PSA CONSULTING

STATEMENT OF ENVIRONMENTAL EFFECTS

Denman Storage Complex
Lot 42 DP771226, Denman NSW 2328

31 January 2023

muswellbrook shire council

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Revision History

VERSION	DATE	DETAILS	AUTHOR	AUTHORISATION
V2	31 January 2023	FINAL	Paul Hanly	David Ireland

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TABLE OF CONTENTS

LIST OF APPENDICES

LIST OF FIGURES

LIST OF TABLES

LIST OF ACRONYMS

AEP	Annual Exceedance Probability
ARI	Average Recurrence Interval
DA	Development Application
DCP	Development Control Plan
FSR	Floor Space Ratio
GFA	Gross Floor Area
LEP	Local Environmental Plan

LGA	Local Government Area
MLEP	Muswellbrook local Environmental Plan
PNTL	Project Nosie Trigger Levels
PSI	Preliminary Site Investigation
RL	Relative Level
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

1 INTRODUCTION

PSA Consulting Pty Ltd has been engaged by Conybeare Morrison International Pty Ltd (Conybeare Morrison) to prepare this Statement of Environmental Effects (SEE) to accompany a development application (DA) seeking development consent for the construction of a *storage premises* on vacant land located at Bell Street and Turner Street, Denman on Lot 42 DP771226 (the subject site) in Denman NSW 2328. The project will provide 103 self storage units and 12 open storage bays (for caravans / boats), which will be available for rent by the general public.

The proposed **storage premises** is permissible with consent in the RU5 Village zone. The RU5 Zone provides for a range of land uses, services and facilities required to service a rural village. The development is proposed by Muswellbrook Shire Council to meet an identified need within the local area and provide self-storage units for the community and therefore aligns with the objectives of the zone.

This SEE provides a description of the proposed development and a detailed assessment against the potential impacts and the applicable planning frameworks.

1.1 APPLICATION HISTORY

A previous Development Application (DA2021/125) was submitted to Muswellbrook Shire Council in September 2021. In the post-lodgement phase, there were a number of matters raised by Council and public submissions received during notification of the Development Application. As a result, the previous application was withdrawn in August 2022 however, the comments raised have informed the revised development application and have been addressed in this SEE and the submitted material.

2 THE SITE

2.1 PROPERTY DETAILS

The site is located on vacant land at Bell Street and Turner Street, Denman and is formally described as Lot 42 DP771226. The site is contained within the Muswellbrook Shire Council Local Government Area (LGA).

As shown in Figure 1, the site has a northern street access via Turner Street and a southern frontage to the corner of Bell Street and Turner Street. Unformed access tracks at the site provide an informal vehicular connection between Turner Street in the north and Bell Street in the south.

Figure 1: Subject Site Aerial Photograph (NSW ePlanning Spatial Viewer)

The site is rectangular in shape, with a southern boundary of 60.4m and an eastern boundary to the Muswellbrook-Merriwa Railway Line of 108.6m. The site has an area of approximately 6,432m². As shown on the site survey plan prepared (Figure 2), the eastern boundary fence sits approximately 4m within the eastern boundary (i.e. the actual site boundary is within the fenced-off rail corridor).

The site falls from west to east, from a maximum height of 117m in the north-western corner to a low point of 114.74 midway along the eastern boundary adjacent to the railway corridor. The site survey is included as **Appendix 11**.

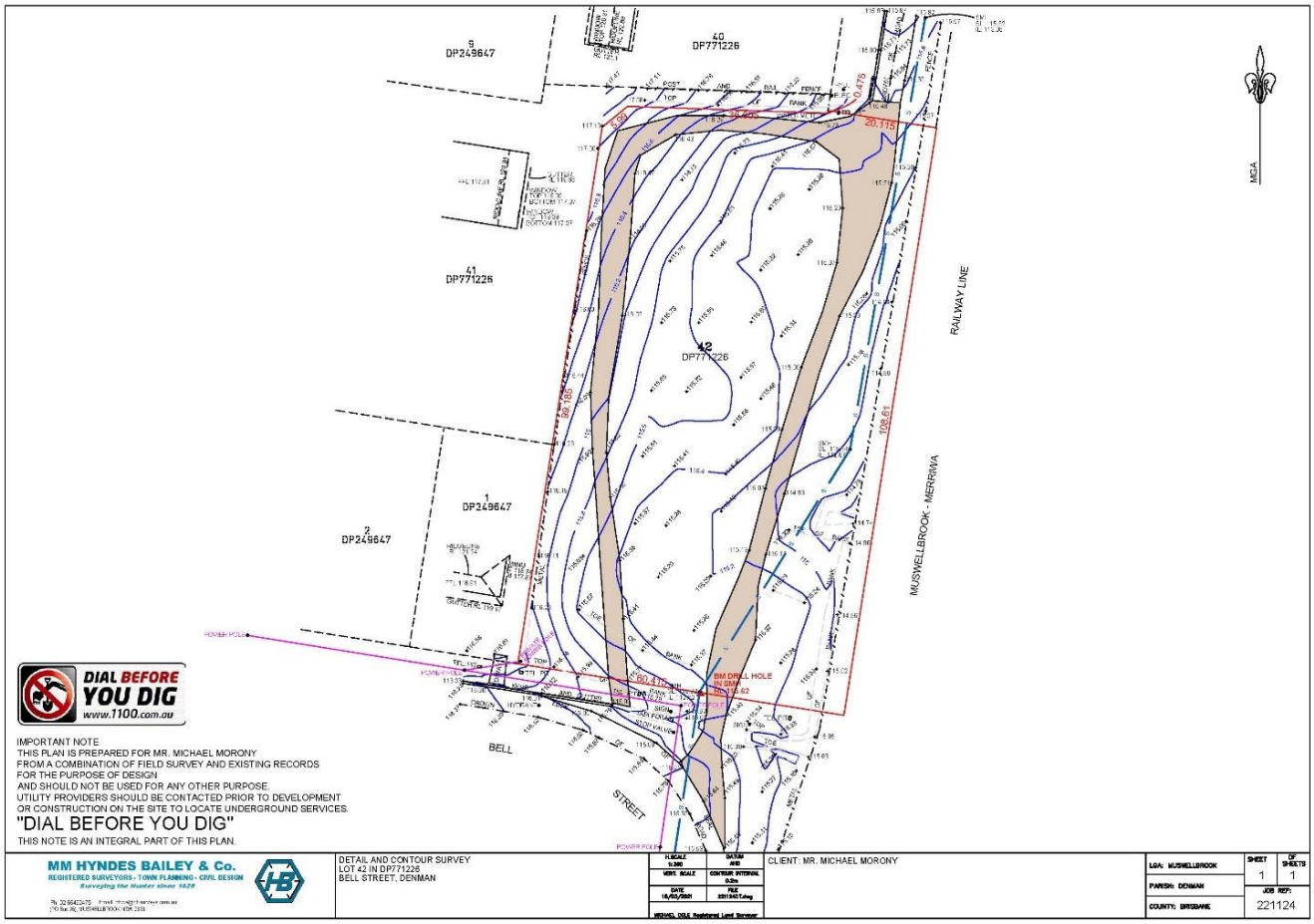

Figure 2: Subject Site Survey Plan (MM Hyndes Bailey & Co.)

2.2 SURROUNDING AREA

The subject site is located northwest of the Denman Business Precinct, bordered by a heavy rail corridor to the east, public parkland to the south, and detached residential houses to the north and west. The site is currently vacant with no improvements.

Pursuant to the provisions of *Muswellbrook Local Environmental Plan 2009* (Muswellbrook LEP), the subject site is zoned RU5 Village. The development of a *storage premises* is permitted with consent in the RU5 Village zone. The site's eastern boundary adjoins land zoned SP2 Rail Infrastructure. South of the site is located Denman Park, zoned RE1 Public Recreation. The site's northern and western boundaries adjoin residential land similarly included in the RU5 Village Zone.

2.3 SITE HISTORY

The site is currently vacant land with no building works or improvements. Historic aerial photographs contained within the Preliminary Site Investigation report prepared by Environmental Earth Sciences show that from 1958 to 2020, there has been no development at the site, apart from some filling undertaken to ameliorate water ponding issues.

A Preliminary Site Investigation (PSI) report was prepared by Environmental Earth Sciences and is included as **Appendix 5**. The PSI has been prepared in accordance with State Environmental Planning Policy No. 55 – Remediation of Land in order to identify any unacceptable risk(s) posed by contamination from historical uses or imported fill sources which may require specific mitigation or management actions. The PSI identifies that approximately 6m³ of possible uncontrolled fill material is centrally located within the site (see Figure 3).

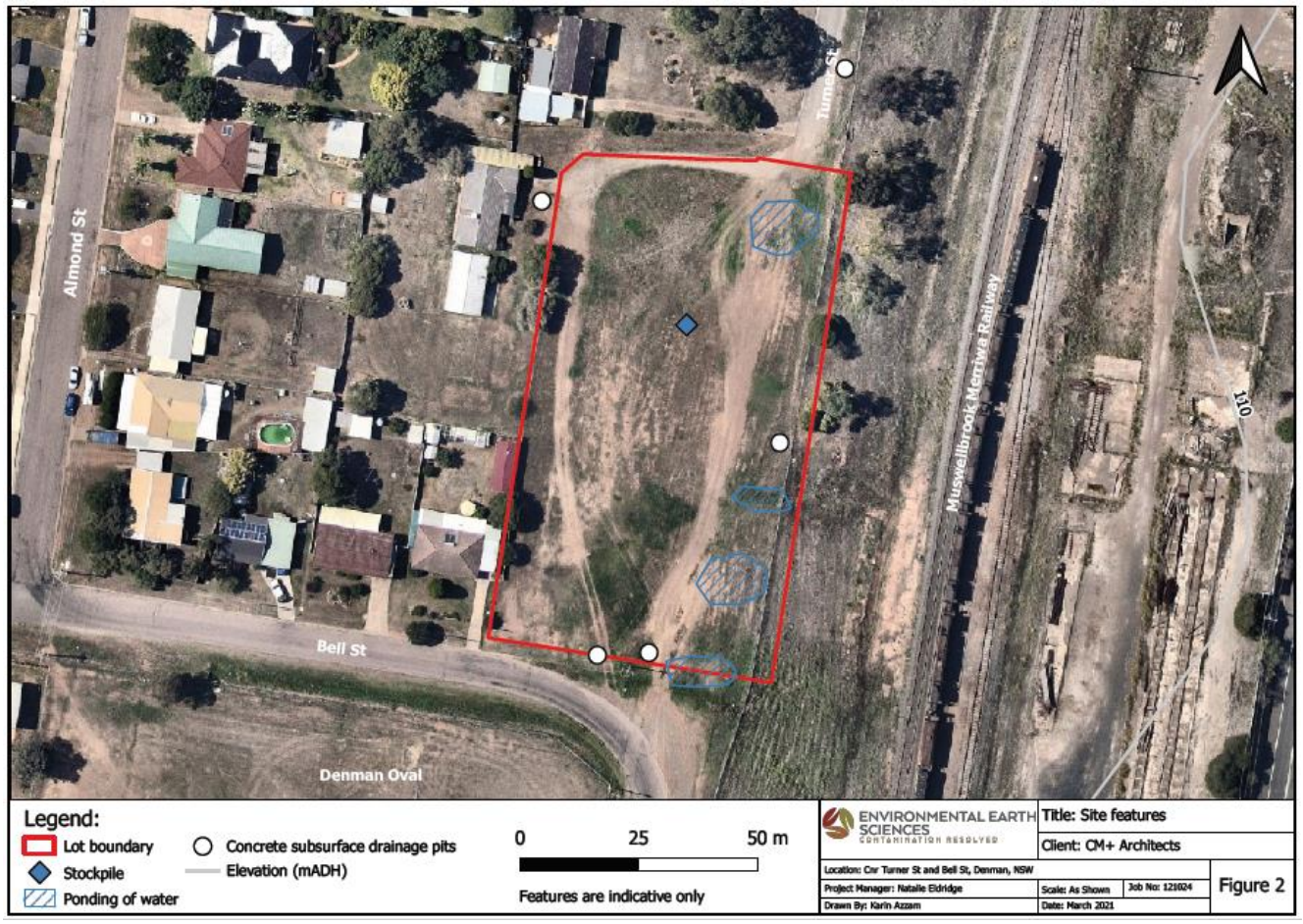

Figure 3: Site Features (Environmental Earth Sciences, 2021)

With respect to contamination and uncontrolled fill, the PSI report concludes that:

> *Environmental Earth Sciences considers that the site generally presents a **LOW** risk posed by contamination, however material within the stockpile presents a **MEDIUM** risk to human health and the environment during proposed land use 'Setting D' (commercial/ industrial) as defined within ASC NEPM (2013).*
>
> *It is recommended to conduct further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, undertaken either prior to commencement of development or during development. Results and findings should be used to inform management options for either onsite reuse or offsite management as solid waste. Based upon volume estimates of ~ 6 m3 collection of three samples would be recommended to chemically characterise this material for potential reuse and/or offsite management as solid waste in accordance with the minimum sampling requirements of ASC NEPM (2013).*

It is recommended that an appropriate condition of consent be imposed, requiring the chemical characterisation of the fill material prior to the issue of a Construction Certificate for the proposed development. Further, it is requested that the Notice of Determination/Conditions package of this application include a condition requiring the removal of any existing stockpile prior to commencement of works on the subject site.

3 PROPOSED DEVELOPMENT

3.1 PROJECT DESCRIPTION

The proposal seeks staged development consent for the erection of single-storey buildings and structures for use as a 'storage premises', associated civil earthworks, vehicular access and parking, security fencing, landscaping and business identification signage at the site. The project will provide 103 self-storage units and 12 open storage bays (for caravans / boats), which will be available for rent by the general public. The proposed site plan and a 3D render is provided in Figure 4 and Figure 5 below. Detailed plans are included as Appendix 1.

Specifically, the proposed storage facility is comprised of the following components:

- 2 Storage Buildings with a floor area of 942m^2 and 1053m^2.
- A total of 103 individual storage units with floor areas ranging in size from 14.5m^2 to 37.8m^2.
- 12 storage bays (covered but not enclosed) with a covered area of 54m^2.
- 1 cleaner's store.
- 1 unisex accessible toilet.
- 11 car parking spaces (including 1 accessible space).
- Business Identification Signage.

