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STATEMENT OF ENVIRONMENTAL EFFECTS

Development application for

Demolition of existing buildings

Lots 3 & 4 DP219503, Lot 11 & 12 DP 511889, Lot 30 DP 591020 and
Lot B DP 161185

88-108 Bridge Street Muswellbrook

Prepared on behalf of Muswellbrook Council

January 2024

This submission has been prepared by

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Director



Author	Version	Date
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TABLE OF CONTENTS

1. Introduction	1
1.1 The Proposed Development	1
2. Site Analysis	1
2.1 Site Location and Description	1
2.2 Utilities and Services	4
2.3 Access and Parking	4
3. Description of the proposed development	4
4. Environmental Planning and Assessment Act, 1979	4
4.1 Section 4.15 Evaluation	4
4.2 State Environmental Planning Policies	5
4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021	5
4.3 Muswellbrook Local Environmental Plan 2009	6
4.3.1 Clause 2.3 Zone objectives and land use table	6
4.3.2 Clause 2.7 Demolition requires development consent.	6
4.3.3 Clause 5.10 Heritage Conservation	7
4.3.4 Clause 7.6 Earthworks	8
4.4 Muswellbrook Development Control Plan	9
4.4.1 Section 15 – Heritage Conservation	9
4.4.2 Section 20 – Erosion & Sediment Control	11
4.4.3 Section 21 – Contaminated Land	11
4.4.4 Section 24 – Waste Minimisation and Management	12
4.5 The Likely Impacts of the Development	12
4.5.1 Economic and Social Impacts	12
4.6 Suitability of the Site	12
4.7 Public Submissions	13
4.8 The Public Interest	13
5. Conclusion	13

1. Introduction

This Statement of Environmental Effects has been prepared by Orbit Planning to support a development application for a demolition of Lots 3 & 4 DP219503, Lot 11 & 12 DP 511889, Lot 30 DP 591020 and Lot B DP 161185, No. 88-108 Bridge Street Muswellbrook

The proposal is illustrated in the plan and documents that accompanies the application comprising:

- Demolition plan
- Statement of Heritage Impact prepared by Genevieve Lilley Architects
- Contamination Advice from Douglas Partners

1.1 The Proposed Development

Proposal:	Demolition of Existing Buildings and Structures
Site:	Lots 3 & 4 DP219503, Lot 11 & 12 DP 511889, Lot 30 DP 591020 and Lot B DP 161185 88-108 Bridge Street Muswellbrook
Environmental Assessment:	General Development, Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979.
Consent Authority:	Muswellbrook Council.
Main Planning Instruments:	Muswellbrook Local Environmental Plan 2009.

2. Site Analysis

2.1 Site Location and Description

The legal description of the subject site is Lots 3 & 4 DP219503, Lot 11 & 12 DP 511889, Lot 30 DP 591020 and Lot B DP 161185 88-108 Bridge Street Muswellbrook. The site is irregular in shape and has an area of approximately 2500m².

The eastern boundary of the site has a 47m frontage to Bridge Street. And the southern boundary of the site has a 3m frontage to Brook Street. There is mixed commercial uses surrounding the site. The site contains one single storey building and three two storey buildings.

The site is currently unoccupied. The site has an existing vehicle access from Brook Street. The site does not contain any vegetation.

The location of the subject site is shown in **Figure 1**.

