/yr										50 % C.	
Diesel exhaust emissions	190	190	184																		
Total emissions (kg/yr)		87,707	27,612	6,687																	



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Appendix C

Isopleth Diagrams

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C-1

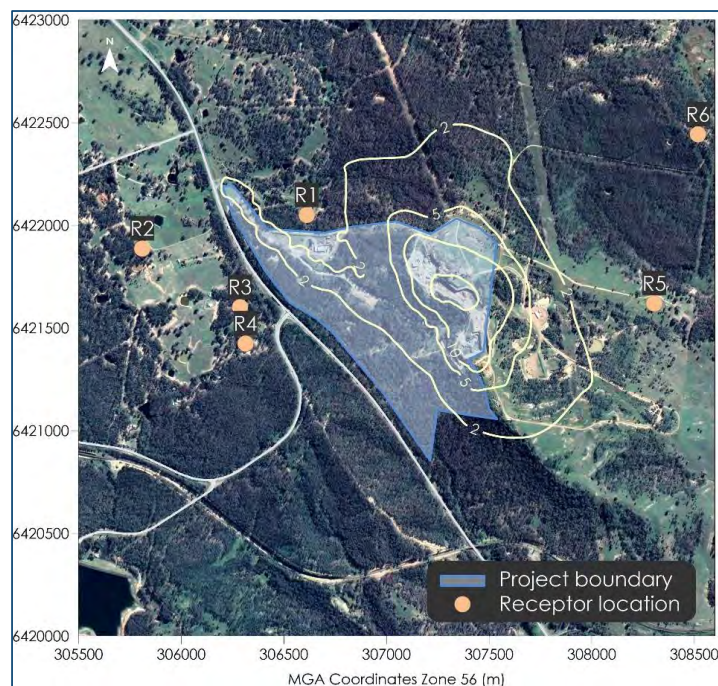


Figure C-1: Predicted incremental maximum 24-hour average PM_{2.5} concentrations (µg/m³)



Figure C-2: Predicted incremental annual average PM_{2.5} concentrations (µg/m³)

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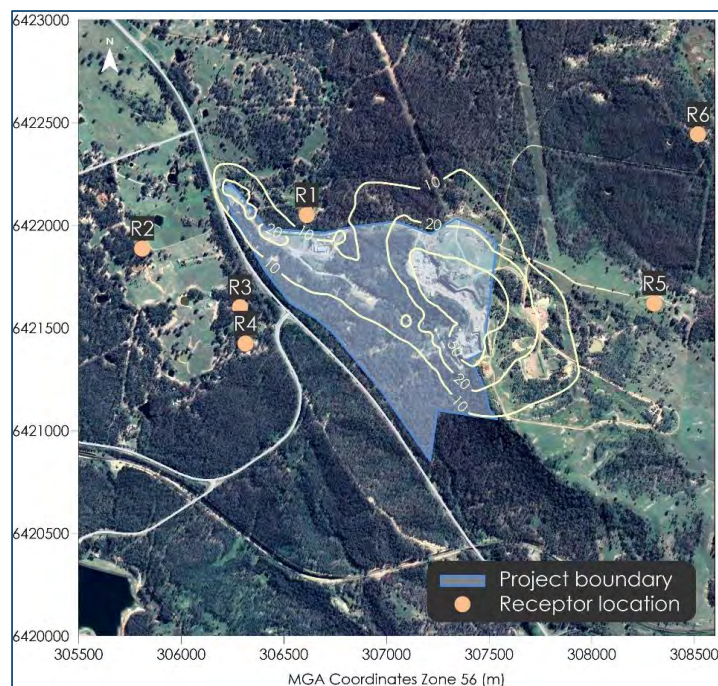


Figure C-3: Predicted incremental maximum 24-hour average PM_{10} concentrations ($\mu g/m^3$)

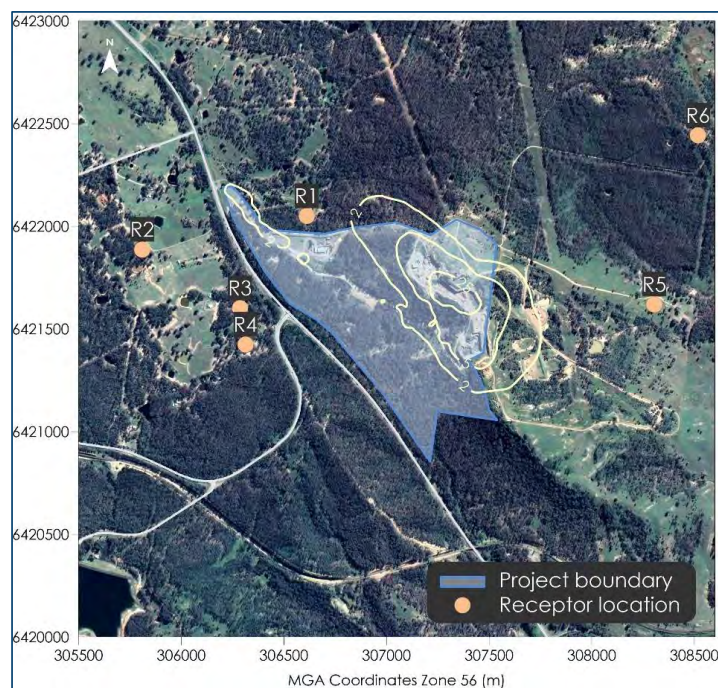


Figure C-4: Predicted incremental annual average PM_{10} concentrations ($\mu g/m^3$)

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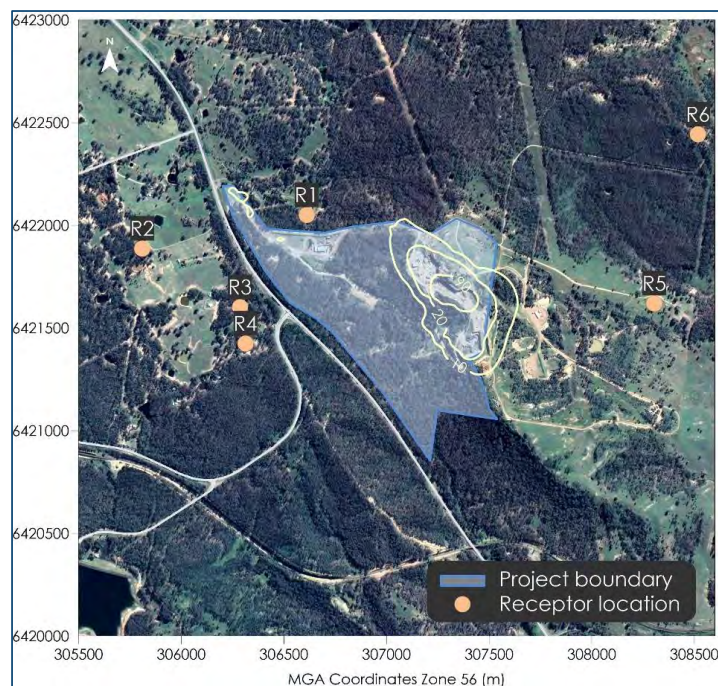


Figure C-5: Predicted incremental annual average TSP concentrations ($\mu\text{g}/\text{m}^3$)

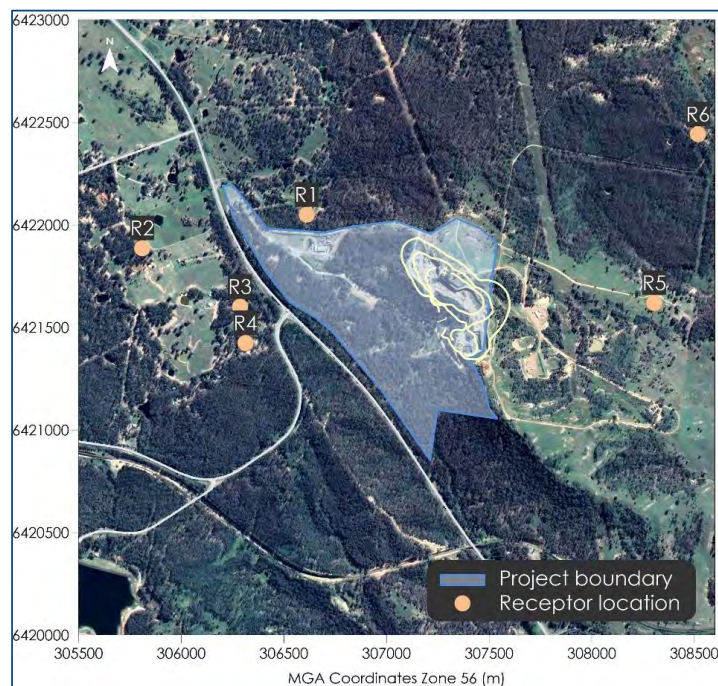


Figure C-6: Predicted incremental annual average dust deposition levels ($\text{g}/\text{m}^2/\text{month}$)

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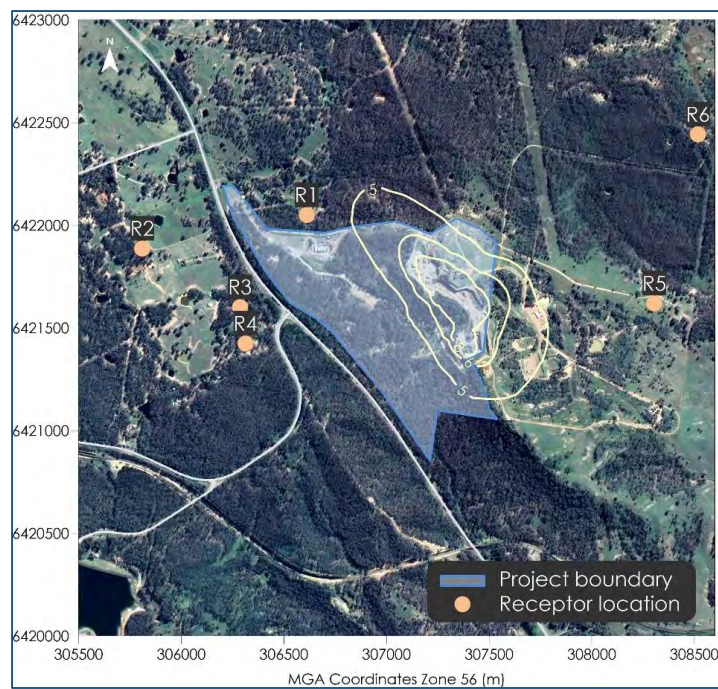


Figure C-7: Predicted cumulative annual average PM_{2.5} concentrations (µg/m³)

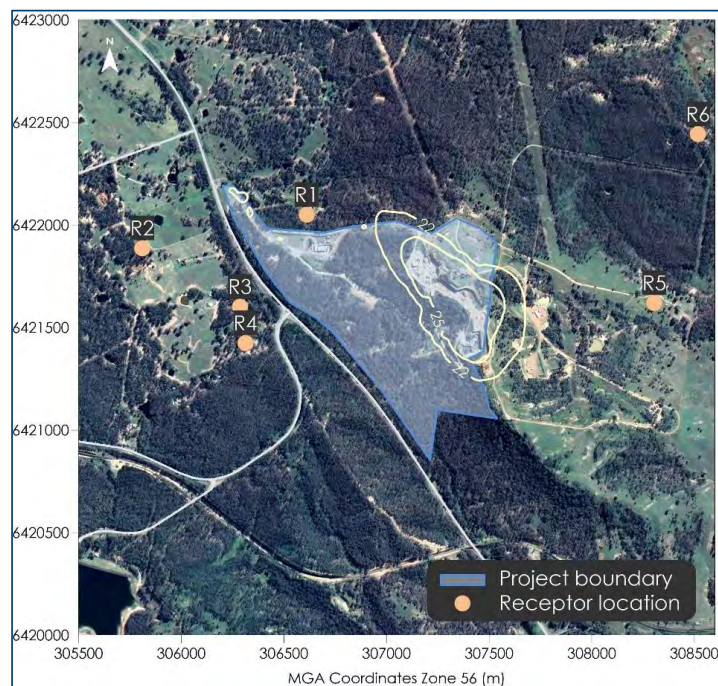


Figure C-8: Predicted cumulative annual average PM₁₀ concentrations (µg/m³)

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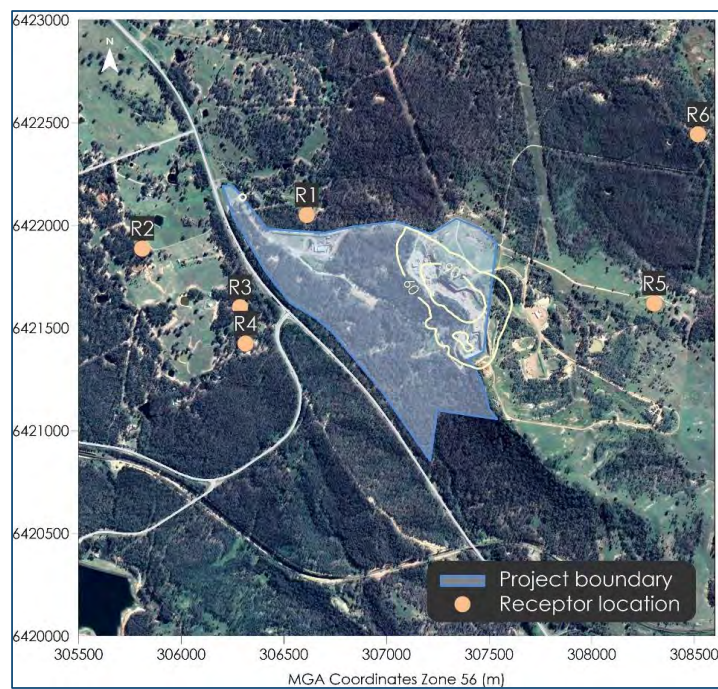


Figure C-9: Predicted cumulative annual average TSP concentrations ($\mu\text{g}/\text{m}^3$)

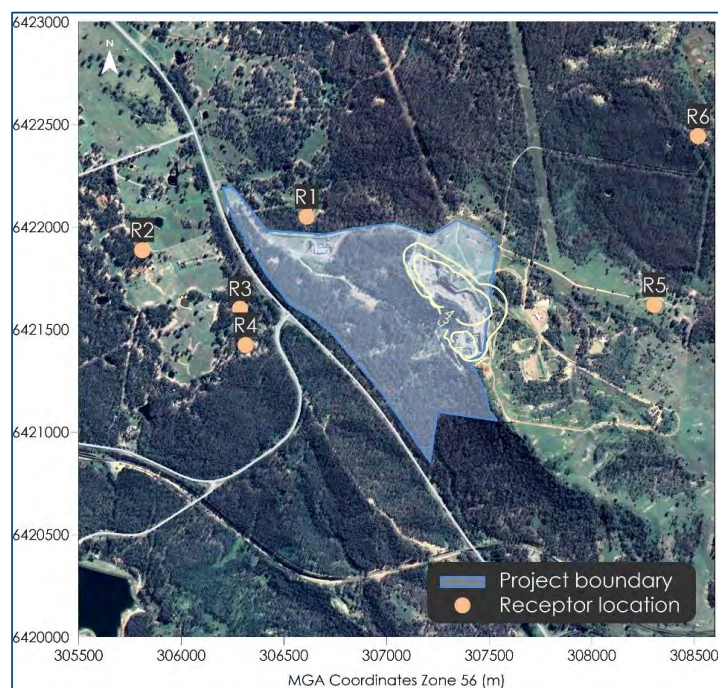


Figure C-10: Predicted cumulative annual average dust deposition levels ($\text{g}/\text{m}^2/\text{month}$)

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Appendix D

Further detail regarding 24-hour $PM_{2.5}$ and PM_{10} analysis

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D-1

Further detail regarding 24-hour average PM_{2.5} and PM₁₀ analysis

The analysis below provides a cumulative 24-hour PM_{2.5} and a 24-hour PM₁₀ impact assessment in accordance with the NSW EPA Approved Methods; refer to the worked example on Page 46 to 47 of the Approved Methods.

The background level is the ambient level at the Muswellbrook monitoring station for PM_{2.5} and PM₁₀.

The predicted increment is the predicted level to occur at the receptor due to the project.

The total is the sum of the background level and the predicted level. The totals may have minor discrepancies due to rounding.

Each table assesses one receptor. The left half of the table examines the cumulative impact during the periods of highest background levels and the right half of the table examines the cumulative impact during the periods of highest contribution from the project.

The **green** shading represents days ranked per the highest background level but below the criteria.

The **blue** shading represents days ranked per the highest predicted increment level but below the criteria.

The **orange** shading represents days where the measured background level is already over the criteria.

Any value above the PM_{2.5} criterion of 25µg/m³ or above the PM₁₀ criterion of 50µg/m³ is in **bold red**.

Tables D-1 to D-4 show the predicted maximum cumulative levels at the selected receptors surrounding the Project.