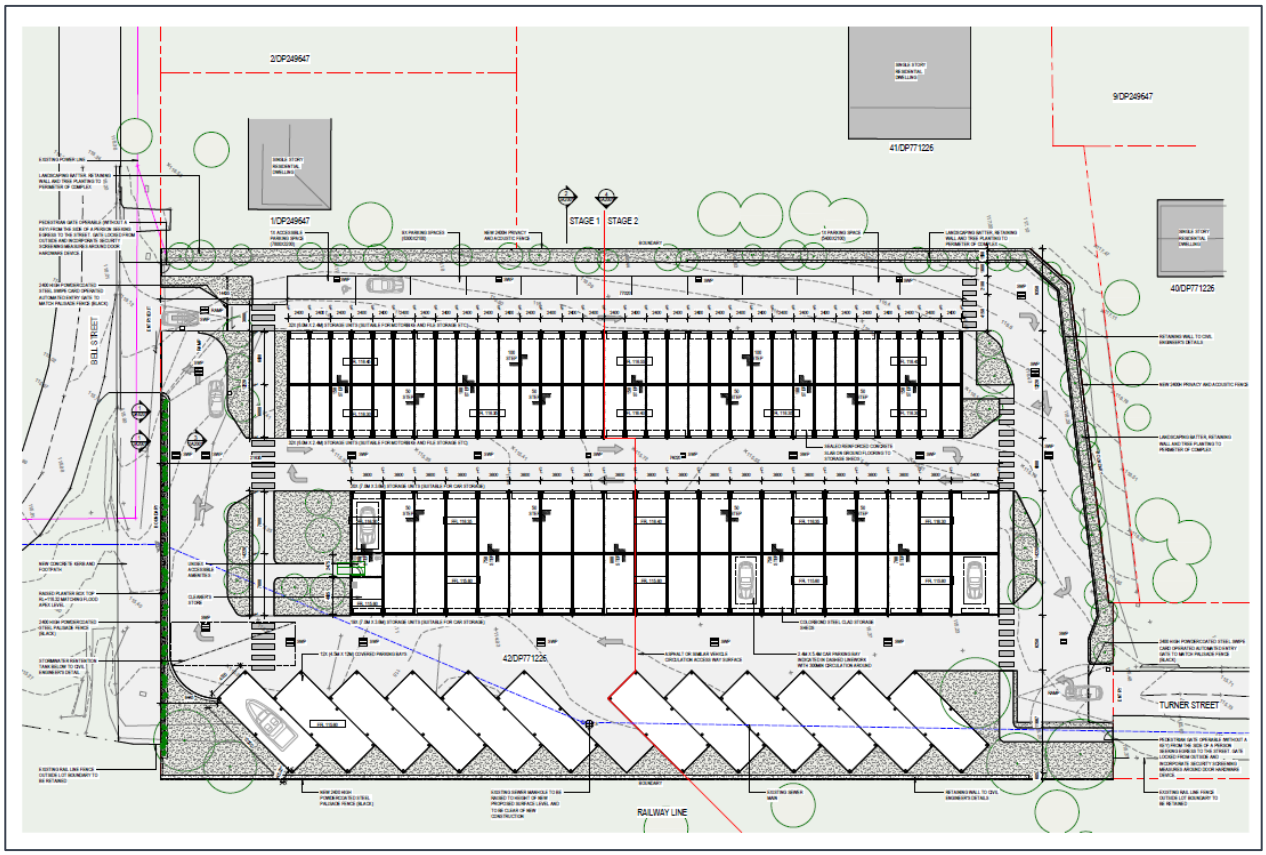

Figure 4: Proposed Storage Premises Site Plan (CM+, 2022)

Figure 5: 3D Render of the Proposed Development (CM+, 2022)

Table 1: Key Development Statistics

SITE AREA	6,438 m²
LANDSCAPED AREA	15.3% (988m^2)
GROSS FLOOR AREA	1,695m^2
FLOOR SPACE RATIO	26.3% (0.263:1).
MAXIMUM BUILDING HEIGHT	Storage Buildings: 4.38m & 5.10m Open Storage Bays: 4.92m

3.2 COST OF DEVELOPMENT

Mitchell Brandtman, Quantity Surveyors have determined that the DA cost report for the proposed development is $3,555,527 (includingGST). The costs are inclusive of builders work, labour, materials and plant, preliminaries, profit and overheads and consultant's fees.

3.3 STAGING

The proposed storage facility is proposed to be delivered in 2 stages, documented below. Broadly, Stage 1 will include all site works, associated infrastructure, services and the southern part of the storage facility buildings. Stage 2 will include the completion of the northern half of the storage buildings.

3.3.1 Stage 1 (South)

- Site preparation works.
- Earthworks, driveways, site drainage and building slabs.
- Construction of the southern half of the storage facility buildings as shown on plan DA1001, including:
    - All site civil earthworks, building slabs, vehicular access, circulation and car parking
    - 1 x unisex accessible toilet facility

- Perimeter Security Fencing with access control and pedestrian egress
- Site Landscaping as per Landscape Architecture drawings prepared by Context
- Rainwater tank
- Installation of CCTV
- Business Identification Signage

3.3.2 Stage 2 (North)

Stage 2 involves construction of the remaining northern half of the storage buildings and structures, as shown in Figure 6 below.

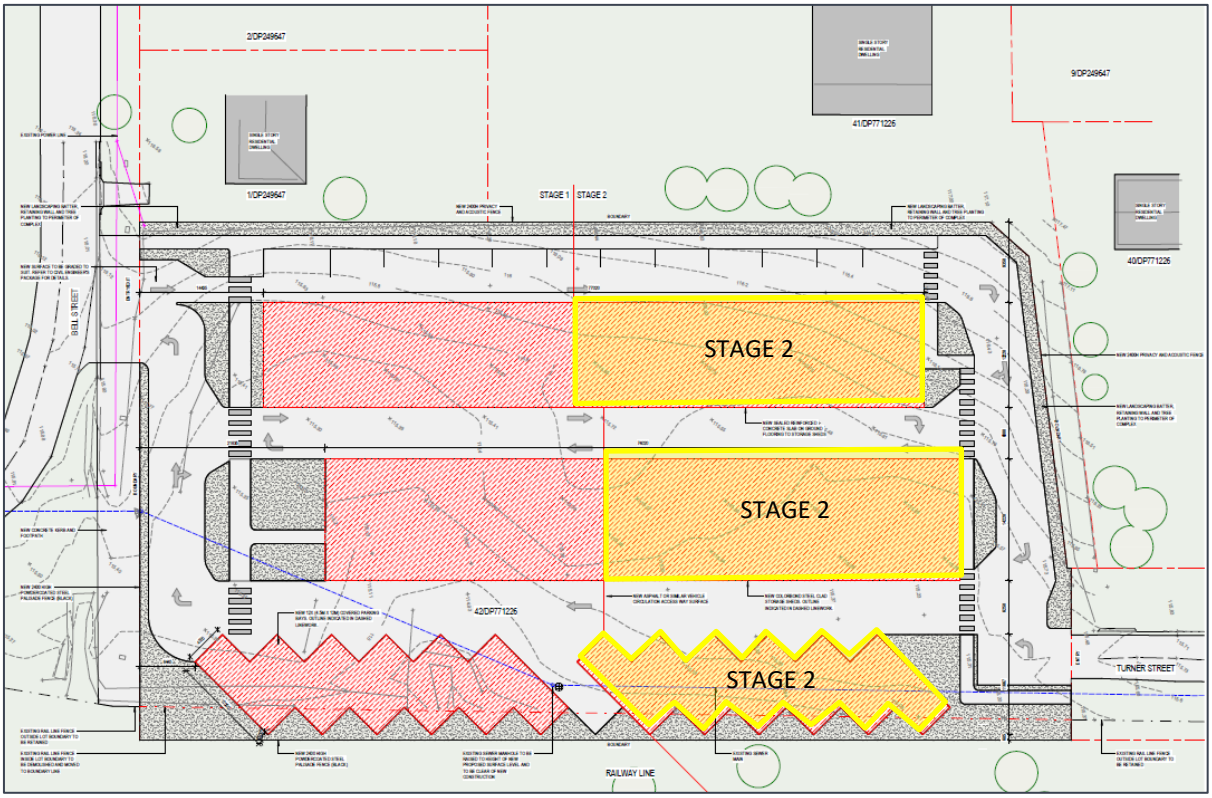

Figure 6: Development Staging

3.4 SITE OPERATIONS

The site is a secured site which can only be accessed by renters with a passcode. The site will be run by an off-site (Council appointed) manager. Once a space has been rented, access to the site will be achieved via the use of the passcode, which will allow access to the site at all times. The vehicles will have space to queue while waiting for the gate to open. Activity on the site will be monitored through the use of on-site security cameras.

The Applicant proposes to implement strict management actions to ensure that the site function in a manner which will not introduce unacceptable on neighbouring properties. These measures include:

- Construction of a 2.4m high acoustic and privacy fence along the northern and western site boundaries.
- Customer vehicles are to be restricted to cars, car and trailer and a small (up to 4.5 tonnes) rigid truck (e.g. a Hertz removalist truck).
- Small rigid trucks will be restricted to daylight hours (7am – 6pm), will enter from Turner Street and exit from Bell St, and use the central and eastern aisles only.
- Cars and Trailers are able to access all parts of the site at all times.
- Traffic speed of 10km/hr will be applied to the facility, and vehicles are not to be left idling when within the premises.

Renters will be contractually required to adhere to the above measures and a strict good neighbour policy at all times, to ensure after hours activities are undertaken in a manner that does not impact residential amenity. Cleaners will access the site regularly to maintain the site in good order, collect any litter and place the bins for weekly connection.

3.5 LANDSCAPING

As shown on the attached plans, 15.3% (988m^2) of the site is proposed to be provided as soft landscaping. A Landscape Concept Plan has been prepared by Context Landscape Architecture showing the proposed planting and treatment of these spaces and is include as **Appendix 2**.

As shown in Figure 7, the landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint) and a diverse range of native shrubs, grasses and groundcovers. Landscaping has been used to soften the appearance of the facility from public vantage points and break up the building façade. The boundaries with the existing residence have been provided with a 1.5m landscape buffer comprised of an acoustic fence (2.4m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.

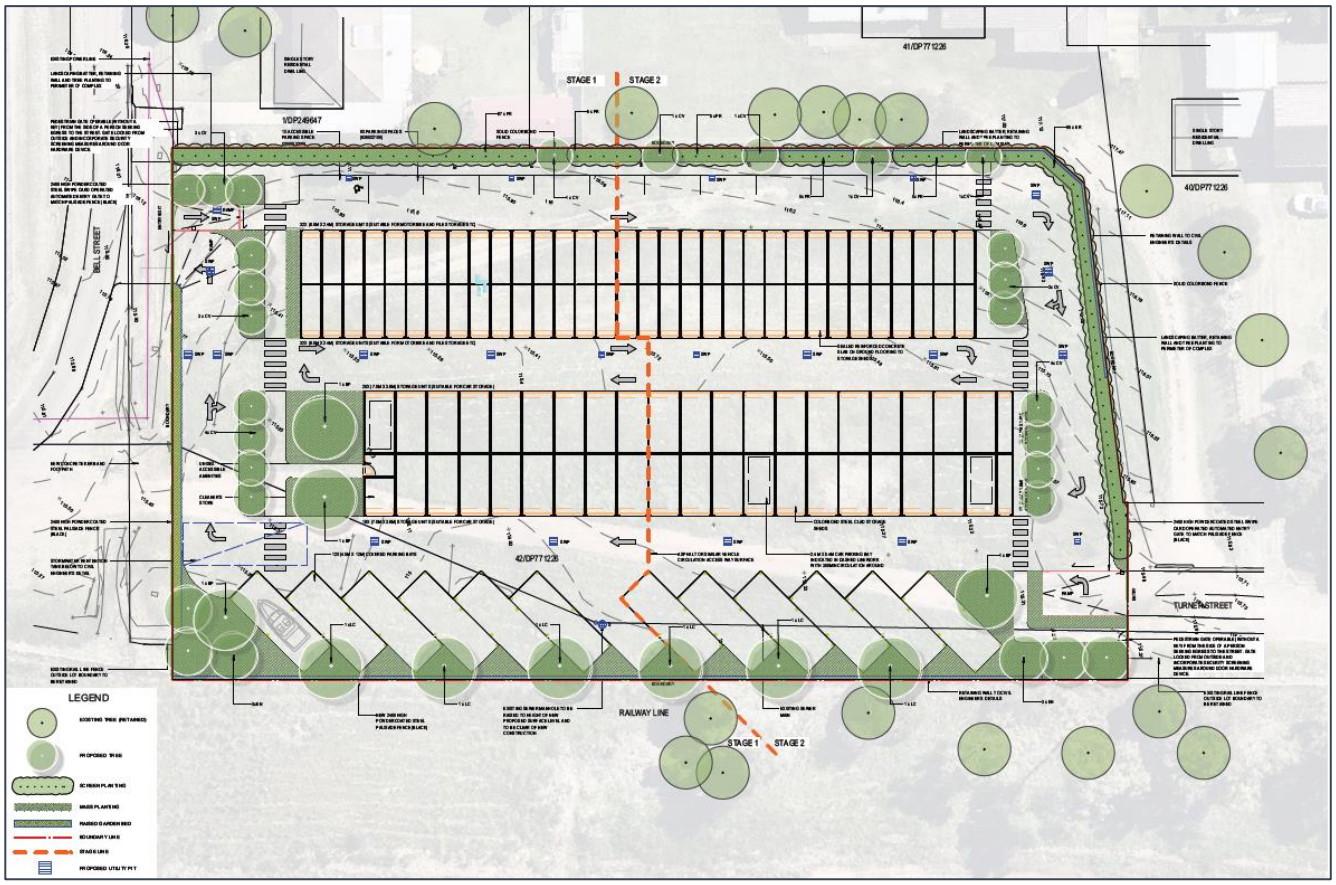

Figure 7: Landscape Concept Plan (Context Landscape Architecture, 2022)

3.6 SIGNAGE

As part of updates to the project design, signage has been reduced to a single building identification fence sign along the Bell Street frontage of the site. As shown in Figure 8, the proposed signage will be comprised of aluminium plate, black lettering fixed to the 2.4m high stone clad wall fronting Bell Street. The lettering will be back lit with low level and adjustable lighting to ensure that there is no glare impact.

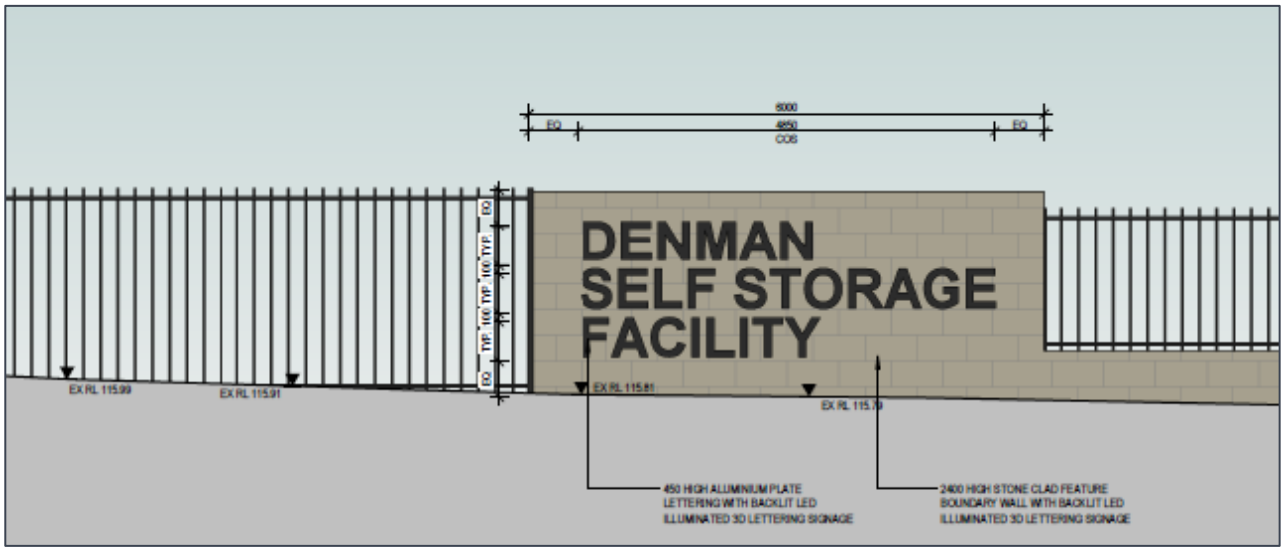

Figure 8: Proposed Signage

3.7 BUILDING CODE COMPLIANCE

BCA Logic has completed a BCA Assessment Report to assess the project design proposal against the Deemed-to-Satisfy Provisions of BCA 2019. A copy of this report is attached to this report as **Appendix 3**. The architectural design documentation has been assessed against the applicable provisions of the Building Code of Australia, and BCA Logic concludes that the documentation complies or is capable of complying with applicable BCA provisions.