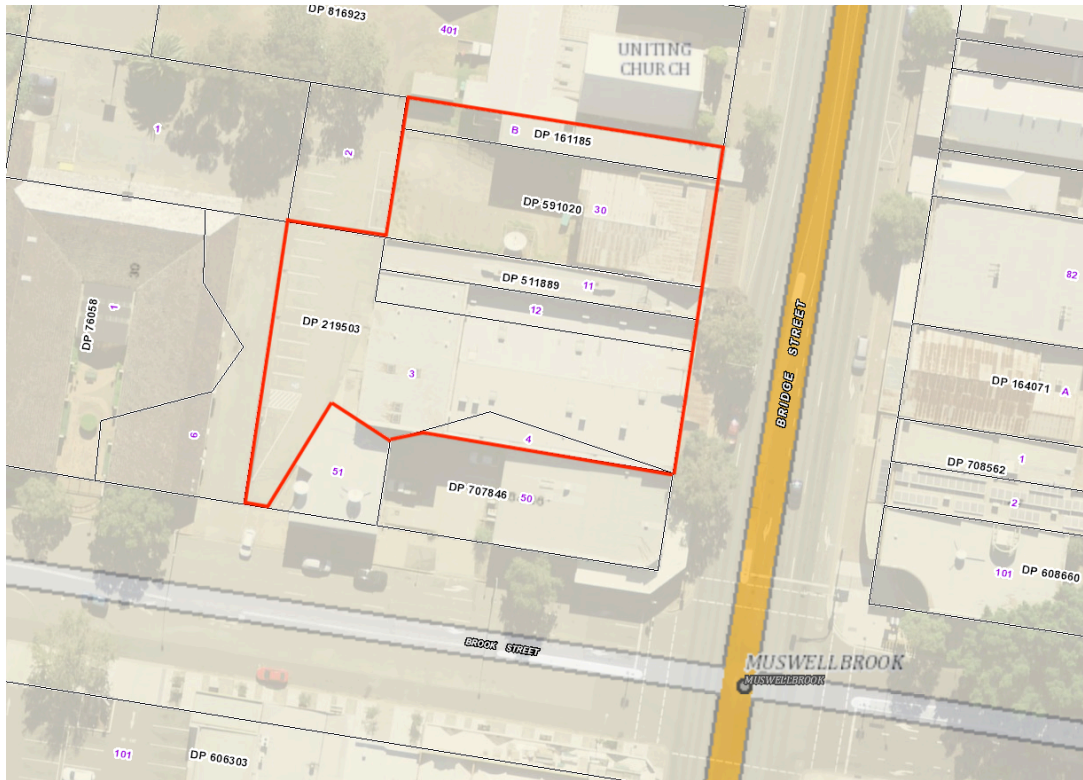


Figure 1

Locality Plan

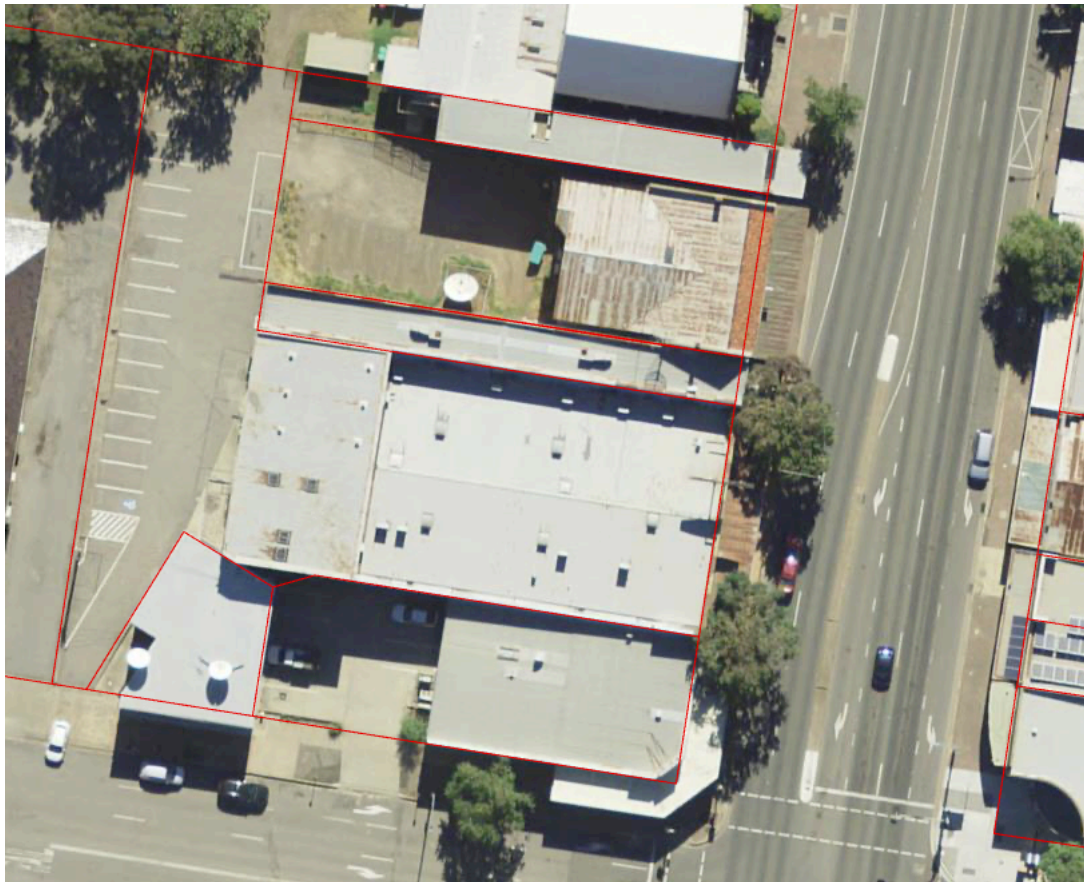


Figure 2 – Aerial View of Site and surrounds



Photo 1 – Vehicle entrance from Brook Street (Source: Google Maps)



Photo 2 –102-106 Bridge Street and 108 Bridge Street (Source: Google Maps)



Photo 3 – 88-96 Bridge Street (Source: Google Maps)

2.2 Utilities and Services

The site is connected to all existing services. Any affected services and utilities will be protected and secured or, if necessary, relocated. It is anticipated that the services affected will be electrical transmission lines, telephone lines, water mains and other utility infrastructure. All public utilities will be disconnected prior to demolition works being undertaken on the site.

2.3 Access and Parking

The property has a 47m frontage to Bridge Street and a 3m frontage to Brook Street. Vehicle access to the parking area at the rear of the lots is provided from the Brook Street frontage. Brook Street and Bridge Street are sealed roads in good condition. Bridge Street provides 4 lanes of traffic and Brooke Street is two lanes with turning lanes at the signalised intersection with Bridge Street.

3. Description of the proposed development

The development application seeks consent for a demolition comprising:

- Demolition of existing buildings including
 - Single storey building at 88-98 Bridge Street
 - Two storey building at 98 Bridge Street
 - Two storey building at 102-106 Bridge Street
 - Two storey building at 108 Bridge Street

4. Environmental Planning and Assessment Act, 1979

As consent is required for the proposed development, the proposal is to be assessed under the provisions of Part 4 of the Environmental Planning and Assessment (EP&A) Act, 1979.

The proposed development is deemed “general” pursuant to the provisions of the EP&A Act, 1979.

4.1 Section 4.15 Evaluation

Section 4.15 of the EP&A Act, 1979 sets out the matters a consent authority must take into account when determining a development application. These include: -