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D-2

Table D-1: Cumulative 24-hour average PM_{2.5} concentration (µg/m³) – Receptor R1

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
14/06/2015	31.2	0.5	31.7				
21/07/2015	27.3	0.4	27.7				
22/07/2015	26.7	0.1	26.8				
30/06/2015	24.5	0.4	24.9	23/12/2015	3.1	1.2	4.3
28/06/2015	23.6	0.3	23.9	3/12/2015	4.8	1.2	6.0
6/06/2015	23.2	0.7	23.9	19/07/2015	21.1	1.1	22.2
9/08/2015	22.9	0.2	23.1	19/06/2015	13.1	1.0	14.1
22/06/2015	22	0.4	22.4	6/02/2015	4.7	1.0	5.7
10/03/2015	21.6	0.6	22.2	10/04/2015	6.2	1.0	7.2
29/07/2015	21.5	0.4	21.9	13/04/2015	5.9	1.0	6.9
23/07/2015	21.3	0.0	21.3	26/06/2015	17.2	1.0	18.2
8/07/2015	21.2	0.5	21.7	5/11/2015	3	1.0	4.0
8/08/2015	21.2	0.5	21.7	21/03/2015	5.4	0.9	6.3

Table D-2: Cumulative 24-hour average PM_{2.5} concentration (µg/m³) – Receptor R5

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
14/06/2015	31.2	0.0	31.2				
21/07/2015	27.3	0.0	27.3				
22/07/2015	26.7	0.1	26.8				
30/06/2015	24.5	0.1	24.6	26/04/2015	9.47	0.9	10.3
28/06/2015	23.6	0.1	23.7	1/07/2015	16.4	0.7	17.1
6/06/2015	23.2	0.2	23.4	6/08/2015	11.2	0.7	11.9
9/08/2015	22.9	0.2	23.1	11/12/2015	8	0.6	8.6
22/06/2015	22	0.2	22.2	18/08/2015	11.3	0.6	11.9
10/03/2015	21.6	0.0	21.6	28/08/2015	6.1	0.5	6.6
29/07/2015	21.5	0.0	21.5	17/07/2015	5.4	0.5	5.9
23/07/2015	21.3	0.0	21.3	14/01/2015	4.7	0.5	5.2
8/07/2015	21.2	0.0	21.2	3/09/2015	4.2	0.5	4.7
8/08/2015	21.2	0.0	21.2	23/11/2015	5.7	0.5	6.2

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D-3

Table D-3: Cumulative 24-hour average PM₁₀ concentration (µg/m³) – Receptor R1

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
6/05/2015	72.6	0.4	73.0				
26/11/2015	56.3	0.2	56.5				
10/03/2015	46.8	2.8	49.6	19/06/2015	15	7.0	22.0
12/12/2015	46.2	2.5	48.7	6/06/2015	23.5	6.0	29.5
7/10/2015	40.7	3.6	44.3	26/06/2015	20	5.6	25.6
15/12/2015	39.9	1.5	41.4	3/12/2015	26.5	5.5	32.0
11/03/2015	37.8	1.8	39.6	19/07/2015	23.5	5.0	28.5
22/07/2015	37.5	0.7	38.2	23/05/2015	16.5	4.9	21.4
17/10/2015	37.4	1.4	38.8	23/12/2015	11.5	4.7	16.2
9/03/2015	37.2	1.2	38.4	6/02/2015	19	4.7	23.7
9/02/2015	37.1	3.7	40.8	10/04/2015	20.1	4.3	24.4
11/12/2015	36.2	0.2	36.4	21/03/2015	20.4	4.3	24.7

Table D-4: Cumulative 24-hour average PM₁₀ concentration (µg/m³) – Receptor R5

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
6/05/2015	72.6	0.4	73.0				
26/11/2015	56.3	1.5	57.8				
10/03/2015	46.8	0.0	46.8	26/04/2015	13.5	3.9	17.4
12/12/2015	46.2	0.0	46.2	1/07/2015	15.9	2.6	18.5
7/10/2015	40.7	0.0	40.7	11/12/2015	36.2	2.5	38.7
15/12/2015	39.9	0.1	40.0	6/08/2015	10.5	2.5	13.0
11/03/2015	37.8	0.1	37.9	28/08/2015	9.8	2.4	12.2
22/07/2015	37.5	0.2	37.7	14/01/2015	11.4	2.3	13.7
17/10/2015	37.4	0.1	37.5	17/07/2015	6.2	2.3	8.5
9/03/2015	37.2	0.2	37.4	3/09/2015	9.5	2.2	11.7
9/02/2015	37.1	0.0	37.1	13/08/2015	9.2	2.2	11.4
11/12/2015	36.2	2.5	38.7	13/05/2015	16.7	2.2	18.9

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DOC22/76439

Muswellbrook Shire Council
Attention: Hamish McTaggart

By email: Hamish.McTaggart@muswellbrook.nsw.gov.au

4 February 2022

Proposed Resource Recovery Facility - CNR 22436 - Gucci Holdings Pty Ltd
Wild Quarry New England Highway Muswellbrook

Dear Mr McTaggart

Thank you for consulting with the NSW Environment Protection Authority (EPA) about Concurrence and Referral (CNR) CNR-22436 application to modify Development Consent DA 2002/342 At 8440 New England Highway Muswellbrook.

The applicant and occupier of the site, Gucci Holdings Pty Ltd, holds Environment Protection Licence 12301 (Licence) for land based extractive activities for the premises at Lot 30 DP 815308, 8440 New England Highway Muswellbrook (the Premises). The proposal is to include a Resource Recovery Facility (RRF) at the Premises which will receive up to 30,000 tonnes per year of construction and demolition wastes for processing and beneficial reuse offsite.

The EPA has reviewed the following documents:

- Statement of Environmental Effects - Modification of DA 2002/342 – RPS Group, March 2021
- Noise Impact Assessment - Wild Quarries Proposed Waste Sorting and Processing Area, Muswellbrook, NSW – Spectrum Acoustics, March 2021
- Air Quality Impact Assessment Wild Quarries And Civil Muswellbrook – Todoroski Air Sciences, March 2021
- Response to Submissions - Modification of DA 2002/342 (Space Urban, 29/11/2021).
- Response to EPA Objection to CN-22436 – DA 2002/342/6 – Waste Storage and Processing (Space Urban, 18/01/2022)

Based on the information provided in support of the proposal, the EPA does not object to the proposal to modify the consent.

General comments on the proposal

The applicant should approach the EPA prior to accepting any waste, providing information of the intended outputs from recovery of wastes, and seek specific resource recovery orders and exemptions for those recovered waste outputs. This is because, while not a licensing requirement, the proposal may not produce outputs which meet existing general resource recovery orders and exemptions.

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The applicant should be aware that the proposed RRF is a waste facility that will be liable for the waste levy; will require a weighbridge; the licensee of the RRF will likely be required to provide the EPA a financial assurance; and require additional recording and reporting in accordance with the *Protection of the Environment (Operations) Waste Regulation 2014*.

In addition, the applicant will be required to operate the proposed facility in accordance with *Standards for managing construction waste in NSW* (EPA 2019).

Recommended Conditions

Should Muswellbrook Council grant development consent for this proposal, the EPA recommends the following conditions should be incorporated into the consent:

- Activity: Resource Recovery, Waste Storage
- Waste type permitted to be accepted for recovery or storage: General solid waste (non-putrescible) (See proposed waste table below)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt.	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the <i>Waste Classification Guidelines</i> (EPA 2014)	Resource Recovery, Waste Storage	See below

- Maximum amount of waste permitted to be received at the premises in any reporting period (i.e. per year): 30,000 tonnes
- A weighbridge must be installed and operational at the premises before any waste is received at the premises.

Conditions for Environment Protection Licence

Should Council grant consent, the applicant will need to make a separate application to EPA to vary Licence 12301. Council should be aware of the conditions currently in place on Licence 12301.

I also draw your attention to Attachment A, **which should not** be included in the consent, but are indicative additional conditions intended to be included in the environment protection licence for this proposal (CNR-22436).

The EPA recommends that the Applicant contact the EPA directly about any concerns relating to variation of the Applicant's Environment Protection Licence that may result from modification of the consent.

If you have any questions about this request, please contact Anthony van der Horst on 02 4908 6808 or via email at EPA.Northopsregional@epa.nsw.gov.au.

Yours sincerely



Catherine Stack
Unit Head – Regional Operations

Attachment A – Indicative additional Licence conditions for EPL 12301**Lx. Waste**

The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the EPA's Waste Classification Guidelines 2014	Resource Recovery, Waste Storage	See below

- Note: Waste received at the premises that meets the chemical and other material requirements of "The excavated natural material order 2014" is classified as general solid waste and can no longer taken to be, described as, or supplied as "excavated natural material".
- Note: Waste received at the premises that is described as virgin excavated natural material is classified as general solid waste and can no longer taken to be, described as, or supplied as virgin excavated natural material.

Maximum amount of waste permitted to be received at the premises per year: 30,000 tonnes

The authorised amount of waste permitted on the premises cannot exceed xxx tonnes of waste at any time.

Notwithstanding any limit specified in the above table, the licensee shall not exceed the authorised amount specified in this licence. Where the authorised amount is less than the total of all wastes listed above, the authorised amount takes precedent.

The licensee must ensure that the height of all wastes stored at the premises does not exceed 8 metres from ground level.

The licensee must ensure that height markers are installed where waste is stored, and the markers:

- indicate height above 5 metres in 10 centimetres increments;
- clearly identify 8 metres;
- and are visible to all working areas around the stockpile or storage area.

Washing out of concrete trucks shall be done only within a bunded and roofed bay within the waste receival area of the premises.

Ox. Dust

The premises must be maintained in a condition so that dust is not emitted from the premises.

Activities must be carried out in a manner that minimises the generation of dust at the premises.

The licensee must prevent the emission of dust from the premises.

The licensee must ensure that no material including sediment is tracked from the premises.

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Watering must be used as a means of dust suppression for the following activities and at the following points:

- During all crushing and screening operations
- Material loading and unloading operations
- Material hauling within the premises (i.e. road watering)
- Material delivery to and from the premises (i.e. road watering)
- At all material transferring points
- At all stockpiles

Ox. Processes and management

Each type of waste stored on site for recovery/recycling must be stockpiled separately.

There must be no burning or incineration of waste at the premises.

Clean stormwater must be diverted around areas of the site where waste is stored.

Note: The licensee is required to manage waste and maintain the premises in accordance with the EPA's "Standards for managing construction waste in NSW" 2019.

Rx. Reporting

The licensee must maintain a log and record the following data of fires at the site:

1. Time and date when the fire was deliberately started or reported;
2. Whether the fire was authorised by the licensee, and, if not, the circumstances which ignited the fire;
3. The time and date that the fire ceased and whether it burnt out or was extinguished;
4. The location of the fire (including waste type or stockpile location);
5. Prevailing weather conditions;
6. Observations made in regard to smoke direction and dispersion;
7. The amount of waste that was combusted;
8. Action taken to extinguish the fire; and
9. How leachate generated from extinguishing the fire was managed.

The licensee or its employees must notify the EPA in accordance with conditions Rx of all fires at the premises as soon as practical after becoming aware of the incident.

Special Conditions

Ex. Financial Assurance

A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institutions" under the banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential regulatory Authority (APRA) must be provided to the EPA.

The financial assurance must be favour of the Environment Protection Authority in the amount of xxx dollars (\$xxx,000) prior to waste being received at the premises. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence.

The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person. The licensee must provide to the EPA, along with the original counterpart guarantees, confirmation in writing that the financial institution providing the guarantees is subject to supervision by APRA.

The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.

The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

The EPA may claim on a financial assurance under s303 of the Protection of the Environment Operations Act 1997 if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

Ex. Environmental Obligations of Licensee

While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee must:

- a) Make all efforts to contain all fire water on the premises;
- b) Make all efforts to control air pollution from the premises;
- c) Make all efforts to contain any discharge, spill or run-off from the premises;
- d) Make all efforts to prevent flood water entering the premises;
- e) Remediate and rehabilitate any exposed areas of soil and/or waste;
- f) Lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of;
- g) At the request of the EPA, monitor groundwater beneath the premises and its potential to migrate from the premises;
- h) At the request of the EPA, monitor surface water leaving the premises; and
- i) Ensure the premises is secure.

After the licensee's premises cease to be used for the purposes to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) Remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
- b) Rehabilitate the premises, including conducting an assessment of the site and if required remediation of any site contamination.

Hamish McTaggart

From: [REDACTED]
Sent: Monday, 24 May 2021 1:10 PM
To: Muswellbrook Shire Council
Subject: General Manager re Concerns about Development Application No: 2002/342

To the General Manager, Muswellbrook Council
Our names are:

[REDACTED]

In regards to the Development Application No 2002/342 by Mr P J Wild of Wild Quarries and Civil.

We have two main concerns regarding this Application.

1. Safety

As we both use the Right of Way every day to get to and from work, the safety of ourselves and also our grandchildren (who are often in the car with us) is a concern.
At that moment, with the amount of trucks and work utes using the Right of Way to go in and out of the Quarry, (most of who do not observe right of way and STOP signs), it as a worry that an increase in the number of vehicles using this public road will be more dangerous for us.

Several times I have been nearly "collected" by cement trucks, as they do not give way or obey STOP signs, for the local residents who are also using this public road.

We feel that an increase in vehicles and lack of obeying road signs and rules with this proposed development, our safety will compromised extremely.

2. Maintenance of the public Right of Way through Wild Quarries property

At the moment there is very little maintenance of the Right of Way which passes through Wild Quarries property.
With the existing Cement trucks using the Right of way, which local residents also use daily, the condition of the road will worsen with an increase in the number of vehicles using this road.
Also "wear and tear" on our vehicles needs to be considered.

Our contact information is as follows:

[REDACTED]
[REDACTED]
M [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Thank you for accepting our concerns,
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Email [REDACTED]
[REDACTED]

OBJECTION IN CONFIDENCE

RE: DP No: 2002/342

Premises LOT: 30 DP: 815308-8440 New England HWY Muswellbrook

Att: General Manager

Dear Sir/Madam,

It is my understanding that Wild has lodged an application for a commercially run of Demolition waste sorting processing area.

I have strong rejections to this proposed DP for the following reasons.

Processing demolition waste has stringent rules & regulations and as the owner doesn't really comply with any EPS rules or no further audits are carried out by council even after many complaints I don't see this company suitable to hold a licence as per proposed DA request.

Wild is in breach of its current DA mainly traffic management where I would love to have a sit down with council to conclude my previous objections which I will like to closeout before I take this further but for the current application I have the following issues up for discussion in relation to the submitted reports.

TIA Comments

- 1) 30,000tpa which is 1500 truck at 20t movements
- 2) Existing 30,000tpa concrete was never approved, and our rejection never reviewed or communicated, I am still waiting for our previous response
- 3) 2.2 the 2nd dot point what do they mean by "Existing upgraded" the access roads which are shared with local residents are atrocious with deep ruts and dangers situations where heavy vehicles, mine equipment and light vehicles drive on the same access dirt track.
- 4) Vehicles ranging from 12-30 tonne trucks on a dirt road where during rain trucks need to be pushed uphill with a dozer. (that aren't even at capacity)
- 5) Point 2.3 in some cases trucks are still driving at 3PM
- 6) 2.4 only for a small section on site has an asphalted area and most trucks ignore signage where trucks in most cases turn right onto the New England HWY (we have evidence) further there is a stop sign for locals where I have never seen a truck STOP
- 7) 2.5 site distance is poor for a 100km/hr hence there is a no right turn onto the HWY. this is just a matter of time before casualties fall. This has been reported to council on various occasions which we are more than happy to discuss.
- 8) 2.6 Traffic volumes are taken during the covid19 pandemic and does not take pre and post covid19 in consideration.

- 9) 2.6.2 where are these figures based on and is not relevant as the licence allows for higher volumes, in addition to this comment the quarry with minimal truck movements already struggles to manage this low volume.
- 10) 3.1 as plant is mobile, movements will be required to track machines around using shared access with light vehicles ie. Dozers are continuously used for various activities around the site.
- 11) Point 3.2 4-5 truck movements for 120m3 a day is not realistic as 120m3 is 216 Tonnes (calculated 1.8t/m3) average 20 tonnes per truck is 11 trucks
- 12) 3.2 as an engineer the statement is wrong that no additional movements will be required as the product will be recycled. Please refer to the Australian Standards or RMS specifications what the max allowance is to comply with these standards
- 13) 4.1 is irrelevant what they are tracking at the moment and this could be sold off next week under this DA where we will have triple movements. As previously mentioned with these minimum movements the site is already a mess.
- 14) 4.2 statement is incorrect see line item 11
- 15) 4.3 the DA approval is for 120 movements (60 in-60out) and this should be considered and not what the current movements are. These movements are best case scenario.
- 16) 4.4 is based on covid19 data, please use current or pre covid data
- 17) 4.4 is based on truck and dog where the right-out turn is 0% but the current situation is not the case (drivers not following the law (evidence can be provided) they state trucks are 12-30 tonne
- 18) Item 6 is only safe if the rules are followed but time after time council has been contacted of these breaches of turning right (above 5 tonnes)
- 19) Item 6 does not address when a truck leaves site and are required to travel north what the approved route is for heavy vehicles and how this would be monitored.