3.8 ACCESSIBILITY

BCA Access have completed an Access Assessment Report. A copy of this report is included as **Appendix 4** to this SEE. This document provides an assessment of the architectural design drawings for the proposed development against the Deemed-to-Satisfy provisions of the provisions relating to Access for Persons with a Disability, and BCA Access concludes that the documentation complies or is capable of complying with applicable BCA provisions.

3.9 ACCESS AND PARKING

A Traffic Report prepared by PSA Consulting accompanies this SEE as **Appendix 6**. It is noted that Turner Street is located both north and south of the site, while Bell Street is located to the south, as the site has a northern street access via Turner Street and a southern frontage to the corner of Bell Street and Turner Street.

The proposed site access and parking arrangements include:

- Ingress only secure access driveway gate from the north via Turner Street.
- Ingress / egress secure access driveway gates from the south via Bell Street.
- Pedestrian egress gates to Bell Street and Turner Street.
- 11 x formal car parking bays are provided within the western site boundary, including 1 x accessible parking space.

The site has been designed to cater for one-way circulation on the outer aisles and a two-way aisle through the centre of the site. The design vehicle for the proposed development was determined to be a Small Rigid Vehicle (SRV). Regardless, the aisle widths and corners will allow for the swept paths of a rigid vehicle up to 10.2m or a car towing a caravan with a length of 12.5m. It is noted that heavy vehicles are to access only via the Turner Street entrance, and exit only via the Bell Street access.

Section 16 Car Parking and Access of the MSC *DCP* specifies at '*industry and storage*' that a '*warehouse or distribution centre*' requires 1 car parking space per 300m^2 of gross floor area (GFA). With a GFA of 2,578m^2, 9 car parking spaces should be provided at the site. 11 car parking spaces (inclusive of one accessible parking space) have been provided along the western boundary of the site. These are designed in accordance with *AS2890.1 Off-street car parking* and *AS2890.6 Off-street parking for people with disabilities* series.

The Traffic Report has reviewed the site access, parking, servicing and traffic generation of the proposed storage premises development and confirms that it has been designed in accordance with Australian Standards Parking Facilities AS2890 series and *Muswellbrook Development Control Plan 2009*. The proposal is therefore not likely to result in any adverse impact upon the surrounding road network due to the nature of the site being a low traffic generating (i.e. maximum trip generation of 9 trips in a peak hour on a weekend) and the hierarchy of the surrounding roads.

3.10 INFRASTRUCTURE AND SERVICING

Civil Design Plans have been prepared by Adams Engineering and included as **Appendix 7**. As shown on the plans, existing water, sewer, power and telecommunications infrastructure is available within Bell Street to the south of the site. And will be extended to service the proposed development.

The existing sewer running through the eastern part of the site will be retained in its current location, with the manhole level to be re-aligned with the proposed ground level. The development has been designed to ensure that there is no building over the sewer line and manhole. Any consequential alterations to existing infrastructure will be undertaken by the Applicant and can be conditioned accordingly.

3.11 STORMWATER MANAGEMENT

Stormwater Drainage Plans have been prepared by Adams Engineering and are included within the Civil Design Plans included as **Appendix 7**. The approach to stormwater management for the site is shown in Figure 9 and has been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.

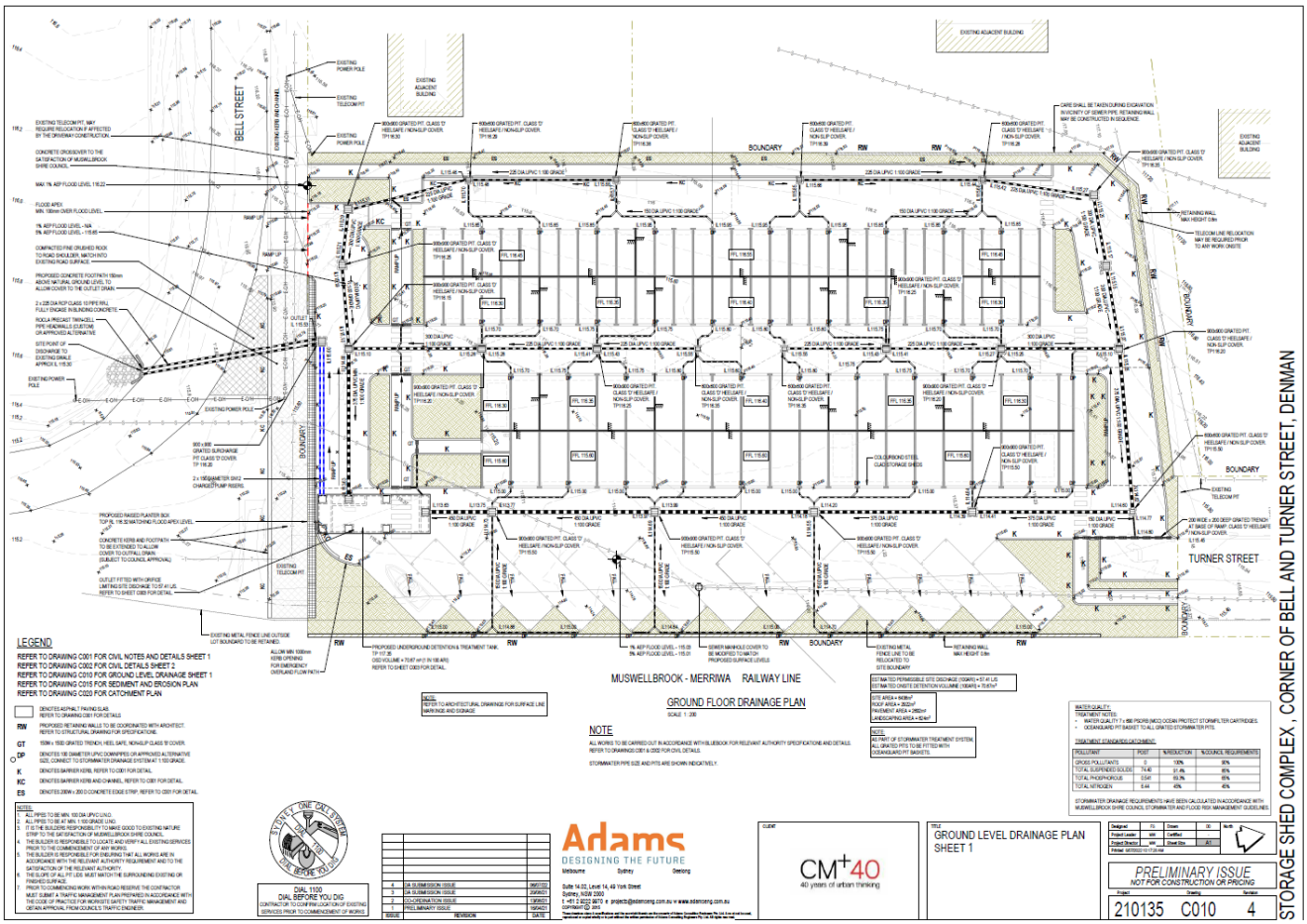

Figure 9: Stormwater Management Arrangements (Adams Engineering, 2022)

3.11.1 Stormwater Quantity

The estimated permissible site discharge (during a 100ARI event) is 57.41 L/S, requiring an estimated 70.67m3 of on-site detention. As shown on the Civil Design Plans, the stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale located on the southern side of Bell Street.

Pump duties are nominated on drawings C003 in the OSD tank detail, which also includes a backup power supply capable of operating for a minimum of 3 hours in the event of a power failure. If the pump system were to fail, surcharging water would escape from the top of the tank and fall to the eastern boundary rail corridor via the emergency overland flow.

The existing overland flow path across the site is managed by the inclusion of an apex at the site entrance on Bell Street and a barrier constructed along the southern boundary to prevent the flows from entering the site. This water will be directed to the railway corridor as per the current situation.

3.11.2 Stormwater Quality

With respect to stormwater quality, the proposed detention and treatment tank incorporates "Ocean Protect Stormwater Filter Cartridges" and an "Ocean Guard Pit Basket", which achieves compliance with the water quality objectives in the Muswellbrook Shire Council Stormwater and Flood Risk Management Guidelines.

POLLUTANT	POST	%REDUCTION	%COUNCIL REQUIREMENTS
GROSS POLLUTANTS	0	100%	90%
TOTAL SUSPENDED SOLIDS	74.40	91.4%	85%
TOTAL PHOSPHOROUS	0.541	69.3%	65%
TOTAL NITROGEN	6.44	45%	45%

Figure 10: Stormwater Pollutant Reductions (Adams Engineering, 2021)

3.12 NOISE MANAGEMENT

An Environmental Noise Assessment has been prepared by Resonate Consultants and is included as **Appendix 8**. This assessment has been prepared in accordance with the of the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI) and the NSW Road Noise Policy (RNP). The noise sources associated with the proposed development include vehicle movements through the site and use of the proposed car park. It is noted that there is no mechanical plant or loading dock area proposed for the development.

The closest noise sensitive receivers are residential premises located adjacent to the site at the west and north boundaries.

3.12.1 Operational Noise

With respect to operational noise, the development has been assessed against the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI). The NPI sets out the EPA's requirements for the assessment and management of noise from industry in NSW.

The NPI is designed for large and complex industrial noise sources and outlines processes designed to strike a feasible and reasonable balance between the operations of industrial activities and the protection of the community from noise levels that may be intrusive or unpleasant. The NPI measurement and evaluation methodology to quantify background noise levels has been adopted for the assessment.

Potential operational noise impacts from the maintenance facility at surrounding receptors have been modelled using the CONCAWE algorithm within SoundPLAN v8.2. Operational noise emissions from vehicle movements and the use of the car park expected at the storage facility have been assessed in accordance with the requirements of the NPI for the day (7am - 6pm), evening (6pm – 10pm) and night (10pm – 7am) assessment periods.

As outlined above, the Applicant proposes to implement strict management actions to ensure that the site function in a manner which will not introduce unacceptable acoustic impacts on neighbouring properties. These measures include:

- Construction of a 2.4m high acoustic and privacy fence along the northern and western site boundaries.

- Customer vehicles are to be restricted to cars, car and trailer and a small (up to 4.5 tonne) rigid truck (e.g. a Hertz removalist truck).
- Small rigid trucks will be restricted to daylight hours (7am – 6pm), will enter from Turner Street and Exist from Bell St, and use the central and eastern aisles only.
- Cars and Trailers are able to access all parts of the site at all times.
- Traffic speed of 10km/hr will be applied to the facility, and vehicles are not to be left idling within the premises.

With the implementation of the above mitigation and management measures, the Environmental Noise Assessment modelling indicates that the development will comply with the Project Noise Trigger Levels at all surrounding residential receivers in the Daytime, Evening and Night-time operational scenarios.

The potential for sleep disturbances during the night period from the operational noise level events generated at the development have been assessed in this section. The maximum noise level events from the proposed development are due to the use of the carpark (i.e. car door closing and car engine starting). In accordance with the NPI, the relevant predicted noise levels have been first assessed against the average/maximum noise trigger levels to determine whether a detailed maximum noise level event assessment is required.

In this case, the EAR identified that the maximum noise levels are predicted to exceed the screening trigger levels for sleep disturbance at the surrounding residence, requiring further consideration. The maximum noise levels result from a car engine starting and a car door being closed loudly within the site.

The RNP sleep disturbance research concludes that maximum internal noise levels below 50-55 dB(A) are unlikely to awaken people from sleep. An internal noise level of 50-55dB(A) would typically equate to an external noise level of 60-65 dB(A) and the maximum noise level predicted is no more than 60 dB(A). It is also noted that no more than one car is expected to enter the premises per 15 minute period during the night time. As such, the maximum noise levels are not expected to awaken people from sleep. Furthermore, the EAR provides a series of additional noise controls to prevent potential impacts from these noise sources, which will be adopted by the Applicant to minimise the risk of unacceptable acoustic impacts on the surrounding area.

3.12.2 Traffic Noise

Traffic generation associated with the development indicates that the peak hour (AM & PM) traffic volume for the development will be up to 11 vehicle trips. The traffic assessment indicates that vehicles entering will be equally split between these entrances and that all vehicles will exit to Bell Street. As outlined above, trucks will enter from Turner Street and Exist from Bell St only. A worst case existing AM/PM peak vehicle trips for both Turner Street, and Bell Street has been used for this assessment which is 10 vehicle trips (including 2 heavy vehicles).

The anticipated noise level contribution of the worst case operational traffic on local roads has been assessed using the TfNSW Road Traffic Noise Estimator. The assessment shows that the increase in traffic noise levels is predicted to be 2 dB(A) which is within the 2 dB(A) increase allowance of the RNP, and therefore no further assessment or mitigation measures are required.

3.12.3 Construction Noise

Management of construction noise be addressed as part of the Construction Environment Management Plan and can be conditioned accordingly.

4 PLANNING ASSESSMENT

4.1 INTEGRATED AUTHORITIES

This DA does not trigger Integrated Development under Clause 4.46 of the *Environment Planning and Assessment Act 1979*.

4.2 CONCURRENCE

This DA does not trigger a requirement for concurrence under any other Environmental Planning Instrument.

4.3 REFERRALS

4.3.1 Electrical Supply Authority

In accordance with Division 4 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the development application requires referral to the electrical supply authority as the development involves works within 5m of the overhead powerlines located within the Bell Street frontage of the site. As shown on the Civil Engineering Plans (**Appendix 7**) appended to this SEE, these powerlines are intended to be retained in their current location, and no alterations are proposed as part of this development application.

As per 2.48(2), referral to Essential Energy is required to comment on any potential safety risks associated with the development.

4.3.2 Railway Corridor

In accordance with Division 15 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the development application potentially requires referral to the rail authority as the site is adjacent to a rail corridor (Muswellbrook-Merriwa Railway Line). Specifically, referral is required in the following circumstances:

> *(1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development—*
> *(a) is likely to have an adverse effect on rail safety, or*
> *(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
> *(c) involves the use of a crane in air space above any rail corridor, or*
> *(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The proposed development is located adjacent to the existing (non-electrified) Muswellbrook-Merriwa Railway Line rail corridor to the east, used by diesel hauled goods trains to transport coal. The proposed development does not:

- Involve the placing of a metal finish on a structure adjacent to an electrified rail corridor.
- Involve the use of a crane in the airspace above any rail corridor.
- Include works within 5m of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

As such, referral would only be required where the development (in the opinion of the consent authority) is likely to have an adverse impact on rail safety. In this regard, it is considered that the development is unlikely to have an adverse impact on rail safety as:

- The proposed storage facility is wholly contained within the subject lot and does not encroach upon the railway corridor.
- The rail line is not electrified.
- The site is setback ~20m to the nearest rail line.
- The development will have negligible impacts on stormwater flows to or from the rail corridor.

4.4 STATE ENVIRONMENTAL PLANNING POLICIES

The following table identifies the applicability and implications of the SEPPs on the project.