- (1) *Matters for consideration general. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

- (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)**that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The proposed development is assessed against the Section 4.15 evaluation criteria in Section 4.4 of this report below.

4.2 State Environmental Planning Policies

4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

- (1) *The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) *In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
 - (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) *by requiring that a remediation work meet certain standards and notification requirements.*

The site has historically been used for commercial purposes and is currently unoccupied. Douglas Partners have previously undertaken a Preliminary Site Investigation over the site. Douglas Partners undertook a review of the demolition works and provided the following advice:

In our experience Contaminated Land is not typically considered in DAs for demolition alone.

In saying this the previous works by DP has identified Asbestos Containing Materials (ACM) at the ground surface within a gravel car park (which lies within the proposed demo footprint). Elevated metals and PAHs above commercial land use criteria have also been identified at the site and the potential for soil vapour impacts from adjacent properties has also been identified.

Given the existing ACM impacts to surface soils within the property it is recommended that interim control measures/remediation measures are undertaken prior to demolition to minimise disturbance/cross contamination and exposure to workers. This could include an emu pick and surface clearance by an Occupation Hygienist (OH) prior to demolition works commencing. Demolition should be undertaken by a licensed contractor in accordance with regulatory and statutory requirements with due consideration to the site conditions.

A HAZMAT survey will be required prior to demolition.