Air quality assessment

- 1) 1 introduction states 30,000m3 which is incorrect. Should be 30,000tba
- 2) 2.2 states 20 truck movements where the traffic plan stated 4-5 truck movements which 20 is more realistic.
- 3) 2.2 states 120t/day x 300 days (6 day work week)
- 4) The quarry has breached their licence on a few occasions by the EPA why is this not documented.
- 5) Table 5.1 states average where the max has not been considered, Wild have a dust monitoring system why are these not used for this assessment.
- 6) P5 is affected the most but the concentrations of materials are not specified other than dust
- 7) 7 table 7.1 dust mitigation, who is controlling this monitoring this, it is known that Wild continuously breach their current licence. The site needs to be audited as part of this approval as the summary stated dust management needs to be in place and monitored regular for compliance. This is a EPA requirement and needs to be enforced
- 8) Emission calculations control factors
 - a. Dust suppression by watering
 - b. Where hauling on unsealed areas watering
 - c. Watering stock piles

Noise Impact assessment

- 1) We are (Wiekens) R8 on the noise assessment and our name is not Smith DP1027484
- 2) 2.1 the applicant seeks the same intensity as the current operations. This is a licence for an additional 30,000tpa and maintaining the same intensity by adding an additional 30,000tpa is not possible. There will as per traffic and dust assessment be an additional 120 truck movements per day.
- 3) 4.5 no sleep disturbance is based on night sleep; this is a mining area where people sleep during the daytime.
- 4) Item 5 disagree and should be current noise levels as plant has changed over the years. The plant for this operation needs to be assessed and approved.
- 5) I would like to see the noise assessment reports that are used for this report.

Environment report

- 1) How is asbestos managed (on my daily experience as a PM Roads for TfNSW there are always asbestos breaches and would be irresponsible not to take this in consideration) how is this monitored
- 2) 4.1.3 5 truck movements per day is incorrect for 120Tonne
- 3) What is the route trucks are taking, is this included with local light vehicles
- 4) 6.1.1.1 is assesst in 2002 and 2016, we live in 2021 that is 5 years old and need current data before or after covid19
- 5) 6.1.1.2.2 states clearance is good which is incorrect hence no right turn allowed and happens on a daily basis
- 6) 6.1.1.2.3 traffic is based on Covid 19, this needs to be done pri or post covid19
- 7) 6.1.1.3.5 120m3 is 216 tonnes and is not 4-5 truck loads
- 8) 6.1.1.3.6 right turn is 0% unless they amend their reports to state trucks used will be from 4.5t and not 12-30 tonnes
- 9) Nowhere in this report do I see the access roads are dirt combined with local traffic.
- 10) 6.1.3.4 Who is monitoring compliance as Wild does not comply with its current DA. Why is the current dust monitoring used for this report and relying on local data
- 11) Would like to see methodology that take all the points 6.1.3.4 in consideration and what audit terms are there in place

Clearly this needs a lot of work is our concern is more driving around moving vehicles where this is breached on a daily basis, we hold council responsible for our safety as they a fully aware of this situation yest council ignore our request to live in a safe environment which we will not accept. As per last DA approval concrete batch plant where our consideration was not looked at this will not fly that easy and will take this further if our considerations are not looked at.

Regards,



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date 23-5-21

Dear Sir/Madam,

Re: DA 2002/342 OBJECTION IN CONFIDENCE

As per requirement to send a signed copy of my previous submission please see attached my objections for the proposed DA 2002/342 Mr PJ Wild

In addition to these objections and after speaking to the neighbours and listening to their concerns it is also advised that it is not clear when trucks are coming out of the illegal access to the concrete batching plant (I say illegal as this was still in investigation from our previous objections and never responded) trucks do not check for any traffic coming from other properties or even slow down. In addition to this there is no dust control ever been in place as this is an unsealed road where there is a requirement to current DA to wet down and maintain dust.

We have also brought out our concerns of dam water, all dam water to fill our dams comes from Wild quarries where we need to wait for a major rain event until their dams overflow and then only do we get their runoff. This has been brought up in previous correspondence but as with all our concerns never addressed.

Personally we have no objection to the DA proposal if traffic, environment are addressed but until then we strongly as a group reject this proposal.

Please be advised that I would like a face to face with council in relation to this objection or advice if this needs to be taken to the environment court for further discussions.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Summary of Submissions – S.4.55(2) Modification to DA No: 2002/342 at Lot 30 DP 815308, 8440 New England Highway, Muswellbrook

Sub No.	Submission Name and Address	Submission Summary	Response
1	Submission 1	<p>The submission does not support the proposal for a modification to DA2002/342 to include the addition of Construction and Demolition waste processing (30,000 tpa) on the subject land. The submission would also like Council to consider the following concerns:-</p> <ul style="list-style-type: none"> • The owner currently does not comply with any EPA rules/regulations. • The owner does not comply with traffic management requirements under the conditions of the current DA approval. <p>Other objections are summarised under the following headings:-</p> <p><u>Road Infrastructure (TIA Comments)</u></p> <p>2.2 Quarry, Plant Hire and Concrete Batching Plant Operations The submission seeks further clarification regarding s.2.2 "Existing upgraded" of the access roads. The submission states the roads within the area are currently damaged and are a safety hazard.</p> <p>Operational vehicles travelling to and from the site ignore road signage and is also a safety concern. Additionally, the current road infrastructure is insufficient to cater for the development.</p>	<p>Noted. The conditions enforced by the EPA, as part of the licence to be issued, and the conditions imposed by Council will ensure the operation complies with applicable regulations and NSW legislation. Where the proponent does not comply or breaches any part of the relevant acts/requirements penalties will apply and regulatory action may be taken by the EPA or Council.</p> <p>The operation of the site will also be subject to the EPA's Environmental Protection Licence and the provisions of the PoEO Act 1993 that prevent land pollution.</p> <p>The road intersection of Grasstree Ridge Road with the New England Highway was upgraded in 2004 following the original approval of DA 2002/342 for the quarry and plant hire operations. The intersection of Grasstree Ridge Road and the New England Highway was upgraded in 2004 following the original approval of DA 2002/342 for the quarry and plant hire operations. This intersection upgrade was a condition of consent and was designed and constructed in accordance with then TfNSW road guidelines. The road referred to in the submissions is a private road owned and maintained by the applicant. The applicant provides a Right of Way for residents utilising this road and pays all costs for road maintenance and repair. The upper section of this private road is not utilised by quarry trucks, however the applicant also maintains this section of road at no cost to residents. The entire road is regularly maintained to a safe standard to ensure safe access for both residents and quarry vehicles.</p> <p>Vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013, enforced by NSW Police.</p> <p>TfNSW has reviewed the information provided and raised no objection to or requirements for the proposed development and</p>

		<p>considered there would be no significant impact on the nearby classified (State) road network. As part of their advice to Council in determining the development, TfNSW also had no requirements for any part of the property.</p> <p>Should the Development Application be supported conditions restricting the proposed hours of operation will be imposed in accordance with the standard hours of operation in the industrial guidelines. A breach of the hours will incur penalties issued by Council in accordance with NSW legislation.</p> <p>Transport for New South Wales (TfNSW) reviewed the proposal and raised no objection to the development. Furthermore, TfNSW did not impose any requirements and confirmed the development would have no significant impact on the nearby classified (State) road network.</p> <p>Vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013 and enforced by NSW Police.</p> <p>Should the Development Application be supported by Council conditions will be included to ensure the proposed heavy vehicles routes are obeyed. Any deviation or breach reported to Council will be investigated.</p> <p>TfNSW has reviewed the information provided and raised no objection to or requirements for the proposed development and considered there would be no significant impact on the nearby classified (State) road network. As part of their advice to Council in determining the development, TfNSW also had no requirements for any part of the property.</p> <p>Noted. This is an anomaly in the report.</p> <p>A condition is to be included by the EPA, should approval be supported, requiring a register to be kept for monitoring and auditing purposes. The EPA has also included a number of conditions to ensure strict compliance during operation of the development.</p>
	<p><u>Traffic Impacts</u></p> <p>2.3 Existing Hours of Operation The submission is concerned with trucks still operating at 3.00 pm.</p> <p>3.2 Proposed Additional Truck Movements The submission confirms that the truck movements of 20 p/day is more accurate than what is suggested in the traffic plan (i.e. 4-5 p/day).</p> <p><u>Concerns for safety</u></p> <p>2.4 Network and Transport Routes & 2.5 Site Access All traffic associated with the existing operation disobey road rules and signage and is not safe for other local road users.</p> <p>The submission also asks how Council will monitor the approved truck routes to ensure the business obeys by the conditions.</p> <p><u>Traffic Volume</u></p> <p>2.6 Existing Traffic Volumes The road network is not capable of accommodating the volume of traffic in the existing operation.</p> <p><u>Air and Noise Quality Assessment</u></p> <p>The statement relating to capacity of operation (30,000 m³) is incorrect and should be 30,000 tpa.</p> <p>The submission states the quarry operation has breached their EPA licence on a number of occasions and believes this has not been documented.</p>	

<p>7.1 Dust Mitigation and Management Dust is a concern and requires continual monitoring so that the proponent does not breach the requirements of the EPA. Dust control measures have never been in place for the unsealed road and the current DA requires the road to be wet to suppress dust.</p> <p>2.1 Quarry Operations Modification There will be an additional 120 truck movements per day. The submission believes the additional operation of 30,000 tpa will increase the noise intensity and plant and machinery are required to be assessed as part of the DA.</p> <p>4.5 Sleep Disturbance The submission believes the proposal will have impact on residents of the area who sleep during the day.</p> <p>5 Assessment Methodology The submission believes the noise levels adopted by Global Acoustics (2016) in their noise assessment are outdated and requests that current information be used to assess the DA.</p> <p>Statement of Environmental Effects Report The submission requests further clarification regarding the potential for asbestos breaches and how this would be monitored and addressed.</p>	<p>Should the Proposal be supported by Council a condition will be imposed requiring the operators to maintain a register of all complaints received regarding the impact of traffic (i.e. dust, traffic plan, noise etc.). The register is to include: all responses and any measures taken to redress any perceived problems; time and date details; name and contact details of complainants (if known) and those responsible for investigating the complaint; conditions associated with the complaint.</p> <p>Traffic not determined to be a significant issue by TfNSW in their assessment.</p> <p>Should the Development Application be supported conditions will be imposed restricting operating hours to prevent unreasonable disturbance to the amenity of the area. These operating hours will be in accordance with the standards in the industrial guidelines.</p> <p>The EPA have issued an Environmental Protection Licence (EPL 12301) for the operation of the site which includes requirements related to noise emissions. This licence requires annual compliance reporting. The annual reporting is required to be undertaken for the existing operations and this will continue should the proposed application be supported. Operational management plans are in place to ensure that the development operates in accordance with the approved consent conditions. Onsite monitoring for dust and noise is undertaken on a regular basis and is reported on an annual basis. Production amounts are also reported on an annual basis to ensure compliance.</p> <p>The issues raised in the submission were communicated to the applicant, who also advised that they would accept a new condition to limit the use of exhaust braking at the site and educate drivers on this requirement.</p> <p>Construction and demolition waste entering the site will be vetted to ensure that prohibited wastes are not accepted, including asbestos. A visual inspection of the wastes being delivered will be undertaken to ensure that the load is in accordance with the materials approved for receipt at the site, and with the site Environment Protection Licence (EPL). This</p>	
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		<p>will also ensure that the delivered waste matches the description of the product provided in the delivery manifest.</p> <p>Once all relevant documentation has been exchanged, checked, and completed, and the initial inspection has been undertaken, the transporter will be directed to the relevant unloading area.</p> <p>All unloading activities will be monitored by an operational staff member who will scrutinise the load as it is discharged from the vehicle. This will further ensure that all prohibited wastes are prevented from being accepted.</p> <p>If prohibited wastes are discovered after unloading has occurred, the offending transport company will be contacted with the expectation that the waste will be re-loaded and transported to a facility that can legally accept such waste. Where required, Council and the EPA will be notified.</p> <p>A condition is also to be included to ensure the above measures are carried out, should the proposal be supported.</p> <p>A Traffic Management Plan and a Driver Code of Conduct exists for the operations. Both plans are regularly supplied to drivers to ensure that heavy vehicles are operated in compliance with site requirements. The Traffic Management Plan and the Driver Code of Conduct is included for Council's review.</p> <p>The quarry site has direct access to the New England Highway via Grass Tree Ridge Road. Grass Tree Ridge Road is located on land owned and operated by the quarry, and was constructed by the Quarry operator, as required by conditions of consent under the previous DA.</p> <p>The quarry and concrete batching plant will be required to operate in accordance with the submitted traffic impact assessment and recommended conditions of consent which restrict vehicles from leaving the site other than by the New England Highway intersection.</p> <p>TFNSW has determined the estimated number of movements resulting from the proposed modification to be acceptable. The response to the referral was received by Council 26 July 2021. TFNSW reviewed all information presented and raised no objection to or requirements for the proposed development and considered there would be no significant impact on the nearby classified (State) road network. As part of their advice to Council in determining the development, TFNSW also had no requirements for any part of the property.</p>
	<p>4.1.3 Vehicular Movement</p> <p>The submission believes that the nominated truck movements of 5 for 120 tonne per day is incorrect.</p> <p>The submission seeks further clarification regarding the routes of heavy vehicles in relation to light vehicular movement (i.e. do they occupy the same routes)?</p>	
	<p>6.1.1.1 Traffic Study</p> <p>The submission believes the TIA (2016) is outdated and requests that a current report be provided to confirm accurate results.</p>	

<p>6.1.1.2.2 <i>Truck movements</i> Operational trucks disobey traffic signage requirements</p>	<p>The conditions of the existing approval restrict heavy vehicles from leaving the site via right hand turn movements. This requirement will be maintained in any modified consent.</p> <p>Staff have raised the issue of right hand vehicle turns being carried out at the site with the site operator, who has advised Council that drivers are educated on their responsibility not to make right turns. Additionally, vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013, enforced by NSW Police.</p> <p>The Statement of Environmental Effects (SEE) and the Traffic Impact Assessment confirms acceptance 30,000 tpa of construction and demolition waste. On average the site will operate for 48 weeks a year and 30 tonne trucks will bring waste to the site. Therefore, 30,000 tpa/48 weeks = 625 tonnes per week. This equates to 125 tonnes per day (tpd) (base on operating 5 days a week). 125 tpd / 30 tonne truck = 4.16 trucks per day. Therefore, the 4-5 trucks per day specified is identified as accurate.</p> <p>All operations at the site (existing and proposed) have the following distribution split:</p> <ul style="list-style-type: none"> • Finished product is generally distributed in a directional split (due to conditions imposed in Development Consent 85/2016 to restrict vehicles over 5 Tonnes to left out only) will be 10% right and 90% left; and • Incoming material will be approximately 50% from the north and 50% from the south due to locations of clients. <p>Based on the above, the distribution of traffic used in the traffic assessment (AM peak hour) for campaign delivery (i.e., worst case) is as follows:</p> <ul style="list-style-type: none"> • Peak Movements of truck of trucks turning right into site from New England Highway is 41 vehicle per hour (QR); • Peak Movements of truck of trucks turning left into site from New England Highway is 41 vehicle per hour (QL); • New England Highway Traffic Volume (QM) is 527 vehicle per hour; and • Peak Movements of trucks turning right into New England Highway from development is 9 vehicle per hour. <p>It is proposed to receive 30,000 tpa of concrete and demolition waste per annum. It is anticipated that 100% of the received</p>
<p>6.1.1.3.3 <i>Traffic Demand</i> The estimated number of vehicles movements (4-5 p/day) is inaccurate given that 216 tonnes are required to transported.</p>	<p>The percentage of right turn vehicular movement identified (i.e. 10%) is incorrect and is actually 0% unless the report is amended to state trucks used will be from 4.5 tonne vehicles and not 12-30 tonne. Please provide a response to this statement and clarify the percentage of traffic distribution and capacity of the finished product.</p>
<p>6.1.1.3.6 <i>Traffic Distribution</i> The percentage of right turn vehicular movement identified (i.e. 10%) is incorrect and is actually 0% unless the report is amended to state trucks used will be from 4.5 tonne vehicles and not 12-30 tonne. Please provide a response to this statement and clarify the percentage of traffic distribution and capacity of the finished product.</p>	