Table 2: SEPP Applicability

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021	
CHAPTERS	**APPLICABILITY AND ASSESSMENT**
Chapter 2 - State and Regional Development	**N/A.** The proposed development is not classified as State or Regionally Significant Development.
Chapter 3 - Aboriginal Land	**N/A.** The site is not located on land owned by a Local Aboriginal Land Council.
Chapter 4 - Concurrences and Consents	**N/A.** There are no concurrences of consents described in Chapter 4 applicable to the site.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021	
CHAPTERS	**APPLICABILITY AND ASSESSMENT**
Chapter 2 - Vegetation in Non-Rural Areas	**N/A.** Chapter 2 does not apply to the Muswellbrook Shire Council Area.
Chapter 3 - Koala Habitat Protection 2020	**N/A.** While this Chapter applies to the Muswellbrook Shire Council Area, it does not apply to the RU5 Village Zone.
Chapter 4 - Koala Habitat Protection 2021	**Applies.** While Chapter 4 applies to the site, as Council does not have an approved Koala Plan of Management, the site is less than 1Ha, has been historically cleared and does not contain core koala habitat, the proposed development complies with the requirements of Chapter 4 and Council is not prevented from granting consent for the development.
Chapter 5 – River Murray Lands	**N/A.** The chapter does not apply to the Muswellbrook Shire Council Area.
Chapter 6 – Water Catchments	**N/A.** Chapter 6 does not apply to the site.
Chapter 7 - 12	**Repealed.**
Chapter 13 – Strategic Conservation Planning	**N/A.** Chapter 13 does not apply to the site.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021	
CHAPTERS	**APPLICABILITY AND ASSESSMENT**
Chapter 2 - Coastal Management	**N/A.** The site is not located in the Coastal Zone.
Chapter 3 - Hazardous and Offensive Development	**N/A.** The proposed storage facility is not hazardous or offensive development.
Chapter 4 - Remediation of Land	**Applies.** The site is currently vacant land with no building works or improvements. Historic aerial photographs contained within the Preliminary Site Investigation report prepared by Environmental Earth Sciences shows that, since 1958 to 2020 there has been no development at the site, apart from some filling undertaken to ameliorate water ponding issues. A Preliminary Site Investigation (PSI) report prepared by Environmental Earth Sciences and is appended to this SEE. The PSI has been prepared in accordance with State Environmental Planning Policy No. 55 – Remediation

	of Land in order to identify any unacceptable risk(s) posed by contamination from historical uses or imported fill sources which may require specific mitigation or management actions. The PSI identifies that approximately 6m³ of possible uncontrolled fill material is located within a centrally within the site. With respect to contamination and uncontrolled fill, the PSI report concludes that: *Environmental Earth Sciences considers that the site generally presents a **LOW** risk posed by contamination, however material within the stockpile presents a **MEDIUM** risk to human health and the environment during proposed land use 'Setting D' (commercial/ industrial) as defined within ASC NEPM (2013).* *It is recommended to conduct further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, undertaken either prior to commencement of development or during development. Results and findings should be used to inform management options for either onsite reuse or offsite management as solid waste. Based upon volume estimates of ~ 6 m3 collection of three samples would be recommended to chemically characterise this material for potential reuse and/or offsite management as solid waste in accordance with the minimum sampling requirements of ASC NEPM (2013).* It is recommended that an appropriate condition of consent be imposed, requiring the chemical characterisation of the fill material prior to issue of a Construction Certificate for the proposed development. Further, it is requested that the Notice of Determination/Conditions package of this application include a condition requiring removal of any existing stockpile prior to commencement of works on the subject site. Provided this methodology is applied to the site, the land is considered to be suitable for the proposed use and meets the requirements of 4.6(1) of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANPORT AND INFRASTRUCTURE) 2021	
CHAPTERS	**APPLICABILITY AND ASSESSMENT**
Chapter 2 - Infrastructure	**Applicable.** **Division 4:** In accordance with Division 4, the development application requires referral to the electrical supply authority as the development involves works within 5m of the overhead powerlines located within the Bell Street frontage of the site. As shown on the Civil Engineering Plans appended to this SEE, these powerlines are intended to be retained in their current location and no alterations are proposed as part of this development application. As per 2.48(2), referral to Essential Energy is required to comment on any potential safety risks associated with the development. **Division 15:** As the development adjoins a railway corridor will utilise the existing private access track, traffic is minimal and the rail corridor is no longer in use, the project is not considered to adversely impact on rail safety. As such, referral is not considered necessary under s2.98. In accordance with 2.98(1) a development application potentially requires referral to the rail authority as the site is adjacent to a rail corridor

	(Muswellbrook-Merriwa Railway Line). Specifically, referral is required in the following circumstances: *(1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development—* *(a) is likely to have an adverse effect on rail safety, or* *(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or* *(c) involves the use of a crane in air space above any rail corridor, or* *(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.* The proposed development is located adjacent to the existing (non-electrified) Muswellbrook-Merriwa Railway Line rail corridor to the east, used by diesel hauled goods trains to transport coal. The proposed development does not: • Involve the placing of a metal finish on a structure adjacent to an electrified rail corridor. • Involve the use of a crane in the airspace above any rail corridor. • Include works within 5m of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities. As such, referral would only be required where the development (in the opinion of the consent authority) is likely to have an adverse impact on rail safety. In this regard, it is considered that the development is unlikely to have an adverse impact on rail safety as: • The proposed storage facility is wholly contained within the subject lot and does not encroach upon the railway corridor. • The rail line is not electrified. • The site is setback ~20m to the nearest rail line. • The development will have negligible impacts on stormwater flows to or form the rail corridor.
Chapter 3 - Educational Establishments and Childcare Facilities	**N/A.** The project does not involve an Educational Establishment of Childcare Facility.
Chapter 4 - Major Infrastructure Corridors	**N/A.** The site is not within or adjacent to a major infrastructure corridor.
Chapter 5 - Three Ports-Port Botany, Port Kembla and Newcastle	**N/A.** The site is not located on the within the relevant port areas.
Chapter 6 - Moorebank Freight Intermodal Precinct	**N/A.** The site is not located within the Moorebank Freight Intermodal Precinct.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021	
CHAPTERS	**APPLICABILITY AND ASSESSMENT**
Chapter 2 - Western Sydney Employment Area	**N/A.** The site is not located on the within Western Sydney Employment Area.
Chapter 3 - Advertising and Signage	**N/A.** No advertising or signage under Chapter 3 is proposed as part of this application.

STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021

CHAPTERS	APPLICABILITY
Chapter 2 - Mining, Petroleum Production and Extractive Industries	**N/A.** The project does not involve mining or extractive industry.
Chapter 3 - Extractive Industries	**N/A.** The project does not involve mining or extractive industry.

STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021	
CHAPTERS	**APPLICABILITY**
Chapter 2 - Primary Production and Rural Development	**N/A.** The project does not involve primary production or rural development regulated by Chapter 2.
Chapter 3 - Central Coast Plateau Areas	**N/A.** The project is not located in the central Coast Plateau Area.

STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – EASTERN HARBOUR CITY) 2021	
CHAPTERS	**APPLICABILITY**
All	**N/A.** The project is not located in a listed State Significant Precinct.

STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – CENTRAL RIVER CITY) 2021	
CHAPTERS	**APPLICABILITY**
All	**N/A.** The project is not located in a listed State Significant Precinct.

STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – WESTERN PARKLAND CITY) 2021	
CHAPTERS	**APPLICABILITY**
All	**N/A.** The project is not located in a listed State Significant Precinct.

STATE ENVIRONEMENTAL PLANNING POLICY (PRECINCTS - REGIONAL) 2021	
CHAPTERS	**APPLICABILITY**
All	**N/A.** The project is not located in a listed State Significant Precinct.

4.5 LOCAL ENVIRONMENTAL PLAN

The site is located within the Muswellbrook Shire Council and is subject to assessment against the provision of the *Muswellbrook Local Environmental Plan 2009* applies to the subject site. An assessment against the relevant provisions of the LEP are provided below.

4.5.1 Zoning & Permissibility

Under the *Muswellbrook Local Environmental Plan 2009* (MLEP) and as shown in Figure 11, the site is zoned RU5 Village.

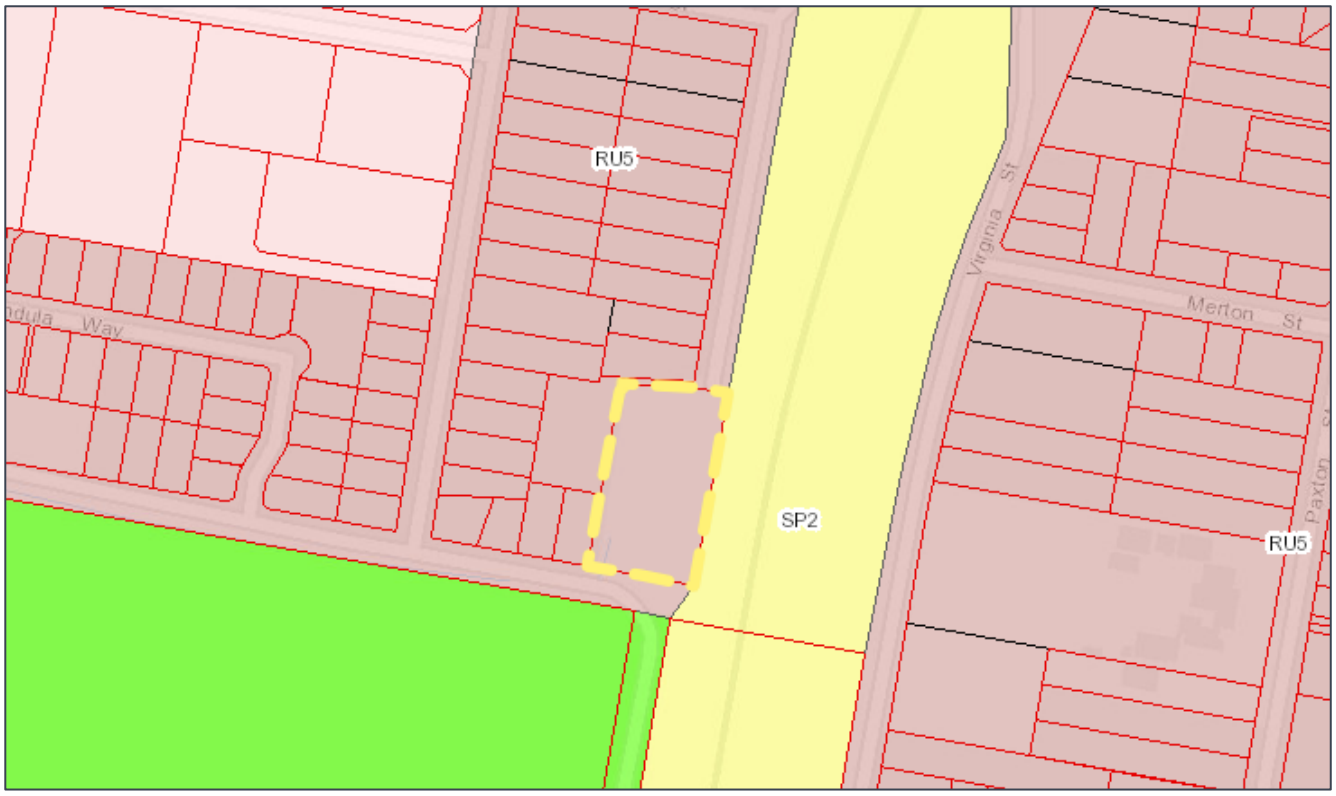

Figure 11: Land Use Zoning (MLEP 2009)

The objectives of the RU5 Village are as follows:

- *To provide for a range of land uses services and facilities that are associated with a rural village.*
- *To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.*
- *To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.*
- *To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*

As identified in the objectives, the RU5 Zone provides for a range of land uses, services and facilities required to service a rural village. The development is proposed by Council to meet an identified need within the local area and provide self-storage units for the community. The development has been designed and will be operated in a low impact manner that ensure there are no unacceptable impacts on the amenity of the surrounding residential area. As such, the proposed development is considered to align with the objectives of the zone.

The proposed development falls within the MLEP definition of a **storage premises** being: "*a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.*

Within the RU5 Zone, storage premises are identified as development that is **permitted with consent**.

4.5.2 Height of buildings

As shown in Figure 12, and in accordance with Clause 4.3 of the MLEP, the site has a maximum 8.5 m height limit. As shown on the development plans, the proposed storage premises has a maximum height of 5.11 and, as such, complies with Clause 4.3.

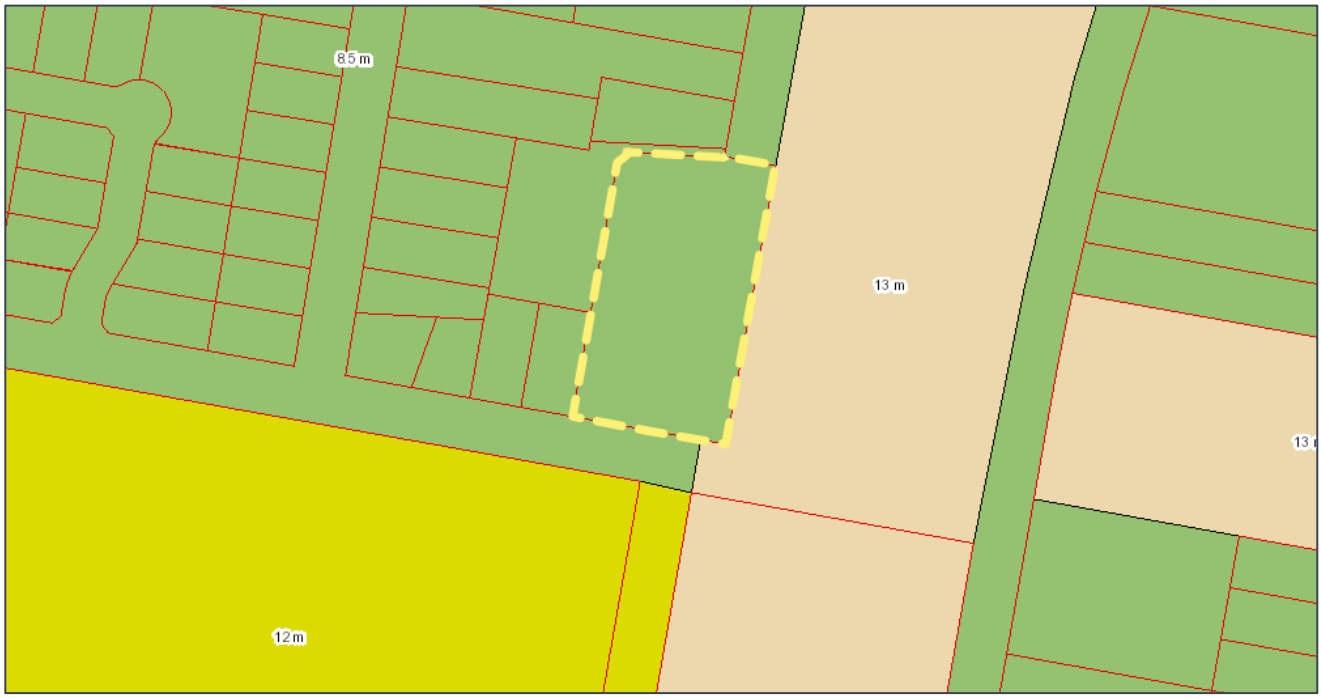

Figure 12: Height of buildings map extract. (Muswellbrook LEP 2009)

4.5.3 Floor Space Ratio

As shown in Figure 13, and in accordance with Clause 4.4 of the MLEP, the site has a maximum Floor Space ration (FSR) of 0.5:1. The subject site has an area of 6,438 m², and the proposed storage premises have a GFA of 2,158 m² and which equates to a FSR of 0.34:1 and as such, complies with Clause 4.4.