It is noted that the works proposed by DP for the detailed site investigation (DSI) includes installation of vapor pins and soil vapour sampling within the concrete floor slabs of existing buildings proposed for demolition. We would advise this work is completed prior to demolition.

The recommendations from Douglas Partners can be incorporated as conditions of consent to be undertaken prior to demolition works commencing on the site.

4.3 Muswellbrook Local Environmental Plan 2009

The site is zoned E2 – Commercial Centre pursuant to the provisions of Muswellbrook Local Environmental Plan 20109 (MLEP 2009).

4.3.1 Clause 2.3 Zone objectives and land use table

This clause requires that the consent authority must have regard to the objectives for development in a zone when determining a development application. The objectives of the E2 – Commercial Centre zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To maintain the status and encourage the future growth of the existing Muswellbrook business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.*
- *To maintain the heritage character and values of the business centre of Muswellbrook.*
- *To support business development by providing parking and other civic facilities.*

The proposed development has regard to the objectives as follows:

The proposed demolition works will remove all existing structures from the site to make way for a pocket park, which will be completed under a separate Part 5 of the EP&A Act, 1979 process which will include a Review of Environmental Factors. The demolition works will remove the unoccupied commercial buildings from the site which are in various states of disrepair. The proposed demolition is consistent with the zone objectives.

4.3.2 Clause 2.7 Demolition requires development consent.

This clause provides that buildings on land to which this Plan applies may be demolished, but only with development consent.

The following stages of demolition works are proposed:

Table 2.1 Indicative staging of demolition activities

Stage	Activities
1. Site establishment and environmental protection	<ul style="list-style-type: none"> • secure site perimeter boundary • establish site amenities and plant/material storage areas • install sediment management controls • protect, secure and relocate any affected services
2. Demolition works	<ul style="list-style-type: none"> • undertake internal demolition works • secure adjoining buildings as required

Table 2.1 Indicative staging of demolition activities

Stage	Activities
	<ul style="list-style-type: none"> undertake building demolitions remove asphalt and concrete surfaces level site and remove waste
3. Finishing work	<ul style="list-style-type: none"> restore disturbed areas remove compounds and materials from site, ensuring the work site is rehabilitated to pre-construction levels remove all waste and tidy the construction site dispose of any unused/contaminated spoil to an appropriate licensed waste facility

4.3.3 Clause 5.10 Heritage Conservation

The objectives of this clause are:

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

The proposed development has regard to the objective of this clause as follows:

The development site is located within the Muswellbrook Heritage Conservation Area. There are several sites nearby that have heritage significance including the Uniting Church immediately north of the site and Weidman Cottage, Loxton House and Campbell's Corner. The location of these heritage items is provided in figure 3, below.



Figure 3 – Site and surrounding items of heritage significance (Source: SoHI Genevieve Lilley Architects)

Of the historic buildings near/around the subject site, only St Albans, Weidmann Cottage and Loxton House are on the State Heritage Register. All others listed are on the local Muswellbrook Council register.

St Albans Church is the closest and most recognisable state heritage item, given the spire can be viewed at a distance and is therefore a landmark within this locality. The demolition works will not impact on the visibility or significance of St Albans Church.

Weidman Cottage is relatively removed from the proposed works. Loxton House is beyond Weidman Cottage and can only be viewed at a distance from the demolition site. There will be no impact on the heritage significance of these properties as a result of the proposed demolition works.

Overall the demolition site is relatively removed from the State Heritage Listed properties and as a result will not impact on the heritage significance or conservation of these properties.

The site is adjacent to locally listed heritage item the Uniting Church located on Bridge Street adjoining 108 Bridge Street. Currently the Uniting Church is hemmed in by commercial buildings built to the front boundary on both sides, whilst the church building is setback slightly from the road. The demolition of the existing buildings over the development site will open up views into the Uniting Church premises which provides an improved opportunity for the heritage significance of the building to be viewed from the public domain.

There are no known archaeological deposits on the development site.

4.3.4 Clause 7.6 Earthworks

The objectives of this clause are:

(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.