<p>material will not be suitable for recycling and reuse. On this basis is it expected that there will be between 2-3% of reject material per annum to either be disposed off-site at a licenced waste facility or utilised by another recycler.</p>	<p>Mitigation measures are normally applied to reduce the impacts of a development and are generally described as being industry 'best practice' measures. The mitigation measures suggested are used across a wide variety of quarrying, landfilling, and mining operations where there is the movement of trucks, use of loading equipment, and the potential to produce dust. Further, the mitigation measures proposed have been developed by reputable air quality experts who also prepared the air quality assessment for the proposed development.</p> <p>Should the Development Application be supported conditions will be imposed to ensure compliance with the modified development.</p>	<p>Council has the opportunity to undertake compliance inspections or investigations and take regulatory action against the operator for non-compliance.</p>	<p>Annual reporting is required to be undertaken for the existing operations and this will continue should the current application be approved. Operational management plans are in place to ensure that the development operates in accordance with the approved consent conditions. Onsite monitoring for dust and noise is undertaken on a regular basis and is reported on an annual basis. Production amounts are also reported on an annual basis to ensure compliance.</p> <p>The site also operates under an Environment Protection Licence (EPL 12301) which has conditions requiring annual compliance reporting.</p>	<p>The dams are part of the water management system for the site. The quarry site slopes toward the New England Highway and it is unlikely that the location of the dams would significantly affect water availability to neighbouring sites. No new dams are proposed as part of this application. However, there have been improvements to stormwater management on the property as a result of the Stormwater and Erosion Sediment Control Management Plan introduced from the previous the development application.</p>
<p>6.1.3.4 Conclusions The methodology which considers all the mitigation measures in this section is requested to be provided. Furthermore, the submission requests Council confirm the audit terms to be enforced. The submission also requires an explanation regarding who is monitoring compliance as the current DA does not comply with the current imposed conditions.</p>	<p><u>Operational Reports Plans of Management and Environmental Auditing</u> Demonstrate compliance with conditions imposed for the existing operation.</p>		<p><u>Natural Water Run-off</u> The dams created by the quarry operation absorbs all run-off during a rainfall event and prevent water from naturally entering surrounding dams.</p>	

2	<p data-bbox="167 1624 191 1792">Submissions 2</p> <p data-bbox="175 862 279 1512">The submission does not support the proposal for a Modification to include the addition of Construction and Demolition waste processing (C&D) up to a volume of 30,000 tpa on the subject land.</p> <p data-bbox="295 862 351 1512">The concerns for the development are summarised under the following headings:-</p> <p data-bbox="375 1444 399 1512"><u>Safety</u></p> <p data-bbox="422 862 526 1512">Concerns relate to safety for other road users from the increase in traffic as a result of the additional movements. Further concerns include operational vehicles disobeying road signs and rules.</p> <p data-bbox="670 862 726 1512"><u>Maintenance of the public Right of Way through Wild Quarries property</u></p> <p data-bbox="750 862 925 1512">The submission indicates there is little maintenance of the Right of Way which passes through Wild Quarries property. It is believed the increase in heavy vehicles will cause further degradation to the road and have an impact on the vehicles of other road users (i.e. wear and tear). Concerns also relate to the safety of road users sharing the road with operation quarry vehicles.</p> <p data-bbox="422 190 574 840">Should the Development Application for modification to DA2002/342 be supported by Council conditions will be imposed relating to heavy vehicle traffic to ensure the proposed routes are adhere the proposed Traffic Management Plan. Any deviation or breach reported to Council will be investigated.</p> <p data-bbox="582 190 662 840">Vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013 and enforced by NSW Police.</p> <p data-bbox="742 190 853 840">The proponent has advised Grasstree Ridge Road is a right of way, that exists over the land the quarry operates on, and benefits three (3) properties to the rear of the site, on which dwellings are located.</p> <p data-bbox="861 190 965 840">The right of way was established prior to the 2004 approval of the quarry. Under the conditions of consent imposed on the original quarry, site access was required to be constructed to a standard approved by Council and the former NSW RMS.</p> <p data-bbox="973 190 1053 840">Further improvements to the haul road were required in the approval for the concrete batching plant (DA 96/2017). This requirement has been retained.</p> <p data-bbox="1061 190 1165 840">Council's Community Infrastructure Department has raised no issue with the site access arrangements. Recommendations were put forward to improve the safety of parts of the right of way shared by both light and heavy vehicles.</p> <p data-bbox="1173 190 1284 840">A condition of consent has been recommended requiring the design and implementation of line marking improvements and any related traffic signs for the length of the site access from the New England Highway to the concrete batching plant.</p>
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10.3 DA 2021-61 - ALTERATIONS AND ADDITIONS TO COMMERCIAL PREMISES - 4 LORNE STREET, MUSWELLBROOK

Responsible Officer:	Sharon Pope - Executive Manager - Environment and Planning
Author:	Tanya Jolly - Project Planner
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>
Attachments:	A. DA 2021-61 Development Assessment Report ↓ B. DA 2021-61 Recommended Conditions of Consent ↓ C. DA 2021-61 Architectural Plans - Under Separate Cover

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	Mr. Hugh Walker
Owner:	Mr. Fred Rouday
Proposal:	Alterations and Additions to Commercial Premises
Location:	4 Lorne Street, Muswellbrook
Permissibility:	The proposed development is permissible as alterations and additions to Commercial Premises (RepcO) within the B2 Local Centre Zone
Recommendation:	Approval subject to recommended conditions of consent

PURPOSE

This report has been prepared to assist Council in the determination of DA 2021/61 involving alterations and additions to the commercial premises at 4 Lorne Street Muswellbrook (Lot A DP 332469) - Repco.

A previous development application for the site was refused by Council Officers under delegated authority due to issues related to loading and unloading within the site. The applicant has sought to resolve these issues through a new site exit to the New England Highway which has been supported by Transport for NSW.

OFFICER'S RECOMMENDATION

Development Application No. 2021-61 for Alterations and Additions to the Commercial Premises at Lot A DP 332469, 4 Lorne Street, Muswellbrook be approved subject to the conditions in Appendix B of this report.

Moved: _____ **Seconded:** _____

<input type="checkbox"/> Cr A. Barry	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr D. Douglas
<input type="checkbox"/> Cr J. Drayton	<input type="checkbox"/> Cr L. Dunn	<input type="checkbox"/> Cr J. Lecky
<input type="checkbox"/> Cr R. Mahajan	<input type="checkbox"/> Cr D. Marshall	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr R. Scholes	<input type="checkbox"/> Cr B. Woodruff

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates to 4 Lorne Street, Muswellbrook (Lot A DP 332469). The site is occupied by Muswellbrook Repco.

In 2021 Council Officers refused a development application for an extension of the commercial premises (DA 2020/58) for reasons related to pedestrian risks, customer traffic and service vehicle conflict related to the proposed design of loading spaces, public access areas and vehicle manoeuvring space.

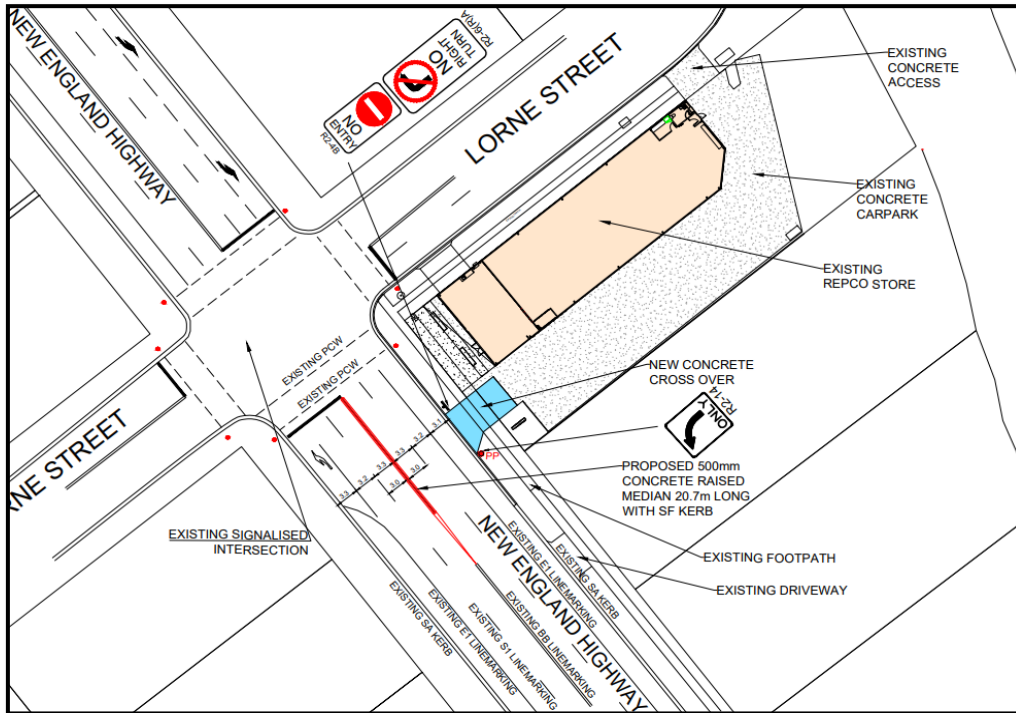
The commercial alterations and additions proposed to the existing commercial building under this application are like the alterations refused under DA 2020/58. However, additional work has been proposed to provide a new left out vehicle exit point directly to the New England Highway to address vehicle manoeuvring and unloading issues that led to refusal of the previous development application for the site.

A description of the proposed development has been included below alongside Figure.1 that identifies the changes to the vehicle egress arrangement proposed.

The proposal involves the following alterations and additions:

- a) Repaint Lorne Street Elevation a heritage beige colour
- b) Enclose the existing front portico with new walls and shopfront glazing to create a new tenancy for retail use.
- c) Cut in new Repco entry and awning
- d) New signage elements including a new pylon sign
- e) Delete existing Lorne Street exit crossover
- f) Construct new one-way left-hand turn exit crossover to the New England Highway
- g) Add additional safety and signage elements to increase safety

Figure 1. – Site Plan



ASSESSMENT SUMMARY

Council Officers have assessed the DA under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A).

Key section 4.15 assessment key findings are:

- The proposed development adjoins the 'Henor' locally listed heritage item. The proposed development has been considered by Council's Heritage Advisor. To mitigate the impact of the proposed development on this heritage item the development design includes:
 - The use of a heritage sympathetic (neutral) colour scheme at the related building elevation.
 - The use of insets in the concrete wall design at this elevation to break up the visual bulk of the building at this elevation.
 - While not included in the design plans a recommended condition of consent has been put forward with regard to landscaping to be installed along the Lorne Street elevation of the building extension in a manner consistent with the site landscaping installed under DA 2017/110.
- The proposed development involves significant alterations to the site access/egress arrangement and the installation of a new vehicle exit point directly to the New England Highway, a Classified State Road under the control of Transport for NSW (TfNSW). The final access arrangement plans were considered to be suitable by TfNSW and Council Roads and Drainage Engineers subject to some alterations and adjustments that are reflected in the recommended conditions of consent related to the requirement for a Road Occupancy License to be obtained from TfNSW prior to the commencement of the work within the Highway Road Reserve and their final endorsement of the access design.
- The Application was referred to Ausgrid due to a power pole on the footpath. Comments provided by Ausgrid raised no significant issue in relation to the proposed development.
- The proposed development does not comply with the car parking requirement under the Muswellbrook *DCP 2009* (MDCP 2009), with a shortfall of (5) five car parking spaces. Council's Officers reviewed the existing parking on the site and the expected peak demand for the site and

noted that the existing car parking should support the functionality of the site and recommend that a variation to the development standard be approved for the development.

- The site subject is flood liable. As a commercial premises the proposed development is not required to achieve a finished floor level above the 1% flood height. In accordance with the requirements of the MDCP 2009 a condition of consent is recommended to require building components below the 1% flood height to be engineered to the effects of flooding during in a 1% flood event.
- The proposed development complies with the relevant provisions of the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009).

OPTIONS

Council may:

- A. Approve the proposed development subject to standard conditions of consent provided in the staff recommendation.
- B. Approved the proposed development subject to different conditions of consent.
- C. Refuse Development Consent for the application.

LEGAL IMPLICATIONS

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

CONCLUSION

Council Officers have completed an assessment of the proposed development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Council Officers recommend that the development application be approved subject to the recommended conditions of consent (See Attachment B).

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	Lot A DP 332469 4 Lorne Street MUSWELLBROOK			
APPLICATION No:	61/2021			
PROPOSAL:	Alterations and additions to Commercial Premises			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Cover Page	<i>Building Design Direct</i>	15/09/2021	15/09/2021
	Site Plan	<i>Building Design Direct</i>	15/09/2021	15/09/2021
	Floor and Roof Plan	<i>Building Design Direct</i>	15/09/2021	15/09/2021
	Driveway Plan	<i>Building Design Direct</i>	15/09/2021	15/09/2021
	Elevations	<i>Building Design Direct</i>	15/09/2021	15/09/2021
	Sections	<i>Building Design Direct</i>	15/09/2021	15/09/2021
OWNER:	Mr. Fred Rouday			
APPLICANT:	Mr H Walker Po Box 2151 Dangar NSW 2309			
AUTHOR:	Ms T Jolly			
DATE LODGED:	15/06/2021			
DATE OF REPORT:	10 May 2022			

SUMMARY

ISSUES	Road Connection to Classified Road
SUBMISSIONS	None
RECOMMENDATION	Approval Subject to Conditions

1. SITE AND LOCALITY DESCRIPTION

The Site subject to this development application is 4 Lorne Street, Muswellbrook (Lot A in DP 332469). The site is a corner lot with frontage to Maitland St (New England Highway) and Lorne Street. Vehicle access to the site is currently provided via Lorne Street. A commercial building is located on the site which was approved by Council under DA 2018-20.

The land is zoned B2 Local Centre. The rear of the lot adjoins Muscle Creek and has been identified as being flood prone. The site is also located across from “Hennor” a locally listed heritage Item under the MLEP 2009.

DA 2020/58 sought to extend the commercial premises in a manner similar to that proposed by this application but was refused by Council Officers due to issues with the proposed vehicle access and loading/unloading arrangements. The applicant has sought to overcome these issues with this new application by proposing a new vehicle access (exit only) to Maitland Street (New England Highway).

Figure 1.— Site Aerial Image (Source: Nearmaps)

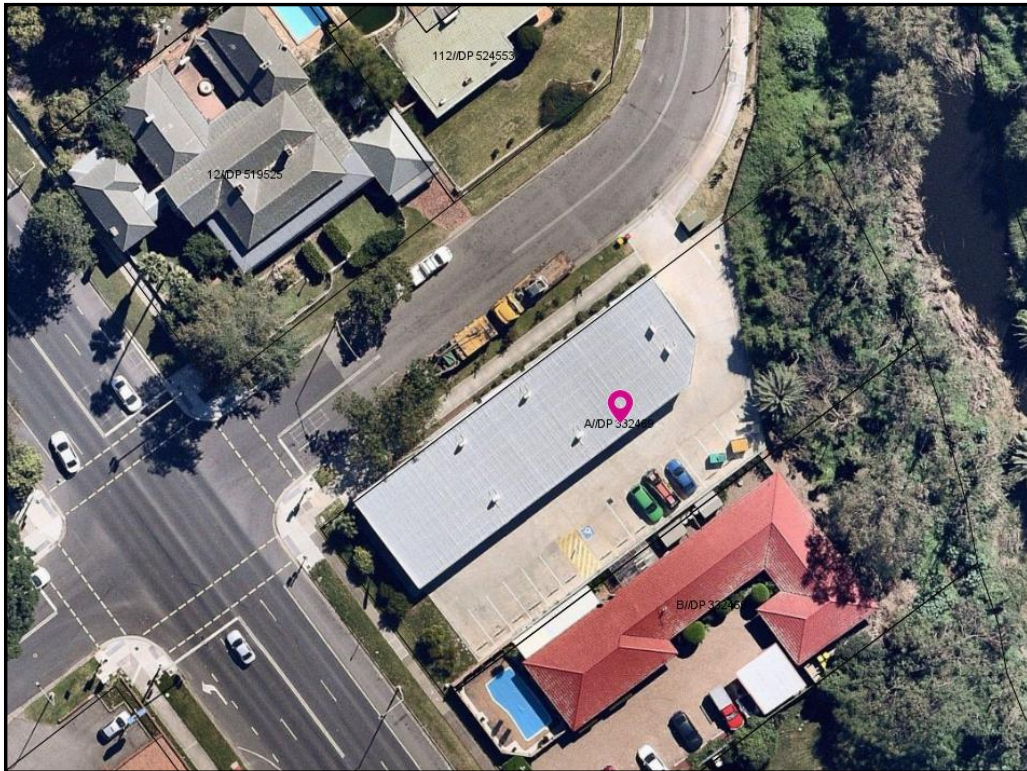


Figure 2 includes a list of development applications and Complying Development Certificates lodged in relation to the site.