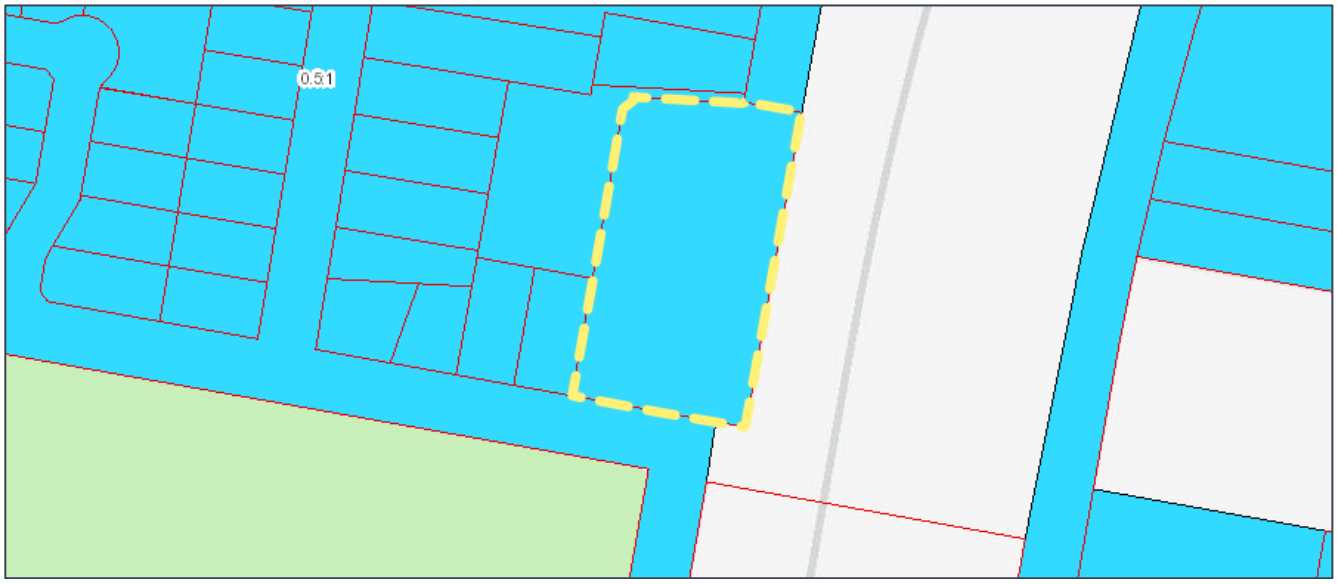

Figure 13: Floor space ratio map extract. (Muswellbrook LEP 2009)

4.5.4 Heritage Conservation

As shown in Figure 14, the site is not listed as a heritage item and is not located within a heritage conservation area. The adjoining railway is shown as a local heritage place and remains an operational railway. The proposed development will not:

- Visually impact the heritage place as public views from the heritage place towards the subject site are limited, given it is a working railway.
- Physically impact upon the heritage place as there will be no building work, operational works or access required into the heritage place.
- Detract from the heritage significance of the place, as the railway corridor will remain and continue to operate in its current form.
- Cause any acoustic, smoke, dust or odour impacts upon the heritage place, given the proposed use and the existing operational railway.

The proposed development will not physically impact or adversely affect a heritage item or a heritage conservation area and as such complies with the requirements of Clause 5.10.

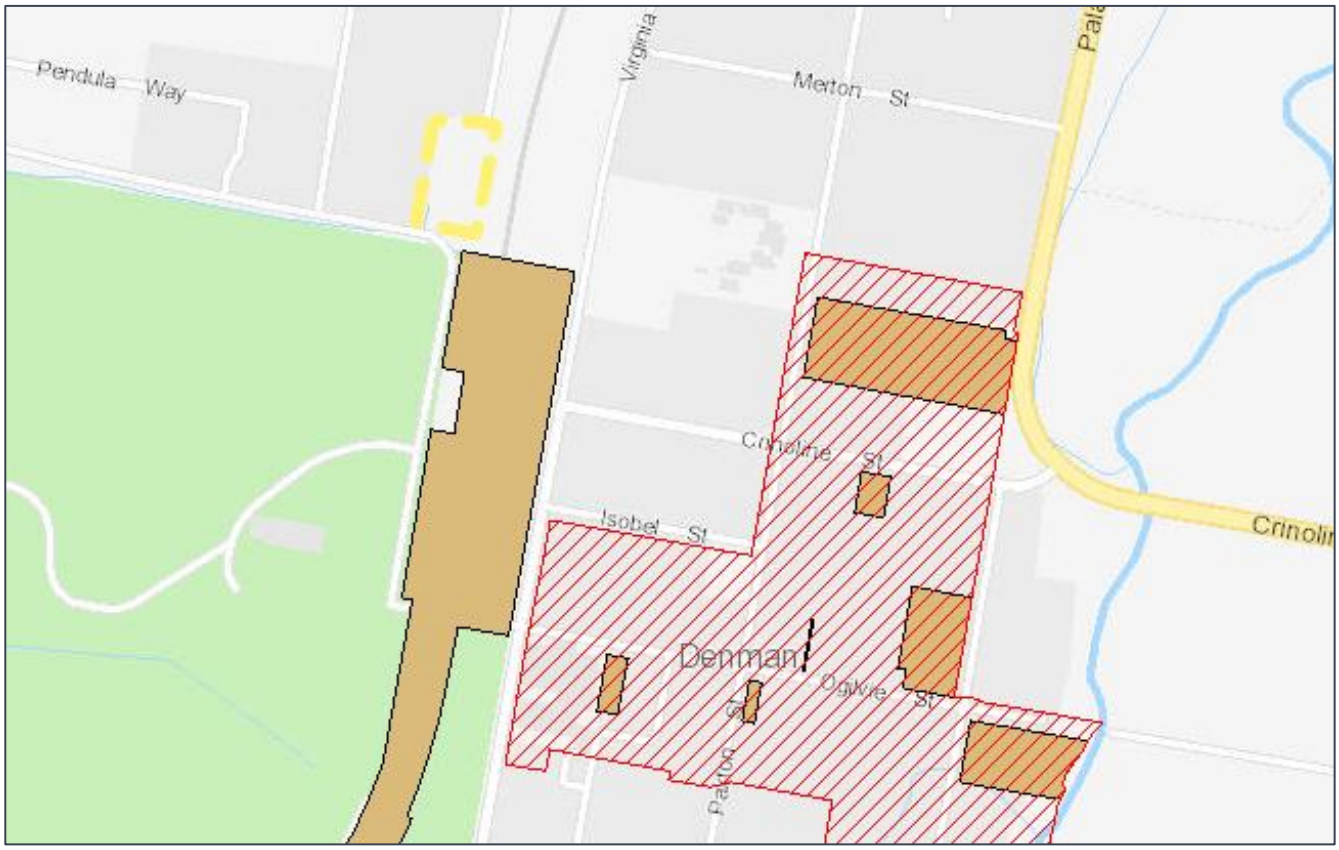

Figure 14: Heritage zoning map extract. (Muswellbrook LEP 2009)

4.5.5 Bushfire Prone Land

As shown in Figure 15, the site is identified within a Bushfire Prone Area.

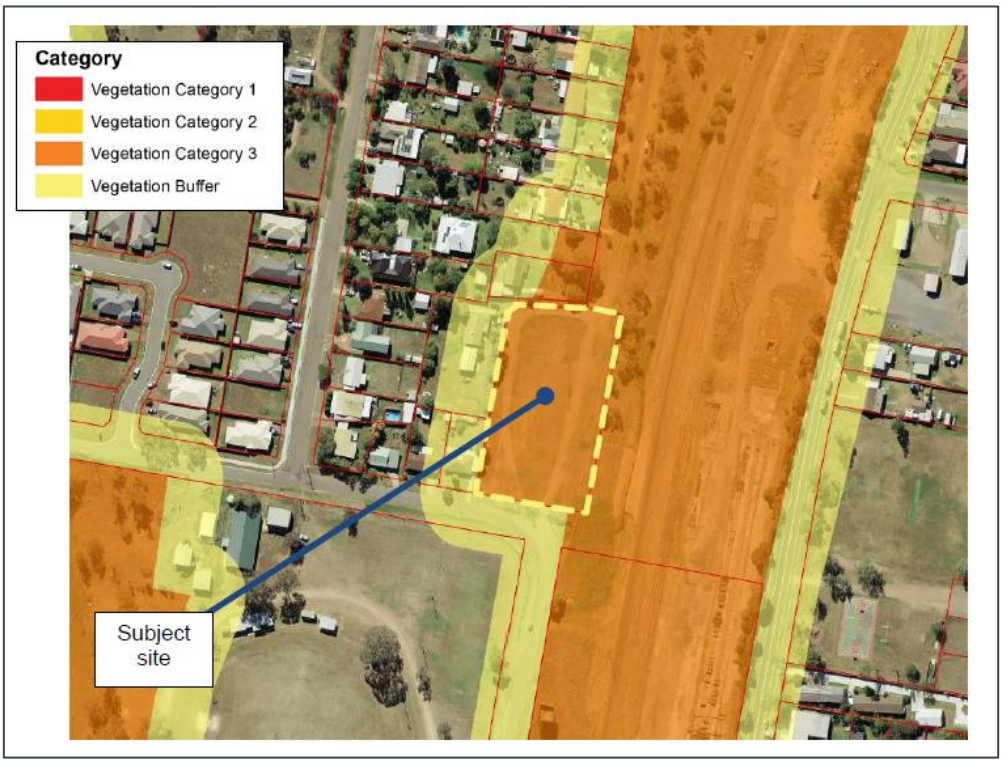

Figure 15: Bushfire Prone Land (Building Code and Bushfire Hazard Solutions, 2022)

Building Code and Bushfire Hazard Solutions P/L has been engaged to provide an independent Bushfire Assessment Report for the project and is included as **Appendix 9**. purpose of the report is to provide an independent bushfire assessment together with appropriate recommendations for both new building construction and bushfire mitigation measures considered necessary having regard to construction within a designated 'bushfire prone' area.

Given that the property is deemed bushfire prone under Muswellbrook Shire Council's Bushfire Prone Land Map any development would need to meet the requirements of *Planning for Bush Fire Protection 2019* which requires satisfactory demonstration of the aim and objectives and the following bushfire protection measures (BPMs):

- Asset Protection Zones
- Building construction, siting & design
- Access arrangements
- Water supply & utilities
- Emergency management arrangements
- Landscaping

A number of recommendations regarding the above measures have been identified within the Bushfire Assessment Report which are aimed at further reducing bushfire risk. These will be adopted by the Applicant and can be conditioned accordingly. The Bushfire Assessment Report that the proposed development satisfies the relevant specifications, aims and objectives of *Planning for Bush Fire Protection 2019* and with the adoption of the recommendations, a reasonable and satisfactory level of bushfire protection can be achieved for the development.

4.5.6 Flood Planning

As shown in Figure 16, the Council's flood certificate identifies that the site is affected by a small amount of localised flooding with a maximum depth of 0.29m. A Copy of the Flood Certificate is appended to this SEE. The flood levels are shown on Drawing C010 within the Civil Engineering Plans appended to this SEE.

In accordance with Council's requirements, in order to limit flooding from the Bell Street road reserve entering the site, the driveway and raised planters along the site boundary have been lifted to a minimum RL 116.32 (100mm freeboard above the 1% AEP) to prevent flood waters from entering the site. During a 1% AEP flood event, flood free access to the site is available via Turner Street in the north.

As shown on Council's Flood Certificate and Mapping, flood water are passing through the site and discharging to low lying adjacent railway yard. As a result of the development the small amount of localised flooding on site will be redirected downstream to Bell Street. The small volume of flood waters being redirected are expected to result insignificant changes to flood behaviour that will impact on adjoining properties.

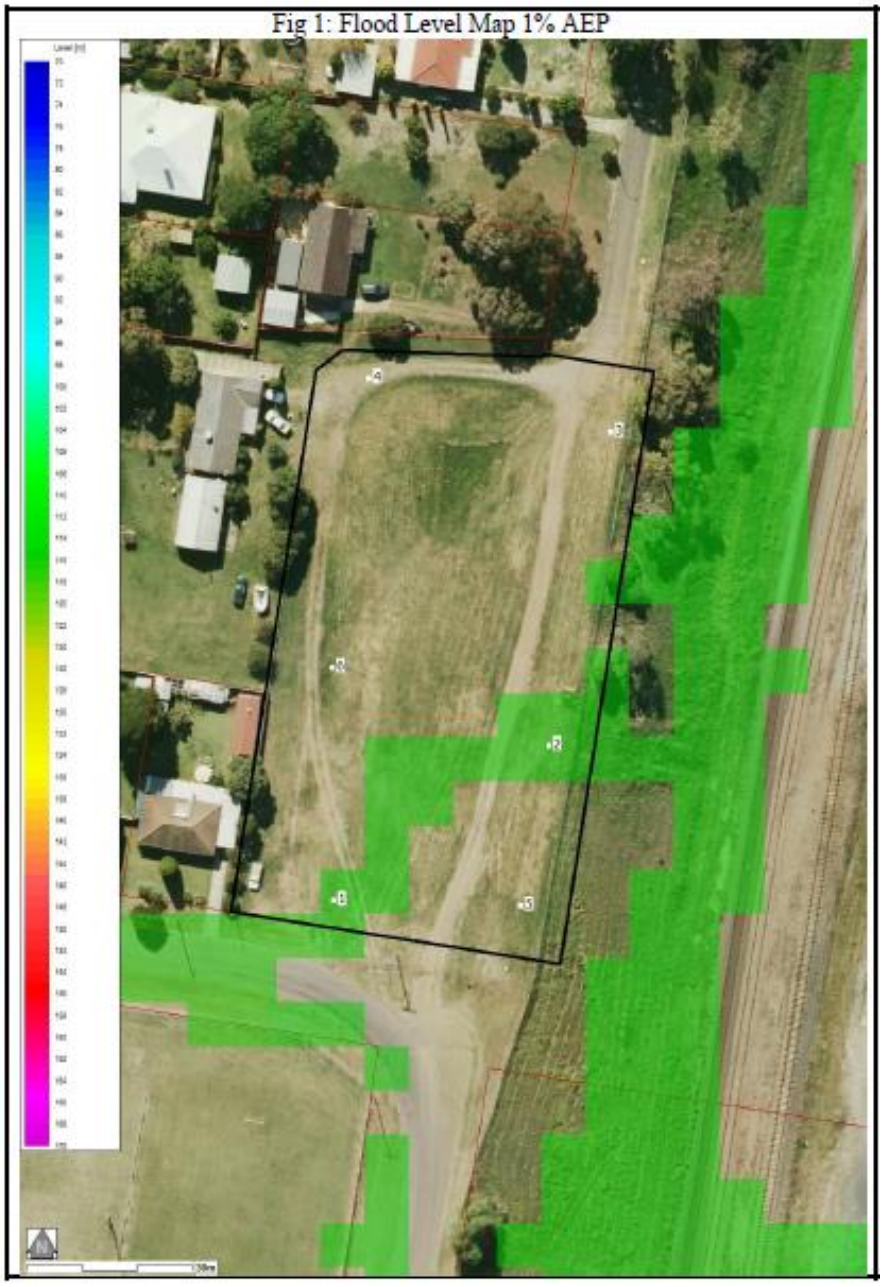

Figure 16: Flood Level Map 1% AEP (Muswellbrook Council, 2021)

4.5.7 Earthworks

Clause 7.6 Earthworks of the Muswellbrook LEP 2009 states:

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

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless—

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(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.

As documented in the Civil Engineering Plans appended to this SEE, a small amount of earthworks are required to be undertaken in order to create a level site area for the proposed storage facility. In this regard, the site will be excavated along the north western and eastern boundaries and a small retaining wall with a maximum height of 0.8m constructed. The proposed retaining walls are setback adjoining residential boundaries, and a privacy / acoustic fence and landscaping is proposed within this interface area.

The proposed earthworks are ancillary to 'storage premises' and form part of this DA. Further details in relation to the earthworks are provided in the Civil Engineering Plans prepared by Adams Engineering.

Earthworks will be undertaken in accordance with the provisions of the Preliminary Site Investigation (PSI) report prepared by Environmental Earth Sciences (including further detailed analysis) to ensure that earthworks do not result in unacceptable risk for future land uses.

4.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no Draft Environmental Planning Instruments applicable to the site.