The proposed development has regard to the objectives of this clause as follows:

Earthworks would be minor resulting from the removal of the surface layer of the site during demolition works to provide a level site for the future use and development of the pocket park.

All excavated materials will be managed under the following hierarchy:

- reuse as engineered fill on-site;
- transfer to another construction site for use as engineering fill; and
- test and take to a licenced waste recovery site.

Any materials reused on-site will be subject to testing and waste classification. Materials which do not meet the soil validation criteria and/or are deemed not suitable for reuse at the site will be assessed for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines.

Topsoil and subsoil shall be stored appropriately to ensure management of any leaching, erosion, sediment dispersion, dust dispersion and impact on the surrounding environment.

Earthworks shall be carried out in accordance with *Australian Standard 3798-2007 Guidelines on earthworks for commercial and residential developments*.

4.4 Muswellbrook Development Control Plan

The following elements under Muswellbrook DCP are relevant to this application.

4.4.1 Section 15 – Heritage Conservation

The objectives of this clause are:

- a) *Compliance with the provisions of the Heritage Act 1977, the National Parks and Wildlife Act 1974, and the Environment Protection and Biodiversity Conservation Act 1999;*
- b) *Conservation of items and groupings of items which have played a part in creating the area's identity and which provide insights into early periods of the region's development;*
- c) *Integration of heritage conservation practices into its statutory planning;*
- d) *Public familiarity with and understanding of heritage conservation practices;*
- e) *Public involvement in the conservation of the area's environmental heritage;*
- f) *A fair and objective approach to conservation of privately and publicly owned heritage items for both the public good and private benefit;*
- g) *Carrying out all new development affecting items of the area's environmental heritage in a manner that is consistent with conservation best practice as set out in the Burra Charter and for natural heritage in the Australian Natural Heritage Charter.*
- h) *Ensuring that new works and maintenance do not cause harm to or cause any loss of the significance of any heritage item.*

The proposed development has regard to the objectives of this clause as follows:

The development site is located within the Muswellbrook Central Business District Heritage Conservation Area and is located adjoining a locally listed heritage item. A Statement of Heritage Impact (SoHI) was prepared by Genevieve Lilley Architects for the project and is provided under separate cover.

The SoHI provides the following assessment of heritage impact:

How is the impact of the proposed demolition on the heritage significance of the item and the surrounding conservation area to be minimised?

The Uniting Church and St Albans Church

The Uniting Church is a strong solid contributory building to the streetscape, with a 'closed' character. It is currently 'hemmed in' by adjacent structures. The proposed building demolition creates a public space between the corner ANZ building and the Uniting Church, and allows a better view down the southern side wall of the Uniting Church. The proposed open space allows the church to remain a strong civic structure, now better understood by increased visibility and access to its side/rear

The proposed demolition does not affect the St Alban's spire/church. The future open space proposed will contribute to a future sequence of 'green spaces' that runs from Bridge St to St Albans.

Other heritage properties in the vicinity

While the proposed demolition means a sequence of building fronts/awnings on Bridge St are lost, the purpose of the demolition is to allow future public open space. The adjacent heritage-listed buildings in the Bridge St streetscape will benefit from the improved streetscape once these dilapidated structures are removed.

All four nearby buildings on Bridge Street – Weidmann Cottage, Loxton House, the Masonic Temple and Campbell's Corner – have filigree/ornate details to the upper level, and therefore form a rich 2-3 storey façade of detail. The removal of the simplistic dilapidated buildings between 88-108 Bridge St is therefore a contributory improvement to the Brook St streetscape and to the likely new public Square.

How does the proposed development affect views to and from the item and the surrounding conservation area? What has been done to minimise negative effects?

Uniting Church and St Albans Church

The proposed demolition of 88-108 Bridge St allows a greatly increased view of both the Uniting Church heritage item. The St Albans Church is not affected. The proposed demolition is an improvement on the existing buildings, which leave part of Bridge St unoccupied and derelict. The existing buildings block views and access to adjacent heritage buildings.

Other heritage properties in the vicinity.

The proposed demolition of 88-108 Bridge St will leave a space for public use, and will support a future landscaped street presentation. With the demolition proposals, nearly all the heritage buildings in the vicinity will be visible from the future public space area

Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative solutions been considered? Why were they rejected?