Figure 2.— Previous Approvals

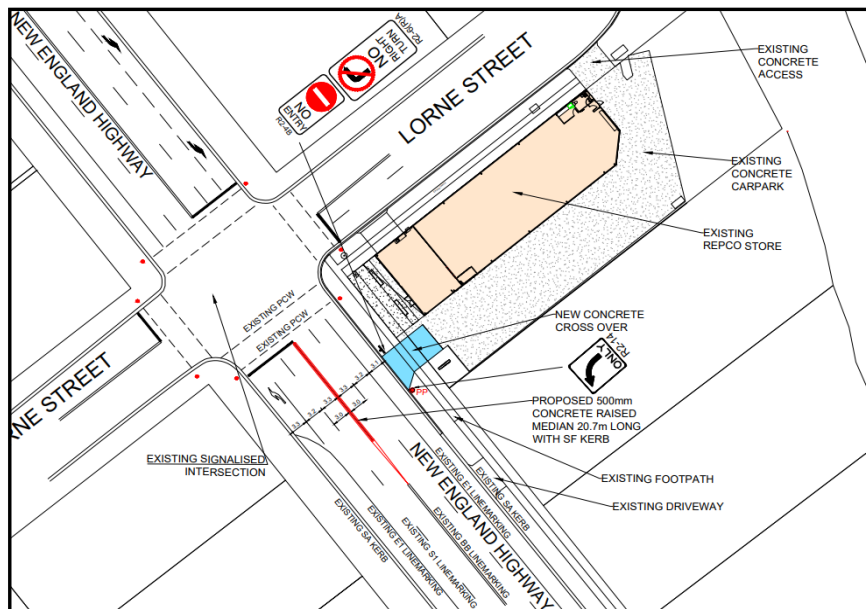
Formatted Account	Precis	Received Date	Determination Date	Determination
005.2009.00000104.001	DEMOLITION OF EXISTING DWELLING, SHED AND GARAGE	29/06/2009	23/07/2009	Approved by D
005.2010.00000136.001	7 X 1 (ONE) BEDROOM, 1 X 2(TWO) BEDROOM, 1 x STUDIO	25/06/2010	29/09/2010	Withdrawn by
005.2011.00000030.001	NINE (9) SINGLE AND DOUBLE STOREY SERVICED APARTMENTS	16/02/2011	11/04/2011	Approved by C
005.2014.00000107.001	THREE (3) COMMERCIAL UNITS	17/07/2014	17/03/2015	Approved by D
005.2014.00000107.002	Section 96(1a) Reduction of three (3) Units to two (2) Units and	15/09/2015	30/10/2015	Approved by D
005.2015.00000105.001	Signage	27/11/2015	08/02/2016	Refused by Co
017.2016.00000003.001	Commercial Fit-out for BWS Bottle Shop	14/01/2016	13/01/2016	Approved by P
005.2014.00000107.003	S96(1A) Application to Modify Delivery Hours	08/02/2016	08/04/2016	Withdrawn by
005.2014.00000107.004	S96(1A) Modification - Change back to the Original Approved Plans Cons	09/10/2017	17/10/2017	Withdrawn by
017.2017.00000013.001	Alterations & First Use within Commercial Premises	07/11/2017	06/09/2018	Consent Surre
005.2017.00000108.001	Extension to Existing Commercial Building	14/12/2017	27/02/2019	Withdrawn by
005.2017.00000110.001	Proposed Business Identification Signage	19/12/2017	10/07/2018	Approved by C
005.2018.00000020.001	First Use & Fit-Out to Existing Commercial Building for 'Repco'	06/03/2018	10/07/2018	Approved by C
005.2020.00000058.001	Commercial Alterations and Additions	16/06/2020	03/05/2021	Refused by De
005.2021.00000061.001	Alterations and additions to Commercial Premises	15/06/2021		

2. DESCRIPTION OF PROPOSAL

The proposal seeks approval for alterations and additions to the existing commercial premises at 4 Lorne Street, Muswellbrook, involving:

- Repaint Lorne Street Elevation a heritage style beige colour
- Enclose existing front portico with new walls and shopfront glazing to create a new tenancy for retail use.
- Cut in new Repco entry and awning
- New signage elements including a new pylon sign
- Delete existing Lorne Street exit crossover
- Construct new one-way left-hand turn exit crossover to the New England Highway
- Add additional safety and signage elements to increase safety

Figure 3.— Site Plan



3. SPECIALIST COMMENTS

3.1. Internal Referrals

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

3.1.1. Building Surveyor

Council's Building Surveyor reviewed the application, conducted an inspection and reviewed the existing fire safety measures in the building used to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and the measures to restrict the spread of fire from the building to other buildings nearby.

The Officer noted that *"The building is relatively new and as such generally complies with the current BCA. Due to the increase in floor area the building may require fire hydrant coverage. There was mention on a document found with the OC package provided to Council by the PCA for the original build, that street hydrants were relied upon, however these were omitted from other fire safety measure certificates. I have therefore requested the PCA review this as part of the CC assessment. Schedule found at FSR 2016-1."*

In accordance with the requirements of clause 62 of the Environmental Planning & Assessment Regulation 2021, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. The Principle Certifying Authority (PCA) is to review the fire hydrant system to ensure the building is provided with hydrant coverage to the degree necessary appropriate to EP1.3 of Volume 1 of the BCA.

3.1.2. Water and Waste Section

Council's Water and Waste section reviewed the application and noted that the proposed changes will not have any impact on the use of water and sewerage services and therefore did not have any additional requirements for this application.

3.1.3. Community Infrastructure

Final Roads and Drainage comments were provided following Transport for NSW sign off the proposed access arrangement on the 27 April 2022.

No objection is raised to the proposed development however conditions should apply. Details on comments are provided in the Table below:

Roads and Drainage Comment	Planning Comment
The request from TfNSW for a Bicycle Lane Logo is not logical, there is no continuous path of travel towards Remington (street parking allowed) and the north side of Lorne St crossing with Maitland Street is a north turning lane	Request for final design plans to remove the bicycle lane has been incorporated into the recommended conditions of consent. However, a decision on whether a bicycle lane is or is not required will remain subject to a final decision by Transport for NSW as the Road Authority for the New England Highway.
Ausgrid to confirm requirements for existing pole in vicinity of proposed driveway onto Maitland St.	The proposed development was referred to AUSGRID whose comments have informed the DA assessment and recommended conditions.
Additional driveway movement arrows required along existing driveway and car park (minimum 3) in accordance with	Recommended conditions of consent included.

AusSpec to direct cars to Maitland St for exit, as well as "No Exit signs" on edge of building and north boundary fence to restrict vehicles exiting driveway in the opposite direction, as well as adjacent to exit onto Lorne St (within private property boundary).	
Kerb reconstruction and pavement reconstruction near this exit will be covered under a Section 138 Permit	Standard conditions of consent have been included.
All drainage pits on site to be fitted with pit baskets for stormwater treatment, and to be always maintained	Conditions of consent have been included.
Damaged wheel stops in car park are to be replaced	Conditions of consent have been included.
Final driveway design to be heavy duty to suit all expected service loads including service vehicles in accordance with Kerb and Footpath Policy F10 and AusSpec and suit a 9.9m service vehicle turning circle	Conditions of consent have been included.

3.1.4. Heritage Advisor

This development application was submitted with a Heritage Impact Assessment (HIA) that was submitted previously for DA 2020-58.

The Assessing Officer reviewed the information provided and compared the plans for the previous DA 2020-58. The only change is the addition of the new crossover on to Maitland Street

Figure 4.— Site Plan for Current DA Approval

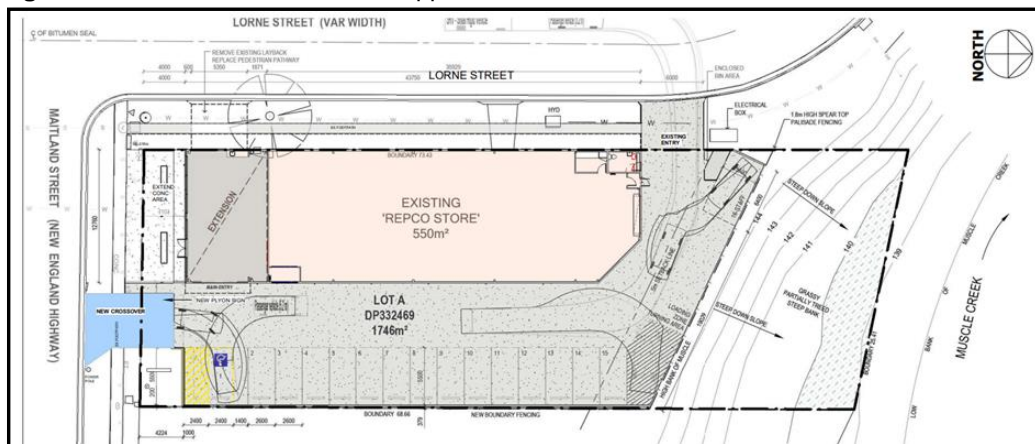
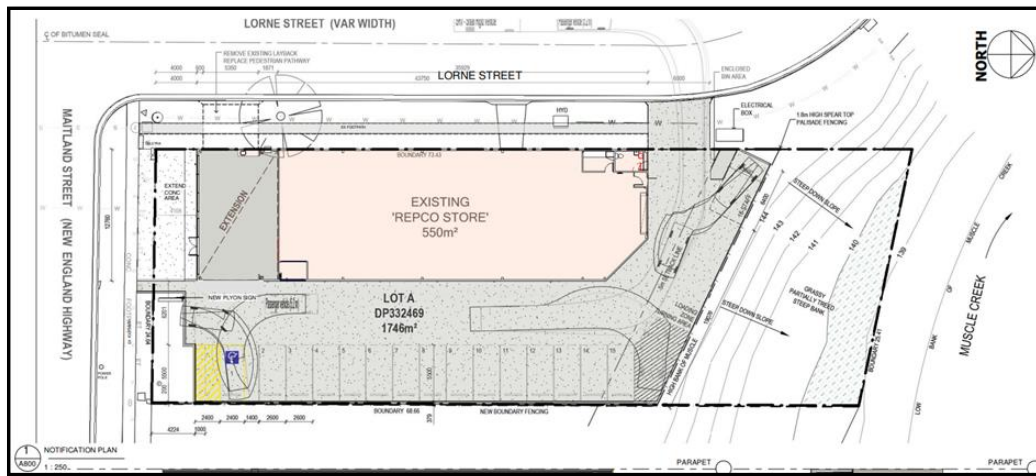


Figure 5.– Site Plan for DA 2020-53



Council's Heritage Advisors' comments for the previous DA 2020-53 were:

"The new entry extension occurs in an area where there is an existing roof cover and this location is considered to have least heritage impact provided that signage and external colours to the Lorne Street facade are limited."

The following additional information is required prior to paint application and sign installation:

- 1) *Details of the new shop signage panel, facing the Maitland Road frontage, is required to be provided for approval prior to installation. Signage details are to include size, text and colours.*
- 2) *A manufacturers paint sample chip of the proposed new external colour: Dulux "Raw Cashew Nut" is to be provided for approval prior to painting. It is noted that this is the proposed colour for the Lorne Street elevation."*

The Assessing Officer notes that:

- 1) There were no changes proposed to the proposed building when compared to the previous development application.
- 2) The proposed new crossover is located on the eastern side of the building away from the Heritage Item and is unlikely to have a negative impact on the Heritage values of the "Henkor" Building Located across from Lorne Street.
- 3) Staff have requested that an awning be installed at the entrance of the site to comply with Section 9 of the Muswellbrook DCP requiring 'active street frontage' and 'shelter for pedestrians'. This awning was designed as a Council requirement, has an appropriate colour scheme, and is unlikely to have a negative impact on the Heritage values of the adjoining building.

The Assessing Officer recommends including the Heritage Advisors recommendations for the previous development application as a condition of consent for this application.

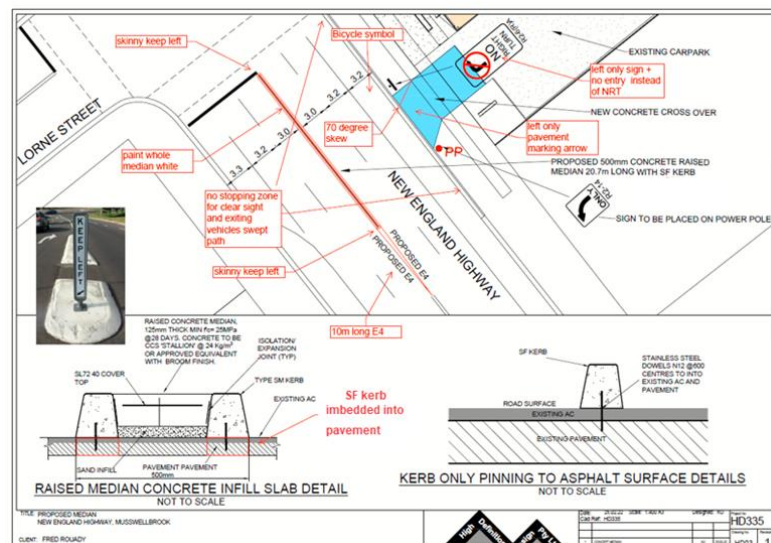
3.2. External Referrals

3.2.1. Transport for NSW

The proposal involves the construction of a new access on to Maitland Street, a State Classified Road at this point. The application was referred to TfNSW for comment.

Final TfNSW comments raised no objection to the proposed development subject to the following:

- The median treatment is supported if the indicated lane widths are achievable – it is not known how the widths shown on the plan have been measured.
- TfNSW would support the use of SF kerb for the median and 500mm width in accordance with Supplement to Austroads Guide to Road Design Part 4A . The kerb needs to be embedded 80mm into the pavement.
- Use of Keep Left vertical marker r2-209 would be permitted on the narrow median.
- Other comments are shown in the image below.



The applicant has provided revised plans that incorporate these TfNSW requirements and Council Officers have put forward recommended conditions of consent to reflect the TfNSW design requirements.

3.2.2. Ausgrid

The proposed development involves the penetration of ground within 2m of an electricity distribution pole, so the application was referred to Ausgrid. Ausgrid reviewed the application and did not have any objections to the development subject to conditions of consent. The Assessing Officer has included these conditions in the recommended conditions consent.

4. ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

4.1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned B2 Local Centre pursuant to MLEP 2009. The proposal is best defined as alterations and additions to *commercial* development, which is permitted with consent in the subject Zone.

Objectives of the B2 Local Centre Zone

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

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

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 4 Principal development standards</i>	
4.3 Height of buildings	MLEP 2009 specifies a maximum building height of 13m in relation to the land. The proposal does not involve and change to height of the building. Complies
4.4 Floor space ratio	MLEP 2009 specifies a floor space ratio of 2:1 in relation to the land. The existing site has an area of 1746m ² . The proposed changes will result in a total floor area of approximately 650m ² which equates to a ratio of 0.268:1. Complies
<i>Part 5 Miscellaneous provisions</i>	
5.10 Heritage conservation	The site is not within a Heritage Conservation Zone and does not contain an item of heritage significance. However, the site is adjacent to an item of heritage significance "Hennor" (I104). The application was referred to Council's Heritage Advisor. Complies
<i>Part 7 Additional local provisions</i>	
7.6 Earthworks	The proposal will involve minimal earthworks as the proposed works mainly include the enclosure of the existing front portico over the existing driveway on the site. Complies

4.2. State Environmental Planning Policy No. 55 – Remediation of Land

Council Officers are unaware of any activities likely to have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of the site. The site has historically been used as a commercial building, which is unlikely to create any significant contamination issues. It is considered that the proposed development may proceed without the need to further consider the provisions of this SEPP.

4.3. State Environmental Planning Policy – Infrastructure 2007

The proposed development is located with frontage to Maitland Street (New England Highway), a State Classified Road. Clauses under this SEPP relevant to the development are as follows:

a) Clause 101 – Development with frontage to classified road

The application was referred to Transport for NSW who provided comments and conditions should the application be approved. These comments have been discussed under the referral section of this report.

b) Clause 104 – Traffic Generating development

The Assessing Officer notes that if the proposed additions will not increase the traffic by 50 or more motor vehicles per hour, the proposed development is not considered “an alteration or addition of the relevant size or capacity” and therefore does not need to be considered further.

4.4. State Environmental Planning Policy No. 64 – Advertising and Signage

The provisions of ‘Part 2 Signage Generally’ of this SEPP applies to the proposed development which states that:

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

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

This development application includes a new freestanding pylon sign, one non-illuminated awning sign facing the street and one wall sign to the east of the site. The applicant has noted that all the proposed signs are building identification signs and does not include any advertisements.

The applicant did not provide any details for the proposed awning sign and wall sign as it is to be used by the new front tenant when leased. The Assessing officer is unable to support the application for these signage elements without this information. This notwithstanding, Council staff have considered the location of the proposed signage installations in context with the SEPP 64 criteria and raise no objection to the scale and location of proposed sign installation subject to the submission of detailed graphic information. Accordingly, the recommended conditions of consent include requirements for separate development application(s) to be lodged to obtain approval for the proposed signage installations once graphic details for the advertisement signs has been finalised.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 9 – Local Centre Development

9. LOCAL CENTRE DEVELOPMENT	
9.1 Built Form	
9.1.1 Building Design	
9.1.2 Building Height	This section of the DCP includes controls related to maximum building heights and roof features. Council Officers are satisfied that the proposed development would not exceed the relevant height requirements and is compatible with the existing building and its roof form. Complies
9.1.3 Setbacks	The proposed development only seeks to enclose the awning area of the existing building. Council Officers are satisfied that the proposed development would comply with the setback requirements of this Section of the DCP. Complies
9.1.4 Accessibility	The proposed changes will not have any impact on the accessibility on and to the site. Complies
9.2 Urban Landscape	
9.2.1 Landscaping	This section of the DCP prescribes landscaping requirements for commercial development. Where the proposed development is approved the requirements could be achieved through conditions of consent.
9.2.2 Car Parking	Discussed under section 16 Car Parking.
9.2.4 Signage and Advertising	Discussed under section 14 Outdoor Advertising. The proposed signage is compliant with the requirements under this section of the DCP. Complies

Section 13 – Flood Prone Land

The site has been identified as being flood prone land. Council Officers are satisfied that the proposed development could comply with the requirements of this Section of the DCP where building work and detailed building design is carried out in accordance with recommended conditions of consent.