4.7 DEVELOPMENT CONTROL PLAN

An assessment against the relevant provisions of the *Muswellbrook Development Control Plan 2009* is provided below.

MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009	
SECTION 7 VILLAGE ZONES	
PROVISIONS	**RESPONSE**
7.2.3 Character Statements	
Objectives a) To ensure that new development reflects and reinforces the existing, and desired future character of the village zone **Controls**	**Complies.** The proposed storage premises is a low profile facility which will provide additional services and meet a need in the local Denman community. The vacant site is located immediately adjacent to the rail corridor and the development will not impact on the rural village atmosphere of Denman.

(i) Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the character statement for Denman. **a) Denman character statement** The main street of Denman (comprising Ogilvie Street and adjoining side streets) is a community focal point that encourages community interaction and is characterised by smaller scale specialty shops that serve local needs. The community of Denman exhibits a strong community spirit and involvement with daily aspects of village life and common interests including sports activities. The main street of Denman is an important and valued heritage asset comprising traditional shop fronts and rural streetscape characteristics which are important to community identity. Ensuring its longevity will contribute to ongoing tourism and community spirit and interaction. The annual "Denman Food and Wine Affair" and surrounding horse studs, vineyards and agricultural activities contribute positively to tourism potential. Subdivision patterns within Denman should reflect the existing grid style pattern, and land use development should reflect the existing landscaped setting of dwellings sited on larger lots in the village zone. The hospital, aged care facilities, child care facilities, sports facilities, pubs and clubs, parks and boutique shops are highly valued facilities within Denman and should be reinforced by future development. Future development should comprise elements of rural residential development to contribute to the existing semi rural lifestyle. Higher density residential development only occurs in appropriate locations closer to the main street area within short walking distance, with appropriate landscaped buffers on site to ensure existing residential amenity is maintained. The surrounding views mountains and bushland are important vistas from streets within Denman. The Hunter River, floodplains, and Denman Creek are important natural water features. The Golden Highway is a major transport route to and from Denman which passes through the edge of town. The intersection is considered confusing in relation to priority and any heavy vehicle traffic should not be directed through town. Key buildings of importance to the community that should not be compromised in any way by future development are the Memorial Hall, Denman Community Centre, pubs and clubs.	The facility is neat, tidy and well designed and incorporates landscape elements which are suitable for the local context. The site is connected to the full range of urban infrastructure and services necessary for the development. The proposed storage premises is identified as permissible development within the RU5 Village Zone and aligns with the intended character of Denman.
7.4 Non-residential development	
7.4.1 Location	

(iii) Depending on the nature and scale of the proposed development, Council may also require the submission of a social and economic impact assessment to demonstrate that the proposed development or activity will not result in adverse impacts to existing business or retail activity within the village.	**Complies.** The proposed storage premises is being developed by Council to meet an identified need for self-storage premises within Denman. The proposed development will not compete with or have adverse impacts on any existing business or retail activity.
7.4.2 Design Guidelines	
Objectives a) To ensure that new developments reflect and reinforce the existing character of the business precinct **Controls**	
(i) Commercial developments must be designed with entries onto the street with active street level uses.	**N/A.** The development is not a commercial premise.
(ii) Building design must reinforce the existing streetscape character with elevations of a consistent scale, proportion and detail to surrounding development.	**Complies.** The designed features setbacks generally consistent with the adjoining residential dwelling and adopts a low profile 1 story built form.
(iii) In Denman, building materials shall be consistent with the heritage character statement provided in section 15 of this DCP	**N/A.** The site is not located within the Denman Heritage Character Area.
(iv) The colours and texture of buildings shall reflect the character of the neighbourhood and adjacent rural environment. Suggested colours are blues, greens and lighter natural tones.	**Complies.** The proposed storage premises are constructed of plain colorbond sheeting and other building materials which are consistent with many rural buildings in the surrounding area. The colour palette utilised by the storage premises is shown in the development plans.
(v) Long, continuous facades and rooflines must be avoided in larger buildings.	**Complies.** While the storage premises necessitate a long building, the buildings have a low profile and incorporate landscaping to reduce bulk and visual intrusion.
(vi) Buildings on corner blocks should be designed with an active frontage to both streets.	**N/A.** The site is not a corner block.
7.4.3 Vehicle parking	
Objectives b) To ensure adequate provision of car parking is provided to service the development **Controls** (i) On site car parking shall be provided in accordance with Section 16 of this DCP	**Complies.** Section 16 Car Parking and Access of the MSC *DCP* specifies at '*industry and storage*', that a '*warehouse or distribution centre*' requires 1 car parking spaces per 300m^2 of gross floor area (GFA). With a GFA of 2,578m^2, nine car parking spaces should be provided at the site. 11 car parking spaces (inclusive of one accessible parking space) have been provided along the western boundary of the site. These are designed in accordance with *AS2890.1 Off-street car parking* and *AS2890.6 Off-street parking for people with disabilities* series.
7.4.4 Signage and use of footpaths	
Objectives a) To ensure signage and the use of footpaths is controlled to maintain pedestrian amenity b) To ensure the consistent application of development controls **Controls**	**Complies.** As part of updates to the project design, signage has been reduced to a single, building identification fence sign along the Bell Street frontage of the site. The proposed signage will be comprised of aluminium plate, black lettering fixed to the 2.4m high stone clad wall fronting Bell Street. The lettering will be back lit with low level and adjustable lighting to ensure

(i) Advertising and signage shall only be permitted in accordance with Section 14 - Outdoor Signage or exempt development provisions of *Muswellbrook Local Environmental Plan 2008*. (ii) Use of the footpath may be permitted in accordance with Section 19 – Use of Public Footpaths of this DCP.	that there is no glare impact. An assessment against the DCP signage requirement is
7.4.5 Waste water disposal	
Objectives a) To ensure waste water is appropriately disposed of relative to the availability of sewerage servicing. **Controls** (i) Any development within 75m of a reticulated sewerage system is connected to that system. (ii) On-site waste water disposal must be designed and constructed to comply with Australian Standard AS 1547-2000 and Section 23 - Onsite Wastewater Management Systems of this DCP. (iii) Council may consider the use of pump-out systems for commercial properties in Sandy Hollow (other than residential accommodation).	**Complies.** A connection to the existing sewer within Bell Street to the south of the site.
7.4.6 Form, massing and scale	
Objectives a) To ensure that new buildings do not dominate the surrounding built environment b) To ensure that new buildings reinforce the existing characteristic built form of the locality **Controls** (i) New commercial buildings are not significantly larger than surrounding buildings (ii) New commercial buildings are designed to meet the heritage character statement in section 15 of this DCP.	**N/A.** The development is not a commercial premise. **N/A.** The site is not located within the Denman Heritage Character Area.
7.4.7 Access	
Objectives a) To ensure the equitable provision of access for people with disabilities or the aged **Controls** (i) Equitable access for people with disabilities is provided to new buildings in accordance with the provisions of AS1428.1 and the Disability Discrimination Act. (ii) Where alterations or additions involve more than 50% of the building fabric, compliance with (i) above is required. (iii) Vehicular access to, and within, the development shall be provided in accordance with Section 16 – Car Parking and Development of this DCP	**Complies.** BCA Access have completed an Access Assessment Report (**Appendix 3**). A copy of this report is appended to this SEE. This document provides an assessment of the architectural design drawings for the proposed development against the Deemed-to-Satisfy provisions of the provisions relating to Access for Persons with a Disability and BCA Access concludes that the documentation complies or is capable of complying with applicable BCA provisions. Vehicle access to and within the development complies with Section 16 of the DCP.
7.4.8 Setbacks	

Objectives a) To ensure that new development does not dominate the streetscape and reflects the characteristic pattern of setbacks on adjoining sites **Controls** (i) Front and side setbacks shall be consistent with the established building line and setbacks for the locality or streetscape. (ii) Where there are no characteristic setbacks, new buildings shall have regard to the future use of the public domain and impacts arising from potential future development to follow the proposed setback.	**Complies.** The designed features setbacks generally consistent with the adjoining residential dwelling and adopts a low profile 1 story-built form.
7.4.9 Landscaping	
Objectives a) To ensure that landscaping elements are included to soften and enhance the appearance of new developments b) To ensure that new developments contribute positively to the streetscape **Controls** (i) Applications for new business or retail development are to include a landscape plan prepared by a suitably qualified professional showing existing trees and proposed landscaping. (ii) Landscaping is to be provided in the front setback area, along driveways and to screen car parking areas, where applicable. (iii) Landscape planting shall predominately incorporate native species, and particularly species endemic to the area. (iv) Landscaping along the site frontage create an attractive and harmonious streetscape that blends with the adjacent public reserve areas.	**Complies.** As shown on the attached plans, 15.3% (988m^2) of the site is proposed to be provided as soft landscaping. A Landscape Concept Plan has been prepared by Context Landscape Architecture showing the proposed planting and treatment of these spaces and is include as **Appendix 2**. The landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint), and a diverse range of native shrubs, grasses and groundcovers. Landscaping has been used to soften the appearance of the facility from public vantage points and break up the building façade. Landscaping include large shade and small feature trees, raised garden beds and mass ground covers is included in the setback, along car parking areas and along the site boundaries. The boundaries with the existing residence have been provided with a 1.5m landscape buffer comprised of an acoustic fence (2.4m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.
SECTION 14 OUTDOOR SIGNAGE	
PROVISION	**RESPONSE**
14.2 Signage Design, Location, and Content	
14.2.1 Design, scale, size	
Objective a) Signage that enhances the architecture of existing buildings, streetscapes and vistas. **Controls** (i) Provide outdoor signage that is visually interesting and integrated with architecture of the building. (ii) Use lettering, materials and colours that complement the existing building or place. (iii) Avoid signage that dominates the building. (iv) Provide an appropriate scale, form and similar proportions to the desired character of the streetscape. (Refer to character statements above and Fig. 16.1)	**Complies.** As part of updates to the project design, signage has been reduced to a single, building identification fence sign along the Bell Street frontage of the site. The proposed signage will be comprised of aluminium plate, black lettering fixed to the 2.4m high stone clad wall fronting Bell Street. The lettering will be back lit with low level and adjustable lighting to ensure that there is no glare impact.

(v) Do not locate signage where it will obstruct views, vistas or cause significant overshadowing. (vi) Provide outdoor signage which does not dominate the building or protrude above any parapet or eaves. (vii) Avoid locating advertisements over a window, other openings or which covers significant architectural detail of the building. (viii) The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the character statement in clause 16.1. (ix) Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.	
14.2.6 Pedestrian and road safety	
Objective a) Outdoor signage must promote driver and pedestrian safety. **Controls** (i) Provide signage that avoids confusion with road traffic signs, signals or use the word "stop" or other directions. (ii) Do not obscure a road hazard, oncoming vehicles or pedestrians. (iii) Avoid signage messages, designs, or bright lighting that may distract motorists. (iv) Signs must not be located where drivers require a higher level of concentration for example, major intersections.	**Complies.** The location of the identification signage is not expected to reduce the safety for any members of the general public.
14.2.8 Illuminated Signs	
Objective a) Local amenity is preserved with appropriate levels of illumination. **Controls** (i) Provide levels of illumination that do not cause light spillage for nearby residential properties. (ii) Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.	**Complies.** LED backlit illumination is proposed behind the lettering to make the sign visible at night. The small amount of lighting is not expected to result in any unacceptable glare impacts that would affect pedestrian or vehicular safety or detract from neighbourhood amenity. The intensity of LED illumination is adjustable and can be reduced in the event of any verified issues.
14.2.10 Wall signs	
Objective a) The visual impact of wall signs is minimised to enhance vistas, streetscapes and skylines. b) The provision of wall signs are integrated into the design of the building **Controls** (i) Allow only one wall sign per building elevation. (ii) Integrate wall signs into the overall design of the building. (iii) Avoid signs that have an area greater than: • 10% if the wall elevation is > 200m^2	**N/A.** No wall signs are proposed.

• 20m² if the elevation is greater than 100 m² but < 200 m² • 20% for elevations of <100 m² (iv) Protrusions from the wall should be no greater than 300 millimetres. (v) Avoid locating a wall sign on a building elevation if there is an existing building or business identification sign.	
14.2.12 Signage to assist disabled access	
Objective a) All signs and symbols including their location, size, and illumination are designed to be understood by all users, including those with sensory disabilities in accordance with AS1428 (Building Code of Australia). **Controls** (i) Display disabled access signs where they can be easily seen. Hearing loop logos should be provided if required. (ii) Include tactile communication methods in addition to visual methods to assist people with various disabilities. (iii) Provide international symbols with specifications relating to signs, symbols and size of lettering complying with AS 1428.2. (iv) Use letter height that complies with Cl 14 AS 1428.1. (v) Provide specification for visual communication systems relating to height of letters, illumination, location and background contrast in accordance with AS 1428.2.	**Complies.** BCA Access have completed an Access Assessment Report (**Appendix 3**). A copy of this report is appended to this SEE. This document provides an assessment of the architectural design drawings for the proposed development against the Deemed-to-Satisfy provisions (including signage) of the provisions relating to Access for Persons with a Disability and BCA Access concludes that the documentation complies or is capable of complying with applicable BCA provisions.
SECTION 16 CAR PARKING AND ACCESS	
16.3 Non-Residential development	
Objectives a) To ensure adequate provision of off-street parking to maintain the existing levels of service and safety of the road network. b) To ensure a consistent and equitable basis for the assessment of parking provisions. c) To ensure the design of parking areas, loading bays and access driveways which function efficiently. d) To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use. e) To ensure that all traffic generating developments are generally in accordance with those sections of the Traffic Authority of NSW Policies and Guidelines, for traffic generating developments as adopted by this Code. **Controls** (i) Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP. (ii) On site parking facilities are designed and constructed to comply with the provisions of AS2890.1/AS2890.2. (iii) To ensure that traffic movements into and out of a site are made, whenever possible, in a forward direction. If a	A Traffic Report prepared by PSA Consulting accompanies this SEE as **Appendix 6**. It is noted that Turner Street is located both north and south of the site, while Bell Street is located to the south, as the site has a northern street access via Turner Street and a southern frontage to the corner of Bell Street and Turner Street. The proposed site access and parking arrangements include: • Ingress only secure access driveway gate from the north, via Turner Street. • Ingress / egress secure access driveway gates from the south, via Bell Street. • Pedestrian egress gates to Bell Street and Turner Street. • 11 x formal car parking bays are provided within the western site boundary, including 1 x accessible parking space. The site has been designed to cater for one-way circulation on the outer aisles and a two-way aisle through the centre of the site. The design vehicle for the proposed development was determined to be a Small Rigid Vehicle (SRV). Regardless, the aisle widths and corners will allow for the swept paths of a rigid vehicle up

site layout does not permit forward movement for delivery vehicles, then the developer, owner or occupier must provide a risk management plan, to the satisfaction of Council, detailing the measures required to ensure that traffic movements are carried out in an adequate and safe manner.	to 10.2m or a car towing a caravan with a length of 12.5m. It is noted that heavy vehicles are to access only via the Turner Street entrance, and exit only via the Bell Street access. Section 16 Car Parking and Access of the MSC *DCP* specifies at '*industry and storage*', that a '*warehouse or distribution centre*' requires 1 car parking spaces per 300m^2 of gross floor area (GFA). With a GFA of 2,578m^2, nine car parking spaces should be provided at the site. 11 car parking spaces (inclusive of one accessible parking space) have been provided along the western boundary of the site. These are designed in accordance with *AS2890.1 Off-street car parking* and *AS2890.6 Off-street parking for people with disabilities* series. The Traffic Report has reviewed the site access, parking, servicing and traffic generation of the proposed storage premises development and confirms that it has been designed in accordance with Australian Standards Parking Facilities AS2890 series and *Muswellbrook Development Control Plan 2009*. The proposal is therefore not likely to result in any adverse impact upon the surrounding road network due to the nature of the site being a low traffic generating (i.e. maximum trip generation of 9 trips in a peak hour on a weekend) and the hierarchy of the surrounding roads.
16.4 Design guidelines for off-street vehicular parking areas	
16.4.1 Access to the Site	
Objectives a) To ensure that access to sites operate in a safe and efficient manner. **Controls** (i) all works required to service the development are to be designed and constructed in accordance with the relevant provisions of AS2890 (ii) any works on public land or in the public road reserve that are to revert to the care and control of Council are to be designed and constructed in accordance with the relevant provisions of AUSPEC. (iii) A vehicular driveway must: • Be located no closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary. • Not be located within 12 metres on the approaches to a "stop" or "give way" sign. • Cross the footpath or footway at right angles to the centreline of the road. • Be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street; • Be clear of obstructions which may prevent drivers having a timely view of pedestrians;	**Complies.** The Traffic Report has reviewed the site access, parking, servicing and traffic generation of the proposed storage premises development and confirms that it has been designed in accordance with Australian Standards Parking Facilities AS2890 series and the *Muswellbrook Development Control Plan 2009*.