Uniting Church and St Albans Church

The existing brick storm-water asset below ground level will be retained. Aside from this, there are no known archaeological deposits on the subject site, and the foundations of the Uniting Church will not be affected by the proposed building demolition.

Other heritage properties in the vicinity.

Not applicable, the other heritage properties are some distance from the site

The SoHI provides the following conclusion:

Summary/Conclusion

Only one of the subject buildings (108 Bridge St) is adjacent to a locally listed heritage item, the Uniting Church. But on the whole, the subject group is quite distant from adjacent State-Heritage-Listed properties of St Albans Anglican Church, Weidmann Cottage, and Loxton House. Any future park/building proposal on the subject site must be assessed to determine its potential impact on the significance of the adjoining/nearby heritage items and the broader heritage conservation area.

The proposed demolition works as detailed in the previous section of this report have been assessed in detail in the Impact Assessment included above. The proposed demolition works have been assessed herein to have a negligible degree of impact on the adjacent Uniting Church and St Albans Church properties, whilst providing for a significant increase in visibility and amenity for both churches and the town. The proposed demolition works will have a positive impact on the adjoining and proximate heritage items, and will make a positive contribution to the broader Muswellbrook CBD heritage conservation area.

The proposed demolition of 88-108 Bridge St allows the adjacent heritage buildings to be seen better, maintaining their aesthetic and physical contribution to the Muswellbrook CBD heritage conservation area.

The proposed demolition works are therefore recommended for approval from a heritage perspective.

The following recommendation is made as a result of the Statement of Heritage Impact assessment:

Details of the demolition of the building structure at 108 Bridge St should describe how the side wall and foundations of the adjacent Uniting Church are not adversely affected by the removal of 108 Bridge St. These details should include a method statement and drawings showing how the foundations of 108 Bridge St are to be removed so as not to damage/undermine the adjacent Uniting Church.

This recommendation can be addressed through a condition of consent to be satisfied prior to the commencement of demolition works.

4.4.2 Section 20 – Erosion & Sediment Control

The objectives of this clause are:

- 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.*

The proposed development has regard to the objectives of this clause as follows:

Standard erosion and sediment controls will be implemented on the site prior to commencement of the demolition works.

4.4.3 Section 21 – Contaminated Land

The objectives of this clause are:

- a) Ensure that the potential for the contamination of land is considered in the planning and development process;*
- b) Ensure that strategic planning and development decisions appreciate matters relating to the potential for previous land uses to contaminate land;*
- c) Ensure that the Council exercises its functions relating to land development with all reasonable care and due diligence;*
- d) Ensure that the development of contaminated land does not result in unacceptable levels of risk to public health or the environment;*
- e) Ensure that site investigations are undertaken in a satisfactory manner in accordance with appropriate legislation, regulations, guidelines and standards;*
- f) Ensure that the community is not negatively impacted through increased health and environmental risks from land contamination issues.*

The proposed development has regard to the objectives of this clause as follows:

The site has historically been used for commercial purposes and is currently unoccupied. There have been previous development proposals over the site, including a REF for stormwater works and demolition of buildings and a Development Application for a regional entertainment and conference centre. Douglas Partners undertook a Preliminary Site Investigation over the site as part of these proposed developments. This demolition proposal was provided to Douglas Partners for review and the following advice was provided:

In our experience Contaminated Land is not typically considered in DAs for demolition alone.

In saying this the previous works by DP has identified Asbestos Containing Materials (ACM) at the ground surface within a gravel car park (which lies within the proposed demo footprint). Elevated metals and PAHs above commercial land use criteria have also been identified at the site and the potential for soil vapour impacts from adjacent properties has also been identified.

Given the existing ACM impacts to surface soils within the property it is recommended that interim control measures/remediation measures are undertaken prior to demolition to minimise disturbance/cross contamination and exposure to workers. This could include an emu pick and surface clearance by an Occupation Hygienist (OH) prior to demolition works commencing. Demolition should be undertaken by a licensed contractor in accordance with regulatory and statutory requirements with due consideration to the site conditions.