Section 14 – Outdoor Signage

The proposed development involves the alteration to the premises free standing pylon sign to include a new 0.5m by 2.3m business identification sign along with spaces for new painted awning signs. The new awning signs proposed would be located on the buildings' southern and eastern elevations. No new signs would be orientated toward the adjoining 'Henkor' Heritage item.

Council Officers have no objection to the location, bulk or size of the sign installation with regards to the provisions of this Section of the DCP. However, graphic design information has not been provided for the signs. Council's DCP requires Council Officers to have regard to the appearance and messaging of any proposed signs. The applicant has advised that they are unable to confirm the full details of the signs as a tenant has been found for the premises. Conditions restricting approval of the proposed signage are proposed.

Section 16 – Car Parking and Access

For retail developments, the DCP requires carparking to be provided at the following rate:

1 space per 20m² of gross floor area.

The existing premises has a total floor area of 450m². An additional floor area of 100m² is proposed in the new tenancy. The total floor area of 550m² would require 28 off-street parking spaces to comply with the DCP parking requirements. The site currently provides 15 off-street car parking spaces and no new parking spaces have been proposed to support the proposed development.

A total of five (5) additional off-street car parking spaces would be required for the proposed extension to be compatible with the DCP requirements.

Council's Engineers have advised that a variation of the DCP requirement could be considered on merit. Council Engineers made the following comment in relation to parking:

'the car parking requirements for this site, as noted in previous correspondence is not in accordance with the DCP, however it has been noted that the actual patronage on site has been measured on three occasions and found to significantly under-utilise existing car parking capacity. CI does not have objections to the current number of car parks, although not strictly in accordance with the DCP'.

The Assessing Officer has made the following observations:

- The proposed development would be provided with a total of fifteen (15) off-street car parking spaces (including an accessible parking space),
- A Traffic Impact Assessment was prepared to consider the car parking shortage. Usage of the REPCO Car Park was surveyed, which identified that a peak parking demand for the REPCO building was five (5) parking spaces and the use was better categorised as a 'bulky goods premises' requiring 1 space per 45m² rather than a retail premises. The applicant submits that the 15 parking spaces proposed would be suitable to service the development and compatible with the DCP parking requirements for a 'bulky goods premises'.
- Council Officers have observed that off-street car parking is regularly available at the site. This may be affected by the new commercial tenancy. However, noting that the peak parking demand for the site has been observed to be five (5), that the DCP requires a rate of off-street parking of five (5) for the new tenancy the fifteen car parking spaces proposed could be considered suitable to support the functionality of the site.
- On-street parking is available along the Lorne Street frontage of the site.

Section 20 – Erosion and Sediment Control

The subject site is almost completely hardstand area and the proposed development does not involve the carrying out of substantial earthworks. The earthworks proposed would not present any issue in relation to the DCP requirements and it is recommended that a condition of consent is imposed to manage the carrying out of earthworks.

Section 24 – Waste Management

A waste management plan has been prepared in relation to the proposed development as DCP requirement. The Assessing Officer recommends including a standard condition to ensure that the proposed works are carried out in accordance with the Waste Management Plan.

Section 25 – Stormwater Management

Through the assessment and determination of previous development applications Council Officers have required the design and construction of stormwater measures to control runoff from the hardstand parking areas and building on-site. This development application would not significantly increase the amount of hardstand areas on-site.

Council Officers also note that an easement for drainage and maintenance along the Muscle Creek boundary has been secured by Council as part of a previous development for the site.

To manage potential stormwater issues related to the development. Council Officers have recommended conditions of consent related to:

- the connection of the development to existing on-site stormwater drainage
- the maintenance of stormwater drainage infrastructure
- the preparation of spill management plan for operation of and handling of deliveries at the site and a requirement for an on-site spill clean-up kit to be maintained at all times to manage oil and mechanical spills.

Section 94A Contributions Plan 2010

A section 7.12 contribution is applicable to development with an investment value above \$100,000. The applicant has estimated that the value of the development would be \$75,000. Accordingly, a contribution would not be applicable under Council's Contribution Plan.

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

There are no planning agreements relevant to the subject Application.

4.8. Section 4.15(1)(a)(iv) the provisions of the regulations

The Environmental Planning and Assessment Regulation 2021 applies to the development and the development will comply subject to conditions.

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

Not applicable, the Application does not relate to a coastal area.

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

Council Officers have had regard to potential environmental impacts to result from the proposed development through their assessment of this application. In particular consideration was given to stormwater management, traffic and access impacts and relationship of the visual impact of the proposed development. Previous headings of this development assessment report include commentary related to the consideration of these issues by Council Officers.

On balance Council Officers are satisfied that the proposed development will have minimal environmental impact if carried out in accordance with the recommended conditions of consent.

4.11. Section 4.15(1)(c) the suitability of the site for the development

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

4.12. Section 4.15(1)(d) any submissions made

The application was notified via notification letters from 30/06/2021 to 17/07/2021. No submissions were received.

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

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

5. CONCLUSION

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

Accordingly, it is recommended the application be approved subject to conditions of consent.

6. RECOMMENDATION

It is recommended that Council grant development consent to DA 2021/61 subject to the recommended conditions of consent.

Signed by:

A handwritten signature in black ink, appearing to read 'Tanya', with a stylized flourish extending from the end.

Tanya Jolly
Planning Assistant

Date: 5 May 2022

Condition Notes



RECOMMENDED CONDITIONS OF CONSENT

IDENTIFICATION OF APPROVED PLANS AND DOCUMENTATION

1) Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Rev No.	Plan Title.	Drawn by.	Dated.
HD01	1	Proposed Median	High Definition Design Pty Ltd	25/02/2022
HD02	1	Proposed Median	High Definition Design Pty Ltd	25/02/2022
HD03	1	Proposed Median	High Definition Design Pty Ltd	25/02/2022
A000	6	Coverpage	Building Design Direct	15/09/2021
A100	6	Site Plan	Building Design Direct	15/09/2021
A101	6	Floor Plan and Roof Plan	Building Design Direct	15/09/2021
A102	6	Driveway Plan (as amended according to TfNSW requirements)	Building Design Direct	15/09/2021
A300	6	Elevations	Building Design Direct	15/09/2021
A400		Sections	Building Design Direct	15/09/2021

Document Title.	Ver No.	Prepared By.	Dated.
Statement of Heritage Impact	-	Carste Studio	16/05/2020
Site Waste Management and Minimisation Plan	-	W.A. Brown Building Pty Ltd	-
Statement of Environmental effects		Building Design Direct	June 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

2) Building Code of Australia

Where the carrying out of the development involves the carrying out of building work within the meaning of the Environmental Planning and Assessment Act 1979 that building work must be carried out in accordance with the provisions of the Building Code of Australia.

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

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3) Access to premises standard

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

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.

CONSTRUCTION CERTIFICATE REQUIREMENT**5) Construction Certificate Requirement**

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

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**6) Landscape Design Plan**

Prior to the issue of any Construction an updated Landscape Plan is to be prepared and submitted to Council for approval in writing.

The landscape plan should detail landscaping to be installed between the Lorne Street footpath pavement and the building extension. Landscaping proposed should be generally in accordance with the existing landscaping along the existing building façade.

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

7) Road Permits

Prior to the issue of a Construction Certificate and the commencement of any works within the Maitland St/New England Highway Road Reserve the person acting with this consent shall obtain the relevant approvals for the carrying out of these works from the relevant Roads Authority. Each of the following approvals will need to be obtained for works within the road reserve:

- a) As the New England Highway is a classified road State Road a Works Authorisation Deed (WAD) is to be entered into between the developer and

Transport for NSW in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993.

- b) A section 138 application is to be obtained from Council prior to any construction works being carried out in the road corridor. Pavement/crossover designs accompanying any such application should include the following in addition to the details included in the initial development application:
- i) Any Transport for NSW design requirements
 - ii) Advice provided in the Transport for NSW email dated 8 April 2022 including
 - a) The median treatment is supported if the indicated lane widths are achievable – it is not known how the widths shown on the plan have been measured.
 - b) TfNSW would support the use of SF kerb for the median and 500mm width in accordance with Supplement to Austroads Guide to Road Design Part 4A . The kerb needs to be embedded 80mm into the pavement.
 - c) Use of Keep Left vertical marker r2-209 would be permitted on the narrow median.
 - iii) The final road pavement markings and signage is to be generally in accordance with the marked-up plan included in the Transport for NSW email dated 8 April 2022 with the exception that a bicycle lane. The lane should not be included unless expressly required by Transport for NSW.
 - iv) The removal of redundant vehicle laybacks and re-instatement of kerb and guttering and footpath pavement in accordance with Council's Policy F10/1 Footpath and Kerb and Guttering Policy
 - v) Additional driveway arrows along existing driveway and car park (minimum 3) in accordance with AusSpec to direct cars to Maitland St for exit, as well as "No Exit signs" on edge of building and north boundary fence to restrict vehicles exiting driveway in the opposite direction, as well as adjacent to exit onto Lorne St (within private property boundary)

Note: The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Traffic for NSW. Approval of this development application does not guarantee the approval of any WAD by Transport for NSW.

8) Site Waste Minimisation

Throughout the carrying out of building works the person acting with this consent shall take reasonable steps to minimise waste generated, in accordance with the approved Waste Management Plan and the following objections of Chapter 24 Waste Minimisation and Management of Council's Development Control Plan.

- Optimise adaptive reuse opportunities of existing building/structures.

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

9) Flood Impacts

An assessment report and certification by a qualified practising Consulting Engineer stating that:

- the structure has been designed to withstand the flood pressures, including debris and buoyancy forces, imposed in the event of a 1% AEP flood; and
- that the structure will not sustain unacceptable damage from the impact of floodwater and debris

is to be submitted to the Certifying Authority for approval with the Construction Certificate.

Unsealed electrical installations are to be located above the 1% AEP flood level.

10) North-Western Elevation Design

The plans submitted to the Certifying Authority with any Construction Certificate application for the north-western elevation of the building must incorporate the decorative concrete panel grove insets shown on the approved plans and the heritage colour scheme referenced by the approved plans.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11) Sediment and Erosion Controls

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

12) Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

13) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hording) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight-fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer; or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council; or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage; and
 - if necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

14) Damage to Public Infrastructure

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

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the

infrastructure was undamaged, and the applicant will be required to restore all damaged infrastructure at their expense.

15) Section 68 Local Government Act Approval

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

16) Mandatory inspections under Section 68 of the Local Government Act 1993

The person acting with this consent shall ensure that mandatory water supply, sewer and/or stormwater inspections is carried out by Council Officers at the relevant stages of construction in accordance with any Section 68 approval issued for the development.

Note: a minimum notice of 48 hours is required when booking an inspection. Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

17) Vehicle Entry

Prior to commencing construction of the driveway/vehicle crossing/layback/ kerb and pavement reconstruction, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

18) Applicant's Cost of Work on Council Property

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

19) Construction Hours

1. Subject to this clause, building construction is to be carried out during the following hours:
 - a. between Monday to Friday (inclusive)—7.00am to 6.00pm,
 - b. on a Saturday—8.00am to 1.00pm.
2. Building construction must not be carried out on a Sunday or a public holiday.
3. Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
4. The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

20) No Approval to Remove Trees within Road Reserve

No approval is granted or implied in respect to the removal of trees within the road reserve.

21) Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.

- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate to prevent nuisance occurring at adjoining properties.

22) Prohibition on Use of Pavements

Building materials and equipment must be stored wholly within the work site unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway unless prior written approval has been obtained from council.

23) Excavation/ Demolition

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

24) Underground Cables

There are existing underground electricity network assets in the proposed new exit driveway location. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and *Ausgrid's Network Standard NS156* outlines the minimum requirements for working around Ausgrid's underground cables.

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

25) Occupation Certificate

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

26) Clause 94 Considerations

In accordance with the requirements of clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- a) The Principle Certifying Authority (PCA) is to review the fire hydrant system to ensure the building is provided with hydrant coverage to the degree necessary appropriate to EP1.3 of Volume 1 of the BCA.

27) Redundant Vehicle Crossings

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

28) Construction of Parking Areas

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

In accordance with the above requirements any damaged wheel stops are to be replaced and new line marking installed for car parking spaces where required.

29) External colours

Prior to the issue of the Occupation Certificate the north-western elevation of the building (Lorne Street facing) is to be painted heritage colours in accordance with the approved plans and information.

30) Landscaping

Prior to the issue of the Occupation Certificate landscaping is to be installed adjacent the sites Lorne Street elevation in accordance with the approved landscape plan and any Section 138 permit.

The person acting with this consent is to continue to monitor and care for the landscaping for a reasonable period of time (minimum 8 weeks) to ensure they are suitably maintained until their establishment.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**31) Loading Within Site**

All loading and unloading operations shall be carried out wholly within the

confines of the site, at all times and within loading bays designated on the approved plans.

32) Development application required for Signage

A separate a development application(s) to be lodged to obtain approval for the proposed signage installations once graphic details for the advertisement signs has been finalised.

No signage is permitted to be installed on the north-western building elevation facing Lorne Street.

33) Stormwater Disposal

All stormwater from the development including all hard surfaces and overflows from rainwater tanks is to be collected and disposed of to the existing stormwater drainage on site.

All drainage puts are to be fitted with pit baskets for stormwater treatment.

34) Relationship to Notice of Determination issued for DA 2018/20

At all times the use of the existing commercial premises is to remain in accordance with the Notice of Determination issued under DA 2018/20 including the requirements for operating hours, delivery hours and spill management.

35) Hours of Operation

Unless otherwise approved by Council in writing the new approved premises may be open for business only between the following hours:-

Monday to Saturday 7am to 7pm (other than public holidays)
Sunday and public holidays 9am to 6pm

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

36) Delivery Hours

Unless otherwise approved by Council in writing, deliveries, loading or unloading associated with the new premises are to take place during road peak periods. Road Peak Periods for the New England Highway (Maitland Street) are between 4:30am and 9:30am, and between 2:30pm and 7:00pm daily.

37) Landscaping

The approved landscaping is to always be maintained in good condition by the person benefited by this consent.

10.4 DA 2021-152 - CHANGE OF USE TO ARTISAN FOOD AND DRINK INDUSTRY - THOMAS MITCHELL DRIVE, MUSWELLBROOK

Attachments:	A. DA 2021-152 Development Assessment report ↓ B. DA 2021-152 Recommended Conditions of Consent ↓ C. DA 2021-152 Proposed Plans ↓ D. DA 2021-152 Statement of Environmental Effects - Under Separate Cover
Responsible Officer:	Sharon Pope - Director - Environment and Planning
Author:	Tanya Jolly - Project Planner
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

This report has been prepared to assist Council in the determination of DA 2021/152 involving the change of use to an Artisan Food and Drink Industry at Lot 1001 DP 870109 Thomas Mitchell Drive Muswellbrook.

The development application is being reported to Council for determination as the development involves the production and sale of alcohol at the premises. The General Manager does not have delegations to determine development applications involving the sale of alcohol.

OFFICER'S RECOMMENDATION

Council grant development consent to DA 2021/152 involving the change of use of Lot 1001 DP 870109 Thomas Mitchell Drive Muswellbrook, to an Artisan Food and Drink Industry, subject to the recommended conditions of consent in attachment B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The site subject to this development application is Lot 1001 in DP 870109 Thomas Mitchell Drive Muswellbrook and is identified in the image below. The site is partly identified as bushfire prone.



The proposal does not involve any building works (as defined by the Environmental Planning and Assessment Act 1979) and seeks to repurpose part of the existing industrial building for the production of wine, retail tours and sales.

ASSESSMENT SUMMARY

Council Officers have assessed the DA under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A).

To inform the assessment and determination of the development application the applicant submitted the following documentation to council:

- Proposed Plans (see attachment C)
- Statement of Environmental Effects (see attachment D)
- Bushfire Assessment Report

A copy of the technical reports and information referenced above can be provided to Councillors under separate cover if requested.

Key section 4.15 assessment issues and findings are:

- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and the development is compliant.
- The proposed development is in accordance with all relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP). The proposal is generally in accordance with the DCP provisions.
- The land subject to this development application is identified as bushfire prone. A Bushfire Threat Assessment has been submitted in relation to the development application. This report recommends that where the site is managed as an inner protection zone under Planning for Bushfire Protection 2019 the proposed development may be carried out without specific bushfire construction requirements as a BAL-Low development. A recommended condition of consent has been put forward related to the management of the site as an inner protection zone.

- The proposed development was referred to NSW Police, Council's Building Surveyor, Senior Environmental Health Officer, Community Infrastructure Section, Water and Wastewater Engineers. No objection was raised to the proposed development from any of these Officers or Agencies. Key referral outcomes included:
 - Council's Community Infrastructure Section raised concerns with the parking of cars on the Thomas Michel Drive (specifically the grassed road shoulder). A recommended condition of consent has been put forward stating that parking in front of the site on the grassed area between the edge of the road and property boundary is prohibited.
 - Council's Water and Waste Section have noted that the application will require a Classification B – Trade Waste approval for the management of Liquid Trade Waste generated on the site. A recommended condition of consent has been included requiring the applicant to enter into a Trade Waste Agreement with Council.