• Be properly signposted by the use of "in" or "entrance" and "out" or "exit" signs, where appropriate; and • Be designed and constructed to suit design traffic loads.	
16.4.2 Car Park Design	
Objectives b) To ensure that the design of on site car parking is provided to an acceptable standard. c) To ensure the convenient use and operation of car parking facilities. **Controls** (i) The minimum dimensions of each off street parking space and the distance separating parking spaces shall be in accordance with AS2890.1. (ii) Adequate on site manoeuvring and circulating areas shall be provided to ensure that all vehicles enter and leave the site do so in a forward direction. (iii) Parking spaces for visitors and customers should be provided where they are clearly visible from the street so their use is encouraged. (iv) Parking spaces for employees and for longer duration parking may be located more remotely from the street. (v) All signage (whether viewed from internal areas on the site or form external areas) are to be provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA. (vi) The location of the parking area on the site should be determined having regard to: (a) Site conditions such as slope and drainage; (b) Visual amenity; (c) The location of the building; and (d) The proximity to any neighbouring residential development.	**Complies.** The site has been designed to cater for one-way circulation on the outer aisles and a two-way aisle through the centre of the site. The design vehicle for the proposed development was determined to be a Small Rigid Vehicle (SRV). Regardless, the aisle widths and corners will allow for the swept paths of a rigid vehicle up to 10.2m or a car towing a caravan with a length of 12.5m. It is noted that heavy vehicles are to access only via the Turner Street entrance, and exit only via the Bell Street access.
16.4.3 Parking for People with Disabilities	
Special parking spaces for people with disabilities are to be provided at the rate of two percent (2%) of the overall spaces provided for a retail/business/industry development. These spaces must be clearly signposted and marked and have a minimum width of 3.2 metres, and comply with the provisions of AS2890.1.	**Complies.** In accordance with the requirements of AS2890.1, one accessible parking space is provided within a width of 2.1m, adjoining the pedestrian path of 1.5m.
16.4.4 Loading/Unloading Facilities	
Objectives a) To ensure that loading and unloading can be undertaken on site. b) To ensure that loading and unloading operations do not adversely interfere with vehicle and pedestrian movements.	**Complies.** The site has been designed to cater for one-way circulation on the outer aisles and a two-way aisle through the centre of the site. The design vehicle for the proposed development was determined to be a Small Rigid Vehicle (SRV). Regardless, the aisle widths and corners will allow for the swept paths of a rigid vehicle up to 10.2m or a car towing a caravan with a length of

Controls

(i) In the case of all commercial, retail and industrial development, adequate provision must be made on the development site for the loading and unloading of service vehicles.

(ii) The number and dimensions of loading bays required in any particular case will be assessed by Council having regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved. Details regarding the estimated size and frequency of goods delivery vehicles visiting the premises are required to be submitted with the development application.

(iii) Loading/unloading bays must be designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of vehicle and pedestrian traffic on site or in the adjacent streets.

(iv) The loading/unloading areas is to be designed to accommodate the turning path of appropriate service vehicles detailed in the below table.

TABLE 3
Service Vehicle Dimensions (Metres)

Vehicle Type	Length	Width	Max Height	Turning Circle (kerb to kerb)
Station Wagon	4.7	1.9	1.4	11.0
Utility	4.7	1.9	1.4	11.0
Van	5.4	2.1	2.5	13.5
Small Rigid Truck	6.6	2.1	4.3	14.4
Large Rigid Truck	11.0	2.5	4.3	21.7
Large Articulated Truck	17.5	2.5	4.3	16.2

(v) The loading/unloading areas must be designed to ensure that vehicles stand entirely within the site during loading and unloading operations.

12.5m. It is noted that heavy vehicles are to access only via the Turner Street entrance, and exit only via the Bell Street access.

16.4.5 Internal Roads

Objectives

a) To ensure that internal roads are sufficient to cater for expected vehicle movements.

Controls

(i) For internal roads between the driveway and the parking area the recommended minimum carriageway width depends on the number of parking spaces and service bays. These minimum widths are provided in Table 4.

Complies. The design allows for internal circulation on aisles with a minim width of 4m (1 way) and 6.0m (2 way).

TABLE 4
Recommended Minimum Circulation Roadway Width – Two Way Traffic

Number of Parking Spaces/Service Bays		
1-24 spaces and length not exceeding 40m	25-50 spaces OR 1-24 spaces OR 1-24 spaces plus service bay(s)	Over 50 spaces, OR Over 24 spaces PLUS Service bay(s)
3.5 m wide	5.0 m wide	6.0 – 6.5 m wide

16.4.6 Construction Materials	
Objectives a) To ensure that construction materials used are sufficient to withstand intended loads and use. **Controls** (i) All parking areas and access ways shall be designed and constructed in accordance with AS2890.1 and AS2890.2. (ii) In choosing the most suitable pavement type the following factors should be considered: (a) Anticipated vehicle loads; (b) Run-off gradients and drainage requirements; and (c) Construction constraints.	**Complies.** Car parking and manoeuvring areas will be constructed using asphalt (or similar) surface.
16.4.7 Landscaping	
Objectives a) To ensure that the visual impacts of car parking are minimised. **Controls** (i) A minimum of 10% of the total area of the car park shall be appropriately landscaped. (ii) Long stretches of parking bays are to be dispersed with screen planting. A good rule of thumb would be to have no more than 10 parking bays before breaking with planting. (iii) Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter. (iv) Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which attract large numbers of birds should be avoided in parking areas.	**Complies.** As shown on the attached plans, 15.3% (988m^2) of the site is proposed to be provided as soft landscaping. A Landscape Concept Plan has been prepared by Context Landscape Architecture showing the proposed planting and treatment of these spaces and is include as **Appendix 2**. The landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint), and a diverse range of native shrubs, grasses and groundcovers. Landscaping has been used to soften the appearance of the facility from public vantage points and break up the building façade. The boundaries with the existing residence have been provided with a 1.5m landscape buffer comprised of an acoustic fence (2.4m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.
16.5.4 Low Intensity Uses	
Where the proponent of a development is able to demonstrate that it is unnecessary to provide the total number of parking spaces on site as required by this Plan, a lesser provision may be accepted by Council. In such circumstances suitable justification and a detailed analysis should be submitted with the development application.	**N/A.** The proposed development provides the requisite number of car parking spaces.

16.6 CAR PARKING SCHEDULE FOR SPECIFIC LAND USES	
	Complies. Section 16 Car Parking and Access of the MSC *DCP* specifies at '*industry and storage*', that a '*warehouse or distribution centre*' requires 1 car parking spaces per 300m^2 of gross floor area (GFA). With a GFA of 2,578m^2, nine car parking spaces should be provided at the site. 11 car parking spaces (inclusive of one accessible parking space) have been provided along the western boundary of the site. These are designed in accordance with *AS2890.1 Off-street car parking* and *AS2890.6 Off-street parking for people with disabilities* series.
16.5.7 UNDEFINED DEVELOPMENT	
Where a proposed development does not fall within any of the land use categories identified in the Car Parking Standards section of this Plan, Council shall calculate the on site parking requirements having regard to the experience of similar existing development and an assessment of the likely traffic generating potential of the proposed development.	**N/A.** The proposed development provides the requisite number of car parking spaces.
SECTION 20 EROSION AND SEDIMENT CONTROL	
Provision	**Response**
Objectives a) To apply appropriate erosion and sedimentation controls on individual development sites; b) To demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250 m² of disturbance that appropriate controls are planned to be installed; c) To identify all aspects of site disturbance, erosion and sediment control and address with appropriate control measures; d) To stage works as required to reduce potential for erosion and sedimentation to occur; e) To remove existing vegetation only as required; f) To address site rehabilitation for the duration of the project; g) To provide a mechanism for any remaining exposed soil to be treated and for ongoing site maintenance; h) To cover the contingency of change or delay in the project implementation, activity or work scope. **Controls** (i) Areas of disturbance less than 250 m² which are environmentally sensitive (i.e. within 100m of a water course), on steep sites (gradient greater than 20°) require the completion of an Erosion and Sediment Control Plan; (ii) Areas of disturbance 250 m² to 1000m² must submit an Erosion and Sediment Control Plan and a schedule of works with a development application;	**Complies.** A Sediment and Erosion Control Plan has been prepared by Adam Engineering and is included in **Appendix 7**.

(iii) Areas of disturbance 1000 m² to 2500 m² must submit an Erosion and Sediment Control Plan and Landscape Plan with a schedule of works with development application; (iv) Areas of disturbance greater than 2500 m² must submit Erosion and Sediment Control Plan, a Soil and Water Management Plan and a Landscape Plan with a schedule of works; (v) All subdivisions which are proposed as staged developments must provide a staged Erosion and Sediment Control Strategy with an associated schedule of works; (vi) Completion of the Erosion and Sediment Control Plan must be undertaken by a suitably qualified person in accordance with this section of the DCP and contain all elements detailed by 22.2; (vii) A regular maintenance program for all erosion and sediment controls must be submitted with any plan or strategy; (viii) Existing vegetation must not be cleared in areas not relevant to direct impact from the development; (ix) Vegetation must not be cleared prior to development approval being granted or before erosion and sediment controls are fully installed; (x) All proposed controls must be consistent with this section of the DCP and the Managing Urban Stormwater: Soils and Construction manual prepared by Landcom.	
SECTION 21 CONTAMINATED LAND	
PROVISION	**RESPONSE**
(i) Identification of previous land uses which may have caused potential contamination risks to land (ii) Identification of potential pollutants which may have contaminated land (iii) Assessment of site specific contamination relevant to the redevelopment or rezoning of land and appropriate proposed land uses (iv) Investigation and assessment of contamination in accordance with appropriate legislation, regulations, guidelines and standards (v) Remediation of contaminated land to a standard appropriate for the proposed land use (vi) Identification of potential off site impacts associated with land contamination (vii) Notification of significant risk of harm to the Department of Environment & Climate Change if required.	**Complies.** The site is currently vacant land with no building works or improvements. Historic aerial photographs contained within the Preliminary Site Investigation report prepared by Environmental Earth Sciences shows that, since 1958 to 2020 there has been no development at the site, apart from some filling undertaken to ameliorate water ponding issues. A Preliminary Site Investigation (PSI) report prepared by Environmental Earth Sciences (**Appendix 5**). The PSI has been prepared in accordance with State Environmental Planning Policy No. 55 – Remediation of Land in order to identify any unacceptable risk(s) posed by contamination from historical uses or imported fill sources which may require specific mitigation or management actions. The PSI identifies that approximately 6m³ of possible uncontrolled fill material is located within a centrally within the site. With respect to contamination and uncontrolled fill, the PSI report concludes that: *Environmental Earth Sciences considers that the site generally presents a **LOW** risk posed by contamination, however material within the stockpile presents a **MEDIUM** risk to human health and the environment during proposed*

	land use 'Setting D' (commercial/ industrial) as defined within ASC NEPM (2013). *It is recommended to conduct further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, undertaken either prior to commencement of development or during development. Results and findings should be used to inform management options for either onsite reuse or offsite management as solid waste. Based upon volume estimates of ~ 6 m3 collection of three samples would be recommended to chemically characterise this material for potential reuse and/or offsite management as solid waste in accordance with the minimum sampling requirements of ASC NEPM (2013).* It is recommended that an appropriate condition of consent be imposed, requiring the chemical characterisation of the fill material prior to issue of a Construction Certificate for the proposed development. Further, it is requested that the Notice of Determination/Conditions package of this application include a condition requiring removal of any existing stockpile prior to commencement of works on the subject site.
SECTION 24 WASTE MINIMISATION AND MANAGEMENT	
PROVISION	**RESPONSE**
24.3 ASSESSMENT CRITERIA/CONTROLS FOR ALL DEVELOPMENT	
24.3.2. Construction of Buildings or Structures	
Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste. The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities. **Objectives** • Maximise reuse and recycling of materials. • Minimise waste generation. • Ensure appropriate collection and storage of waste. • Minimise the environmental impacts associated with waste management. • Avoid illegal dumping. • Promote improved project management. **Controls / Requirements** • A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.	**Complies.** A Site Waste Minimisation and Management Plan (SWMMP) has been prepared and is included as **Appendix 10**.

• The SWMMP shall identify all waste likely to result from the construction process, and the opportunities for the reuse and recycling of these materials. • Incorporate the use of prefabricated components and recycled materials. • Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation). Provide separate collection bins or areas for the storage of residual waste and clearly 'signpost' the purpose and content of the bins and storage areas. • Implement measures to prevent damage by the elements, odour and health risks, and windborne litter. • Ensure that all waste is transported to a place that can lawfully be used as a waste facility. Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.	
24.4 DEVELOPMENT-SPECIFIC ASSESSMENT CRITERIA/CONTROLS	
24.4.5 Industrial	
Objectives • Ensure appropriate waste storage and collection facilities. • Maximise source separation and recovery of recyclables. • Ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers. • Ensure appropriate resourcing of waste management systems, including servicing. • Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene. • Minimise adverse environmental impacts associated with waste management. • Discourage illegal dumping by providing on site storage, and removal services. **Controls/Requirements** • A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application. • Plans submitted with the SWMMP must show: o The location of designated waste and recycling storage rooms or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard,	**Complies.** On site waste collection will be provide by standard waste / recycling wheelie bins. These will be located on site adjacent to the cleaners store. These will be taken to the kerbside by cleaner for standard collection. A Site Waste Minimisation and Management Plan (SWMMP) has been prepared and is included as **Appendix 10**. .