A HAZMAT survey will be required prior to demolition.

It is noted that the works proposed by DP for the detailed site investigation (DSI) includes installation of vapor pins and soil vapour sampling within the concrete floor slabs of existing buildings proposed for demolition. We would advise this work is completed prior to demolition.

It is submitted that the HAZMAT survey, requirement for surface clearance, detailed site investigations and works to be completed by a licensed contractor can all be included as conditions of consent to be satisfied prior to the commencement of demolition works.

4.4.4 Section 24 – Waste Minimisation and Management

The objectives of the clause are:

- a) *To minimise resource requirements and construction waste through reuse and*
- b) *recycling and the efficient selection and use of resources.*
- c) *To encourage building designs, construction and demolition techniques in general*
- d) *which minimise waste generation.*
- e) *To maximise reuse and recycling of household waste and industrial/commercial*
- f) *waste.*
- g) *To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.*
- h) *To provide guidance in regards to space, storage, amenity and management of waste management facilities.*
- i) *To ensure waste management systems are compatible with collection services.*
- j) *To minimise risks associated with waste management at all stages of development.*

The proposed development has regard to the objectives of this clause as follows:

The project will generate the following types of waste during the demolition:

- Building waste including plasterboard and timber
- Bricks and concrete
- Excavated material such as rock and soil
- Waste asphalt

Where possible waste will be sorted on site for separate disposal or recycling. Where waste cannot be separated it will be disposed of as co-mingled waste at Council's waste management facility by a private contractor.

In accordance with the *NSW Protection of the Environment Operations Act 1997 (POEO Act)* and associated waste classification guidelines, most waste will be classified as building and demolition waste within the class general solid waste (non-putrescibles). All waste will be managed and disposed of in accordance with the NSW Environment Protection Authority's (EPA) Waste Classification Guidelines. Management and mitigation measures will be implemented to ensure waste is reduced, reused or recycled where practicable

4.5 The Likely Impacts of the Development

4.5.1 Economic and Social Impacts

The proposed demolition works will provide employment generation for the local community. Support for this application will allow the demolition of the existing unused commercial buildings on the site to make way for a community park as part of Council's future use plan for the site. Overall, it is considered that the development will have a positive social and economic impact on the local community.

4.6 Suitability of the Site

The proposed development is compatible with the adjoining neighbourhood. The demolition of the existing buildings will provide a vacant space that Council can use for a future park space for the community.

The demolition works will not adversely impact on the locality and mitigation measures will be implemented to ensure there are no impacts on the environment. The proposal is considered to be suitable for the site.

4.7 Public Submissions

Under the provisions of Clause 3.4 of the Community Participation Plan it is understood that Council will advertise the development in the local newspaper and notify the application to adjoining landowners, who will be given 14 days to provide a response. Should issues be raised during the notification period that have not been addressed by this report we would appreciate being afforded an opportunity to respond.

4.8 The Public Interest

A thorough assessment of this development has been undertaken in accordance with the requirements of the Environmental Planning & Assessment Act 1979.

The interest of the wider public has been considered in this assessment and the positive benefits to the local community can be summarised as follows:

- Employment opportunities for local residents created during demolition works;
- Improved visual amenity of the site for the local community;

It is considered that the merits of the proposal are such that it would be in the interests of the local and wider public for Muswellbrook Council to grant conditional consent to the proposed development.

5. Conclusion

A thorough assessment of the proposed application has been undertaken and the is considered to be acceptable having regard to the matters for consideration under Section 4.15 of the EP&A Act 1979.

The proposed development is consistent with the zoning objectives and is permissible in the E2 – Commercial Centre Zone. The proposal has been assessed against the criteria contained within Muswellbrook LEP 2009 and Muswellbrook DCP and found to be compliant. The proposed development will not result in any adverse impact in the locality and can be comfortably accommodated on the site. The proposed development will be able to be conducted without significant adverse effects on the environment, while meeting the objectives of the EP&A Act, 1979.

Orbit Planning respectfully request that Muswellbrook Council grant consent to the proposed development as detailed within the development application and supporting documentation.