OPTIONS

Council may:

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

CONCLUSION

An assessment of the proposed development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment report recommends that the proposed development be approved subject to the recommended conditions outlined in Attachment B.

LEGAL IMPLICATIONS

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

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT 1001 DP 870109 Thomas Mitchell Drive MUSWELLBROOK			
APPLICATION No:	152/2021			
PROPOSAL:	Artisan Food and Drink Industry (Change of Use)			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Site Plan	Eco Dimensions	-	1 December 2021
	Site Plan (2)	Eco Dimensions	-	1 December 2021
OWNER:	Whiteron Pty Ltd			
APPLICANT:	Perception Planning 260 Maitland Road MAYFIELD NSW 2304			
AUTHOR:	Ms T Jolly			
DATE LODGED:	01/12/2021			
DATE OF REPORT:	5 May 2022			

SUMMARY

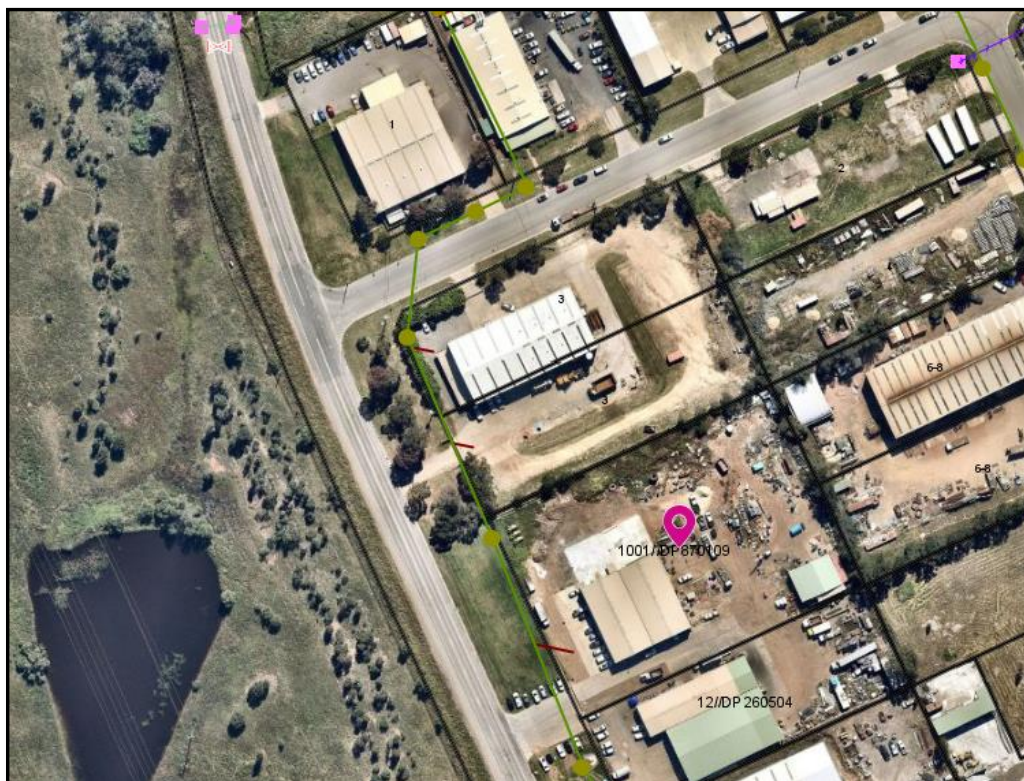
ISSUES	None
SUBMISSIONS	None
RECOMMENDATION	Approval subject to conditions

1. Site Locality and Description

The Site subject to this development application is Lot 1001 in DP 870109. Access to the site is provided via Thomas Mitchell Drive, Muswellbrook.

The site is zoned IN1 - General Industrial under the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) and is located within an existing industrial area. Nearby land uses include pastoral agriculture land and biodiversity offsets.

Figure 1. – Site Aerial Image (Source: Spectrum)



The site currently contains an industrial shed that is being used for a light industry. Previous Approvals for the site have been shown on Figure 2.

Figure 2. – Previous Approvals

Formatted Account	Precis	Received Date	Determination Date	Determination
005.1997.00010065.001	Business	22/05/1997	16/07/1997	Approved
005.2006.00000017.001	WAREHOUSE	16/01/2006	27/02/2006	Approved
005.2006.00000017.002	SECTION 96 AMENDMENT - ADDITION OF MEAL ROOMS, AMENITIES & OFFICES	27/06/2006	26/07/2006	Approved
005.2021.00000152.001	Artisan Food and Drink Industry (Change of Use)	01/12/2021		

2. Description of Proposal

The proposal seeks approval for the change of use of an existing cool room on the site to an artisan food and drink premises for the purposes of wine manufacturing. The owner intends to continue the other existing uses on the site.

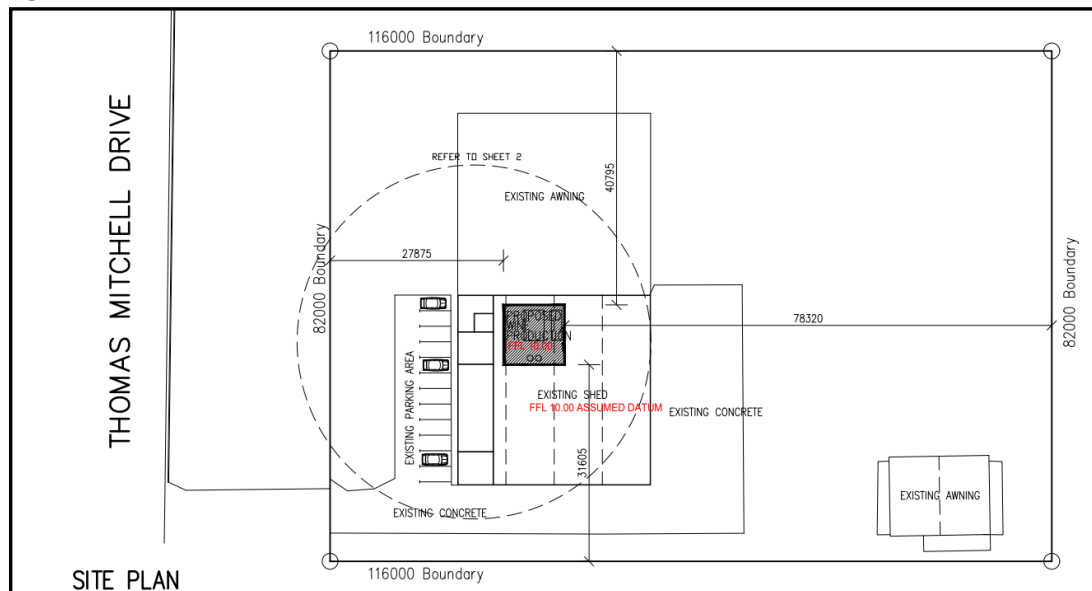
The proposal does not involve any building works.

The site will only be used intermittently for the purposes of wine production as the majority of the work occurs at the start of the wine making process and the only other work involved is to monitor the level of CO2 etc. every few weeks.

The applicant has noted that the development will have a maximum patronage of 5 people and the operating hours will be as follows:

- Wine Production : Monday to Sunday 8am – 6pm
- Retail (tours and workshops): Monday to Sunday 8am – 6pm, by appointment

Figure 3. – Site Plan



3. Site Planning Considerations

Flood Prone Land	No
Bushfire Prone Land	Yes
Terrestrial Biodiversity	No
Heritage Conservation Area	No
Heritage Item	No
Contaminated Land	Yes
Mine Subsidence	No

4. Referral Comments

4.1. Internal Referrals

4.1.1. **Building Surveyor**

Council's Building Surveyor reviewed the application and noted that a Construction certificate is not required, and that fire protection and structural capacity of the building will be appropriate. The following condition is recommended:

Clause 93 Considerations

Under clause 93 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken within 30 days and are to be completed prior to the issue of the occupation certificate:

- i. A fire hydrant system must be provided throughout the building in accordance with AS 2419.1 and E1.3 of Volume 1 of the BCA.
- ii. A hose reel system must be provided throughout the building in accordance with AS 2441.1 and E1.4 of Volume 1 of the BCA.
- iii. Review the portable fire extinguisher coverage and signage in the building to ensure compliance with AS 2444 and E1.6 of Volume 1 of the BCA.
- iv. Review the exit travel distances and paths of travel in the building are compliant with Part D of Volume 1 of the BCA.
- v. Review of exit signs and directional signs throughout the premises to ensure they function in accordance with AS 2293.1 and E4 of the BCA.
- vi. Existing exit doors and doors in a path of travel are to be readily openable without a key by a single hand downward action or pushing action on a single device located between 900 mm and 1200 mm above the floor level and all additional locks must be removed in accordance with Part D2.21 of the BCA.
- vii. Emergency lighting is to be provided over the required stairway in accordance with AS 2293.1 and E4 of the BCA.
- viii. Services or equipment comprising of electricity meters, distribution boards or the like installed in exits and paths of travel must be enclosed by non-combustible construction or a fire-protective covering with openings suitably sealed against smoke spreading from the enclosure.
- ix. The cool room is to be upgraded to have adequate means of communicating with or alerting other occupants in the building in the case of an emergency and the door must be openable from the inside without a key at all times.

4.1.2. **Senior Environmental Health Officer**

Council's Senior EHO recommended the following conditions:

PRIOR TO OC

1. Fit-out of any commercial food areas to be in accordance with relevant legislation and standards

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority demonstrating that the fit out of any food preparation, storage, handling and serving areas would comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards relevant design construction and fit out of food premises (AS4674)

2. Final inspection by Council's Environmental Health Officer required

Prior to the issue of an Occupation Certificate, a satisfactory final inspection of any kitchen used for the purposes of preparing or selling food must be undertaken by Council's Environmental Health Officer to determine compliance with relevant construction requirements.

3. Registration with Council's Environmental Health Department

Prior to the issue of the Occupational certificate, the business is to be registered with Council's Environmental Health Department.

AT ALL TIMES

1. Spill response plan

The site is required to have a spill response plan in to manage any potential leaks or spills from chemical storage and handling onsite.

2. Smoke-free Environment Act

All smoking areas are to comply with the Smoke-free Environment Act and associated legislation.

The Officers comments have been added to the conditions of consent.

4.1.3. Water and Waste Officer

Councils water and waste section reviewed the application and noted that the development is likely to require a Liquid Trade Waste approval. A recommended condition of consent has been put forward requiring the proponent to enter into a Trade Waste Agreement with Council prior to obtaining an Occupation Certificate.

4.1.4. Community Infrastructure Officer

Council's CI Officers reviewed the application and raised concern regarding the cars being parked on Council's landscaped reserve. The Assessing Officer notes that the subject site complies with the parking requirements under the DCP (discussed under the DCP Section 16 Assessment of this report), the Officer is of the view that requiring a greater number of car parks for the proposed development would be unreasonable given the scope of works proposed.

The following conditions are recommended:

- I. The applicant be required to provide a sealed car park section between the existing car parking and the property boundary and line-marked in accordance with AS2890 to accommodate their current parking demands. Any erosion or damage caused by such parking will need to be remediated to Council's written consent
- II. The applicant needs to provide pit baskets in the pits.
- III. Actions be taken to restrict parking on the road reserve and to remediate the damage to the landscaped portion of Council's reserve.

4.2. External Referrals

4.2.1. NSW Police

The application was referred to NSW Police who reviewed the application and did not have any objections to the development.

5. Assessment under Section 4.15 of the Environmental Planning and Assessment Act

5.1. 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:

5.1.1. State Environmental Planning Policies

The Following State Environmental Planning Policies apply to the subject site:

a) Liquor Act 2007

The objective of the Liquor Act 2007 is to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.

The applicant has noted that they will submit an application to NSW Liquor and Gaming NSW to obtain a liquor licence for the sale and consumption of alcohol on and from the site.

This requirement has been recommended as a condition of consent.

b) Protection of the Environment Operations Act 1997

Clause 2 of Schedule 1 of PoEO Act specifically relates to the manufacture of wine, specifically,

“grape processing, meaning the processing of grapes (otherwise than by distilling) as part of the manufacture of wine, spirits, vinegar, acetic acid or similar products.”

Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Column 1	Column 2
Activity	Criteria
grape processing	capacity to process more than 30,000 tonnes of grapes per year

The applicant has noted that the proposed development will have a capacity of less than 30,000 tonnes of grapes per year. As such, the proposed development is not a scheduled activity under the PoEO.

c) State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP provides a State-wide planning approach to the remediation of contaminated land. The SEPP provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The land is identified as being potentially contaminated due to past uses of the site.

No residential use of the site is proposed as part of this application and no physical or excavation works are proposed. Taking the above into consideration, the site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

5.1.2. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Part 2 Permitted or Prohibited Development

The development site is zoned IN1 General Industrial in accordance with the MLEP 2009.

The proposed development is defined as an *artisan food and drink industry* being a subset of *light industry* or *general industry*, which is detailed below.

Industry is a land use permissible with consent in zone IN1.

industry means any of the following—

- a) *general industry*,
- b) *heavy industry*,
- c) *light industry*,

but does not include—

- d) *rural industry*, or
- e) *extractive industry*, or
- f) *mining*.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- a) *high technology industry*,
- b) *home industry*,
- c) *artisan food and drink industry*.

Objectives of the IN1 General Industrial Zone

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

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

Part 4 Principal Development Standards

Relevant Clause	Control	Proposed	Compliance
4.1 Minimum subdivision lot size	1000	N/A	
4.3 Height of buildings	15	No change proposed	
4.4 Floor space ratio	1	No change proposed	

Part 5 Miscellaneous Provisions

5.4 Controls relating to miscellaneous permissible uses

This section of the LEP notes that, for development for the purposes of an artisan food and drink industry, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed —

- a) 33% of the gross floor area of the industry, or
- b) 400 square metres,

whichever is the lesser.

The applicant has noted that the maximum floor space area permitted for retail sales is 27.648 m². Any future area to be utilised for retail sales will not exceed 27.648 m² which is less than 30% of the total industry floor area.

The calculation of floor areas for the proposed development is as follows:

Industry Floor Area Calculations - Processing Floor Area (9.6 m x 9.6 m) 92.16 m²

Retail Floor Area Calculations - Retail Floor Area (30 x 92.16) / 100

Maximum floor space area permitted for retail sales = 27.648 m²

The proposed Processing Floor Area will be utilised during workshop/tours. No specific floor area for 'retail use' is proposed. The proposed floorplan and use are consistent with the maximum floor space area permitted for retail sales. The proposed development will not cause any exceedance of the prescribed retail FSR.

Part 7 Additional Local Provisions

7.1 Terrestrial biodiversity	The land has not been identified as terrestrial Biodiversity. Not Relevant
7.6 Earthworks	The proposed development does not involve any earthworks. Not Relevant.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 10 – Industrial Development

10. INDUSTRIAL DEVELOPMENT	
10.1 Built Form	
10.1.1 Setbacks	The proposal does not involve any building works that will decrease the existing setback on the site. Complies
10.1.2 Building Design	The proposal does not involve any changes to the design of the existing building as required by the DCP provisions. Complies
10.2 Environment	
10.2.1 Drainage and Stormwater	The proposal does not involve any works that will increase the stormwater collected on the site. Complies
10.2.2 Landscaping	The proposal does not involve any changes to the existing landscaping on the site and will continue to comply with the DCP provisions. Complies
10.2.3 Visual amenity with regard to car parking and operational areas	The proposal does not involve any changes to the car parking or external operational areas. Complies
10.2.4 Vehicular Movements and Access	The proposed development involves the change of use of the existing industrial shed. The proposed use is consistent with the existing parking requirements of the current use. To this effect, no change to onsite parking or access is considered necessary. Complies
10.3 Services	
10.3.1 Water and Sewer	The subject site has access to town water and sewer. Complies
10.3.2 Services	The subject site is serviced by an adequate supply of electricity in accordance with the requirements of Energy Australia. Complies

Section 16 – Car Parking and Access

The subject site is currently approved for use as a warehouse in 2006.

The current LEP definition for a “warehouse” means *a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.*

The Assessing Officer discussed the actual current use with the applicant who described that the site is being used by an earthmoving company, which would be classified as a general industry under the Muswellbrook LEP 2009.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

The shed has an overall area of approximately 950m². Under the Muswellbrook DCP 2009, the car parking requirement for a warehouse or distribution centre is:

1 space per 300 m2 of gross floor area.

The proposal seeks approval for the change of use of approximately 92.16m of the site into an artisan food and drink industry, which is classified as *industrial development*. The required car parking under the Muswellbrook DCP for industrial development is :

1 space per 75 m2 of gross floor area

The current use of the site is much more intensive than that of a warehouse. The Assessing Officer referred the application to Council's CI Officers who reviewed the application and raised concern regarding cars being parked in front of the site on the road reserve as shown below:



The car parking required for use of the site is “industry” is :

1. Approximately 100m² would be used for office space (not counting the amenities) = $100/35 = 2.857$ spaces
2. And approximately 792.16m² would be used for industrial activities = 10.56 spaces

So, 13.41 spaces are required. The subject site currently contains 12 carparking spaces. This is not a significant difference.