recyclables, general waste, industrial process type wastes. ○ The on-site path of travel for collection vehicles. • Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the Protection of the Environment Operations Act 1997. • There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room/s or area/s. There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room/s or area/s. • Every development must include a designated general waste/recycling storage area or room/s as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols). • Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas. • All tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site. • Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room/s or area/s. • Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.	
SECTION 25 STORMWATER MANAGEMENT	
PROVISION	**RESPONSE**
25.2 ALL DEVELOPMENT	
25.2.1 Applications	
i) Council requires that all impervious areas be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. ii) Where the site falls away from the street and an interallotment drainage line exists, overflows are to be directed to that interallotment drainage line. Otherwise, the overflow may be directed to a dispersion trench subject to favourable geotechnical conditions. Design details for dispersion trenches shall be obtained from an	**Complies.** Stormwater Drainage Plans have been prepared by Adams Engineering and are included within the Civil Design Plans included as **Appendix 7.** The approach to stormwater management arrangements have been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines. The estimated permissible site discharge (during a 100ARI event) is 57.41 L/S, requiring an estimated

appropriately qualified civil engineer and submitted with applications for approval. iii) Overflows from paved areas adjacent to the property boundary must be redirected by a kerb or formed gutter or table drain to drain into an approved piped system or away from neighbouring properties in a manner that will not cause a nuisance.	70.67m3 of on-site detention. As shown on the Civil Design Plans, the stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale located on the southern side of Bell Street. Pump duties are nominated on drawings C003 in the OSD tank detail which also includes a backup power supply capable of operating for a minimum of 3 hours in the event of a power failure. If the pump system were to fail, surcharging water would escape from the top of the tank and fall to the eastern boundary rail corridor via the emergency overland flow. The existing overland flow path across the site is managed by the inclusion of an apex at the site entrance on Bell Street and a barrier constructed along southern boundary to prevent the flows from entering the site. This water will be directed to the railway corridor as per the current situation.
25.2.2 Existing Drainage Systems and Easements	
i) Where a drainage system serving other property is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement. ii) Where a drainage system that forms part of Council's urban stormwater system is located on the development site, that drainage system is to be protected by an easement, in favour of Council, in order to permit the continued use and maintenance of the system. "Council's urban stormwater system" is defined as any river, creek, drain, channel or swale channelling water within the urban areas of the Shire. iii) Easements shall contain terms including, but not limited to: I. The occupier not obstructing the river, creek, drain channel or swale; II. The occupier not running livestock within the area of the easement; III. Council having the right to enter the property to undertake rehabilitation, repairs and maintenance to the site of the easement. iv) Registration of the Easement shall be required prior to the issue of the occupation certificate. iv) New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site. v) Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created.	**N/A.** There is no drainage infrastructure within the site servicing external properties.

vi) Where an existing drainage system across the site is being retained, access to the existing system is not to be adversely impacted by the proposed development. Also, the development is to be designed so as not to degrade the structural integrity of the system. Vehicular and pedestrian access, and vehicle parking areas, may be constructed over a drainage system or easement, however the cost of maintaining or replacing these assets, particularly if damaged during a rainfall event, will be the responsibility of the landowner. vii) Where an existing drainage system across the site is in the form of an open channel, and the depths or velocity of water flowing through the channel in rainfall events poses a risk to life, Council may require the open channel is to be replaced by a suitably designed piped drainage system.	
25.2.3 Flooding and Runoff Regimes	
A. Replicating Natural Conditions (i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing runoff in extended storage detention basins and discharging at greatly reduced rates. (ii) Alternatively, existing degraded downstream streams can be sympathetically engineered to re-establish a natural riparian eco system that can cope with the changed hydrological regime. B. Managing peak runoff I. Developments are to be designed in accordance with "Australian Rain Fall and Run off" and the NSW Floodplain Development Manual. II. Designs to be prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality assurance requirements of AUS-SPEC are satisfied.	**Complies.** Stormwater Drainage Plans have been prepared by Adams Engineering and are included within the Civil Design Plans included as **Appendix 7**. The approach to stormwater management arrangements have been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines. The estimated permissible site discharge (during a 100ARI event) is 57.41 L/S, requiring an estimated 70.67m3 of on-site detention. As shown on the Civil Design Plans, the stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale located on the southern side of Bell Street.
25.2.4 Overflow disposal	
(i) Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible. (ii) Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.	**Complies.** The Stormwater Drainage Plans demonstrate that there are no adverse impacts on upstream of downstream properties.
25.2.5 Pollutants	
I. Stormwater management systems are to be designed to capture and remove all litter larger than 5mm in size. II. Pollution reduction devices. The objective of pollution reduction devices e.g. Gross Pollutant Traps, is to remove contaminants such as oil, sediment and other pollutants	**Complies.** Stormwater Drainage Plans have been prepared by Adams Engineering and are included within the Civil Design Plans (**Appendix 7**). The approach to stormwater management for the site has been prepared in consultation with council's civil engineering team and

before stormwater discharges into the receiving system beyond the site of the development. III. The event mean concentration of specific pollutants is not to exceed that in the following table: **Pollutant** / **Maximum Event Mean Concentration** Sediment / 100mg/L Hydrocarbons / 500ug/L Total Nitrogen / 1000ug/L Ammonia / 15ug/L Phosphorus / 100ug/L IV. Pollution reduction devices are to be retrofitted to existing development where practical. Preliminary advice should be sought from Council should the applicant believe such measures are impractical. V. Maintenance manuals are to be provided for stormwater management systems that include pollution reduction devices, on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues including routine monitoring and maintenance as well as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc.) of the system that could impact on device performance. Periodic monitoring and maintenance is to occur to ensure the system functions as designed, and meets water quality and quantity targets as indicated in the DCP over the life cycle of the device. The manual is to be kept onsite.	in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines. With respect to stormwater quality, the proposed detention and treatment tank incorporates "Ocean Protect Stormwater Filter Cartridges" and an "Ocean Guard Pit Basket" which achieves compliance with the water quality objectives in the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.
25.4 Non-Residential Development	
I. Stormwater drainage complies with AS 3500.3; II. Development proposals for this type of development are to demonstrate compliance with AUSPEC D5 and the Muswellbrook Shire Council Drainage Design Criteria. III. Development applications comply with BASIX where it applies; IV. Gutters and down pipes are installed to collect roof water; V. Pits are installed to collect water from the low points in yards; VI. Down pipes and pits are to be connected to the 'discharge controls' for the site; VII. The site discharge indicator for the development is at least 0.5 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application; VIII. Soil and erosion control plans are to be submitted in accordance with the provisions of section 20 of this DCP;	**Complies.** Stormwater Drainage Plans have been prepared by Adams Engineering and are included within the Civil Design Plans (**Appendix 7**). The approach to stormwater management for the site has been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines. A Sediment and Erosion Control Plan has been prepared by Adam Engineering and is also included in **Appendix 7**.

IX. Soil and water management plans are required to be submitted with the development application for all non-residential development where site disturbance is greater than 1,000m².

X. Industrial development buildings are to be provided with an onsite stormwater retention tank in accordance with the following table:

Roof Area	Required Tank Size (L)
Equal or less than 500m2	10,000
More than 500m2	22,500

4.8 PLANNING AGREEMENTS

The site is not subject to any Planning Agreement or Draft Planning Agreement.

4.9 THE REGULATIONS

There are no specific provisions within the regulations applicable to the assessment of this development application.

4.10 LIKELY IMPACTS

4.10.1 Bio-physical Impacts

The proposed development is located on an existing, cleared property which adjoins the Muswellbrook-Merriwa Railway Line corridor. The proposed development will not result in clearing of significant vegetation or habitat and is not expected to have any significant impact on any threatened flora or fauna species.

A Preliminary Site Investigation (PSI) report prepared by Environmental Earth Sciences is appended to this SEE. With respect to contamination and uncontrolled fill, the PSI report concludes that "*the site generally presents a **LOW** risk posed by contamination, however material within the stockpile presents a **MEDIUM** risk to human health and the environment during proposed land use 'Setting D' (commercial/ industrial) as defined within ASC NEPM (2013).*" Provided the recommendations of this report are adopted, the environmental risks associated with potential contamination will be appropriately managed and mitigated.

Stormwater Drainage Plans have been prepared by Adams Engineering and are included within the Civil Design Plans appended to this SEE. The approach to stormwater management for the site has been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood Risk Management Guidelines.

With consideration of the above factors, the proposed development is not expected to result in any unacceptable impacts on the natural environment.

4.10.2 Built Environment Impacts

The subject site is identified within the RU5 Village, which provides for "*a range of land uses, services and facilities that are associated with a rural village.*" The development is proposed by Council to meet an identified need within the local area and provide self-storage units for the community.

The facility is neat, tidy and well designed and incorporates landscape elements which are suitable for the local context. In addition, the proposed development will utilise an existing, undeveloped parcel of land located between the operating rail line and residences on the western side of Denman. The design of the facility is considered to be any appropriate transitional use for the location.

The facility has been designed and will be operated in a low impact manner that ensures there are no unacceptable impacts on the amenity of the surrounding residential area. The placement of CCTV and design of external lighting has ensured that any adverse impact upon adjacent residential privacy are avoided, and any amenity impacts are minimised.

The site is connected to the full range of urban infrastructure and services necessary for the development. The vehicular access, parking, servicing, and traffic demand of the proposal has been assessed to comply with relevant Australian Standards and the requirements of the Muswellbrook DCP 2009.

Civil earthworks associated with creating a level site would result in lowering of the finished ground level on the northern and western residential interfaces of the site, which lowers the impact of the proposed building heights at these boundaries. Acoustic and privacy fencing and boundary landscaping has been provided along the site boundaries to create a suitable buffer, privacy and amenity for the nearest neighbours.

With consideration of the above factors, the proposed development is not expected to result in any unacceptable impacts on the built environment.

4.10.3 Social and Economic Impacts

Economic

The project involves construction works, creating 12 full time jobs for a period of 8 months, and delivering $3.55M of capital expenditure within the region. The costs are inclusive of builders work, labour, materials and plant and equipment. Beyond construction, the facility will create opportunities for local businesses to assist with maintenance, security, landscaping and ongoing operations.

In addition, the storage facility is proposed by Council to meet an identified need within the local area and provide self-storage units available for the community and local businesses. As such, the proposal is considered to have a positive economic impact.

Safety and Security

The proposed development will be a secure facility which is accessible only to renters. The site will have fencing, access gates, CCTV and alarm systems, as well as appropriate signage to protect customers and deter vandalism and theft. The site will have access limited only to those with appropriate permissions.

Air Quality

The proposed development involves the storage of possessions within a safe and secure environment. The development is not expected to result in any air emissions, which would result in unacceptable air quality impacts on the surrounding environment.

Noise

An Environmental Noise Assessment has been prepared by Resonate Consultants and appended to this SEE. This assessment has been prepared in accordance with the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI) and the NSW Road Noise Policy (RNP). With the implementation of the recommended mitigation and management measures, the Environmental Noise Assessment modelling indicates that the development will comply with the Project Noise Trigger Levels at all surrounding residential receivers in the Daytime, Evening and Night-time operational scenarios.

The potential for sleep disturbances during the night period from the operational noise level events generated at the development have been assessed. The assessment concludes that the maximum noise levels generated from the site are not expected to awaken people from sleep. Furthermore, the EAR provides a series of additional noise controls to prevent potential impacts from these noise sources, which will be adopted by the Applicant to minimise the risk of unacceptable acoustic impacts on the surrounding area.

The anticipated noise level contribution of the worstcase operational traffic on local roads has been assessed using the TfNSW Road Traffic Noise Estimator. The assessment shows that the increase in traffic noise levels is predicted to be 2 dB(A) which is within the 2 dB(A) increase allowance of the RNP, and therefore no further assessment or mitigation measures are required.

Construction impacts

Construction of the proposed development will be undertaken within standard construction hours, and management of construction noise will be addressed as part of the Construction Environment Management Plan and can be conditioned accordingly. A Sediment and Erosion Control Plan has been prepared by Adam Engineering (appended to this SEE) and identified the necessary management and mitigation measures that will be adopted during the construction phase of the project.

4.10.4 Infrastructure Impacts

Civil Design Plans have been prepared by Adams Engineering and are appended to this SEE. As shown on the plans, existing water, sewer, power and telecommunications infrastructure is available within Bell Street to the south of the site. And will

be extended to service the proposed development in accordance with the applicable standards and can be conditioned accordingly.

4.10.5 Hazards

Bushfire

While the site is mapped as a Bushfire Prone area, Building Code and Bushfire Hazard Solutions have prepared an independent Bushfire Assessment Report for the project. The Bushfire Assessment Report confirms that the proposed development satisfies the relevant specifications, aims and objectives of *Planning for Bush Fire Protection 2019* and with the adoption of the recommendations, a reasonable and satisfactory level of bushfire protection can be achieved for the development.

Flooding

Council's flood certificate identifies that the site is affected by a small amount of localised flooding with a maximum depth of 0.29m. In accordance with Council's requirements, in order to limit flooding from the Bell Street road reserve entering the site, the driveway and raised planters along the site boundary have been lifted to a minimum RL 116.32 (100mm freeboard above the 1% AEP) to prevent flood waters from entering the site. During a 1% AEP flood event, flood free access to the site is available via Turner Street in the north.

As shown on Council's Flood Certificate and Mapping, flood water is passing through the site and discharging to low lying adjacent railway yard. As a result of the development, the small amount of localised flooding on site will be redirected downstream to Bell Street. The small volume of flood waters being redirected is expected to result in insignificant changes to flood behaviour that will impact on adjoining properties.

Technological Hazards

The proposed development will not pose any technological hazards to residents as it does not involve the storage or use of any chemical, biological, radiological or nuclear materials which will result in risks to the health and safety of visitors to the site or nearby residents.

4.11 SITE SUITABILITY

The proposed storage premises is permissible with consent in the RU5 Village zone. The RU5 Zone provides for a range of land uses, services and facilities required to service a rural village. The development is proposed by Council to meet an identified need within the local area and provide self-storage units for the community and therefore aligns with the objectives of the zone.

As shown on the attached plans, the facility is neat, tidy and well designed and incorporates landscape elements which are suitable for the local context. The site is connected to the full range of urban infrastructure and services necessary for the development.

The proposed development is consistent with the applicable planning considerations, can be efficiently connected to the necessary urban services, and can be undertaken in manner that will not result in any unacceptable impacts on the surrounding receiving environment. As such, the site is considered suitable for the development.

4.12 THE PUBLIC INTEREST

As outlined above, the development is proposed by Council to meet an identified need for self-storage units within the local area. As shown on the attached plans, the facility is neat, tidy and well designed and incorporates landscape elements which are suitable for the local context. The development can be undertaken in manner that will not result in any unacceptable impacts on the surrounding receiving environment. As such, the proposed development is considered to be in the public interest.

5 CONCLUSION

PSA Consulting Pty Ltd has been engaged by Conybeare Morrison International Pty Ltd (Conybeare Morrison) to prepare this Statement of Environmental Effects (SEE) to accompany a development application (DA) seeking development consent for the construction of a *storage premises* on vacant land located at Bell Street and Turner Street, Denman on Lot 42 DP771226 (the subject site) in Denman NSW 2328. The project will provide 103 self storage units and 12 open storage bays (for caravans / boats), which will be available for rent by the general public.

The proposed storage premises is permissible with consent in the RU5 Village zone. The RU5 Zone provides for a range of land uses, services and facilities required to service a rural village. The development is proposed by Muswellbrook Shire Council to meet an identified need within the local area and provide self-storage units for the community and therefore aligns with the objectives of the zone.

The proposed development has been assessed against the applicable provisions of the State and local environmental planning instruments and policies and complies with all planning controls. As demonstrated in this SEE and the appended technical assessments, the proposed development can be undertaken in manner that will not result in any unacceptable impacts on the surrounding receiving environment. As such, the proposed development is recommended for approval, subject to relevant and reasonable conditions of consent.

APPENDIX 1: ARCHITECTURAL PLANS

AP01

APPENDIX 2: LANDSCAPE PLANS

AP02

APPENDIX 3: BCA ASSESSMENT REPORT

AP03

APPENDIX 4: BCA ACCESS ASSESSMENT REPORT

AP04

APPENDIX 5: PRELIMINARY SITE INVESTIGATION

AP05

APPENDIX 6: TRAFFIC IMPACT ASSESSMENT

AP06

APPENDIX 7: CIVIL ENGINEERING REPORT AND SUPPORTING MATERIAL

AP07

APPENDIX 8: ENVIRONMENTAL ACOUSTIC REPORT

AP08

APPENDIX 9: BUSHFIRE ASSESSMENT

AP09

APPENDIX 10: SITE BASED WASTE MANAGEMENT PLAN

AP10

APPENDIX 11: SITE SURVEY

AP11