The Assessing Officer does not recommend requiring an increase in the number of car parks for the following reasons:

1. The subject site complies with and exceeds the car parking requirement under the original approval (DA 2006-17), which was 10 car parking spaces.
2. The proposal only changes an existing section of the shed to another industrial use, which is not considered to be a more intensive use than its previous use.
3. The increase of two additional car parking spaces is unlikely to address the issue of parking on the Council reserve.

There is adequate space for the vehicles that are located on Council's Road reserve to be parked within the site, it seems employees are parking in the reserve due to convenience. It is recommended that a condition be included requiring that all vehicles be parked within the site. This can be followed up as a compliance activity.

Section 20 – Erosion and Sediment Control

The proposal does not involve any earthworks and only contains internal alterations and therefore does not require any additional erosion and sediment control measures to be carried out.

Section 24 – Waste Management

A waste management plan has been prepared in relation to the proposed development as DCP requirement. The Assessing Officer recommends including a standard condition to ensure that the proposed works are carried out in accordance with the Waste Management Plan.

Section 25 – Stormwater Management

The proposal does not involve any works that will have an impact on the existing stormwater on the site and therefore this section of the DCP does not need to be considered further.

5.4. Section 4.15(1)(a)(iiia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

5.5. Section 4.15(1)(a)(iv) the provisions of the regulations

The Environmental Planning and Assessment Regulation 2021 applies to the development. The Development complies.

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

The proposed development is considered to be minor in nature and is not expected to have a significant impacts on the site and locality.

5.7. Section 4.15(1)(c) the suitability of the site for the development

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

5.8. Section 4.15(1)(d) any submissions made

Notification occurred from 20/12/2021 to 7/01/2022 in accordance with Muswellbrook Community Participation Plan. No submissions were received during the notification

period.

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

The proposal is in the public interest.

6. Development contributions under Section 7.11 of the Act

The Muswellbrook Section 94A Contributions Plan 2010 applies to land within the Muswellbrook Local Government Area. The cost of works for the proposed development is \$15,000. As the cost of the works is not over \$100,000, the development does not incur a levy under the Section 94A Contributions Plan.

7. CONCLUSION

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

Accordingly, it is recommended the application be approved subject to conditions of consent.

Signed by:



Tanya Jolly
Planning Assistant

Date: 5 May 2022



IDENTIFICATION OF APPROVED PLANS

(1) Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Document Title.	Ver No.	Prepared By.	Dated.
Statement of Environmental Effects (including Attachments)	2	Perception Planning	26/11/21
Site Plan		Eco Dimensions	Oct 2021
Partial Site Plan		Eco Dimensions	Oct 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

(2) Production Limitation

The person acting with this consent shall ensure that the annual production of the development does not exceed:

- a) The production of 30 tonnes of alcohol or alcoholic product per day,
- b) 10,000 tonnes of alcohol or alcoholic product per year, or
- c) The processing of more than 30,000 tonnes of grapes per year.

Note: the carrying out of an activity that involves the production in excess of any of the above is identified as an Activity requiring an Environmental Protection License from the NSW Environmental Protection Authority pursuant to the Protection of the *Protection of the Environment Operations Act 1997*. Prior to considering a change to the production capacity for the facility it is recommended that you contact Council to discuss additional approval requirements.

(3) Floor Area Restriction

The person acting with this consent shall ensure that at no time the total floor area used for retail sale direct to the public does not exceed 27.6m²

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

(4) Occupation

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

(5) Fire Safety

The following fire safety/Building Code of Australia (BCA) works are to be undertaken within 30 days and are to be completed prior to the issue of the occupation certificate:

- i. A fire hydrant system must be provided throughout the building in accordance with AS 2419.1 and E1.3 of Volume 1 of the BCA.
- ii. A hose reel system must be provided throughout the building in accordance with AS 2441.1 and E1.4 of Volume 1 of the BCA.
- iii. Review the portable fire extinguisher coverage and signage in the building to ensure compliance with AS 2444 and E1.6 of Volume 1 of the BCA.
- iv. Review the exit travel distances and paths of travel in the building are compliant with Part D of Volume 1 of the BCA.
- v. Review of exit signs and directional signs throughout the premises to ensure they function in accordance with AS 2293.1 and E4 of the BCA.
- vi. Existing exit doors and doors in a path of travel are to be readily openable without a key by a single hand downward action or pushing action on a single device located between 900 mm and 1200 mm above the floor level and all additional locks must be removed in accordance with Part D2.21 of the BCA.
- vii. Emergency lighting is to be provided over the required stairway in accordance with AS 2293.1 and E4 of the BCA.
- viii. Services or equipment comprising of electricity meters, distribution boards or the like installed in exits and paths of travel must be enclosed by non-combustible construction or a fire-protective covering with openings suitably sealed against smoke spreading from the enclosure.
- ix. The cool room is to be upgraded to have adequate means of communicating with or alerting other occupants in the building in the case of an emergency and the door must be openable from the inside without a key at all times.

(6) Fit-out of any commercial food areas to be in accordance with relevant legislation and standards

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority demonstrating that the fit out of any food preparation, storage, handling and serving areas would comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards relevant design construction and fit out of food premises (AS4674)

(7) Final inspection by Council's Environmental Health Officer required

Prior to the issue of an Occupation Certificate, a satisfactory final inspection of any kitchen used for the purposes of preparing or selling food must be undertaken by

Council's Environmental Health Officer to determine compliance with relevant construction requirements.

(8) Registration with Council's Environmental Health Department

Prior to the issue of the Occupational certificate, the business is to be registered with Council's Environmental Health Department.

(9) Installation of Stormwater Pit Basket

Prior to the issue of an Occupation Certificate, the person acting with this consent is to install an additional pit basket in all stormwater pits located on the site with a diameter of 450mm by 450mm or greater.

(10) Trade Waste Requirement

Prior to the issue of an Occupation Certificate the person acting with this consent is to lodge a Trade Agreement with Council's Liquid Trade Waste Officer or obtain a written confirmation from Council that a trade Waste Agreement is not required for the operation of the kitchen due to the type of development proposed and the scale of its intended use.

Where further information is required in relation to Council's Liquid Trade Waste requirements it is recommended the person acting with this consent contact Council on 6549 3745.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(11) Off Licence Information

A relevant licence under the Liquor Act 2007 No 90 must be obtained prior to commencing any sales or tasting of products produced on the premises.

(12) Spill response plan

The site is required to have a spill response plan in to manage any potential leaks or spills from chemical storage and handling onsite.

(13) Smoke-free Environment Act

All smoking areas are to comply with the Smoke-free Environment Act and associated legislation.

(14) Hours of Operation

Unless approved by Council in writing at all times the premises is to not to be operated outside of the approved operating hours referenced below:

- a) Monday – Sunday 6:00am – 8:00pm

(15) Trade Waste

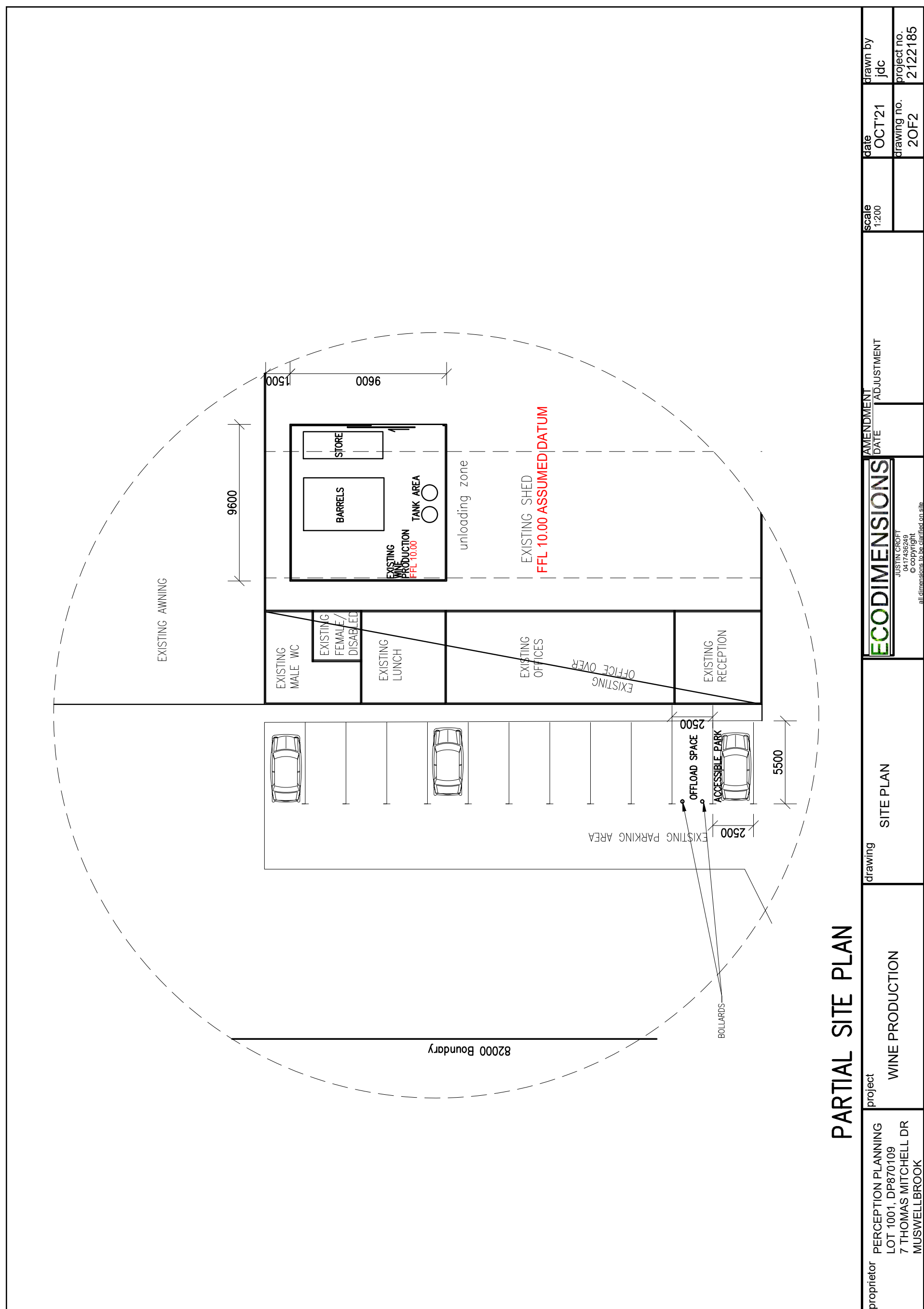
At all times wastewater shall be disposed of in accordance with the requirements of any trade waste agreement between the Owner and Muswellbrook Shire Council.

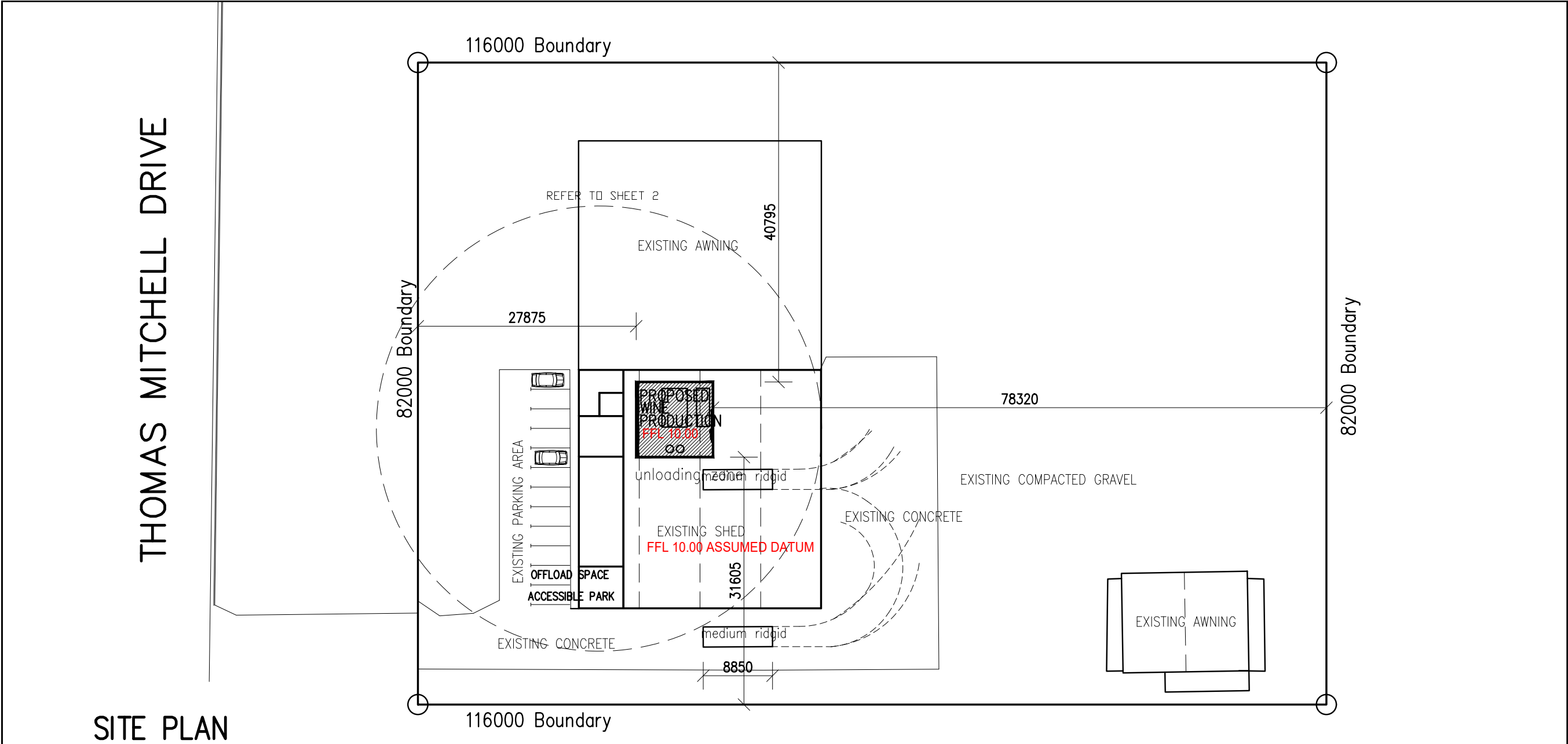
(16) Bushfire Management

In accordance with the recommendations of the Bushfire Threat Assessment at all times the entirety of the lot is to be managed as an inner protection area asset protection zone in accordance with the provisions of Planning for Bushfire Protection (Appendix 4 – Asset Protection Zone Requirements).

(17) No Parking on Council's Road Reserve

All vehicles associated with the site are to park in the designated on-site parking. No parking is permitted between the Thomas Mitchell Drive road pavement and the property boundary adjacent the site.





SITE PLAN

SEDIMENT CONTROL FENCE

ALL SEDIMENTATION CONTROLS ARE TO BE CHECKED DAILY (AT A MINIMUM WEEKLY) AND AFTER ALL RAIN EVENTS. ALL STRUCTURES TO BE CLEANED ON REACHING 50% STORAGE CAPACITY TO ENSURE THEY ARE MAINTAINED IN FULL FUNCTIONAL CONDITION.

NOTES

Note:
DRAWINGS FOR CONSTRUCTION PURPOSES WHEN:
•STRUCTURAL DETAILS SIGNED BY QUALIFIED STRUCTURAL ENGINEER
•AND ALL ELEMENTS CHECKED TO COMPLY WITH THE BCA AND RELEVANT AS BY BUILDER OR ACCREDITED CERTIFIER
ALL NEW WORKS TO ADHERE TO THE BCA AND CURRENT AUSTRALIAN STANDARDS
•NOTE- DIMENSIONS ARE TAKEN FROM EXISTING DWELLING, VERIFY DIMENSIONS ON SITE BEFORE COMMENCEMENT OF CONSTRUCTION
•ENSURE STAIR DETAILS CONFIRMED PRIOR TO MANUFACTURE
•DO NOT SCALE DRAWINGS

SITE NOTES	
EXISTING SHED	950sqm
EXISTING WINE PRODUCTION	92sqm
CONNECTED TO SEWER MAIN	Y
HERITAGE AREA	N
MAX FILL	0mm
RETAINING WALL REQUIRED	N
RETAINING WALL HEIGHT	NA
TREES TO BE REMOVED	Y -2of

SEDIMENT CONTROL FENCE

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proprietor	PERCEPTION PLANNING LOT 1001, DP870109 7 THOMAS MITCHELL DR MUSWELLBROOK	project	WINE PRODUCTION	drawing	SITE PLAN	AMENDMENT	scale	date	drawn by
						DATE	1:500	OCT'21	jdc
						ADJUSTMENT		drawing no.	project no.
								1OF2	2122185

ECODIMENSIONS

JUSTIN CROFT
0417436249
© copyright
all dimensions to be clarified on site