



Operations Administration Building and Depot

Two Lot Subdivision

Amendment to EPL Boundary (WRMF)

Statement of Environmental Effects

Client


Muswellbrook Shire Council


LOT: 1 DP: 819014

252 Coal Road, Muswellbrook

12 March 2025

Report Title	SoEE – Muswellbrook Council, Operations Administration Building and Depot
Project	Muswellbrook Council, Operations Administration Building and Depot
Client	Muswellbrook Shire Council
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Statement of Disclaimer

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1 Description of Proposal

1.1 Location

The site is located on the northern side of Coal Road, Muswellbrook about 250m east of the intersection with Common Road.

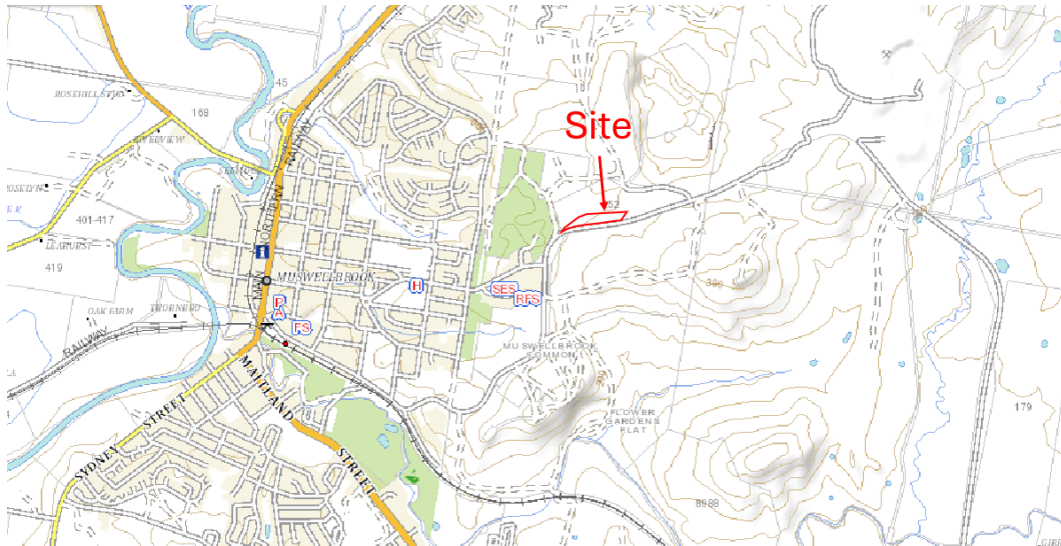


Figure 1 Location

1.2 Property Description

The site is located within Lot 1 DP 819014, 252 Coal Road Muswellbrook. The parent lot has an area of 19.4ha. It is intended to use about 2.4ha of the site for the proposed development.

The parent lot contains the Muswellbrook Waste and Recycle Facility. Figure 2 shows the area of the site to be excised from the Waste and Recycle Facility for the proposed development.

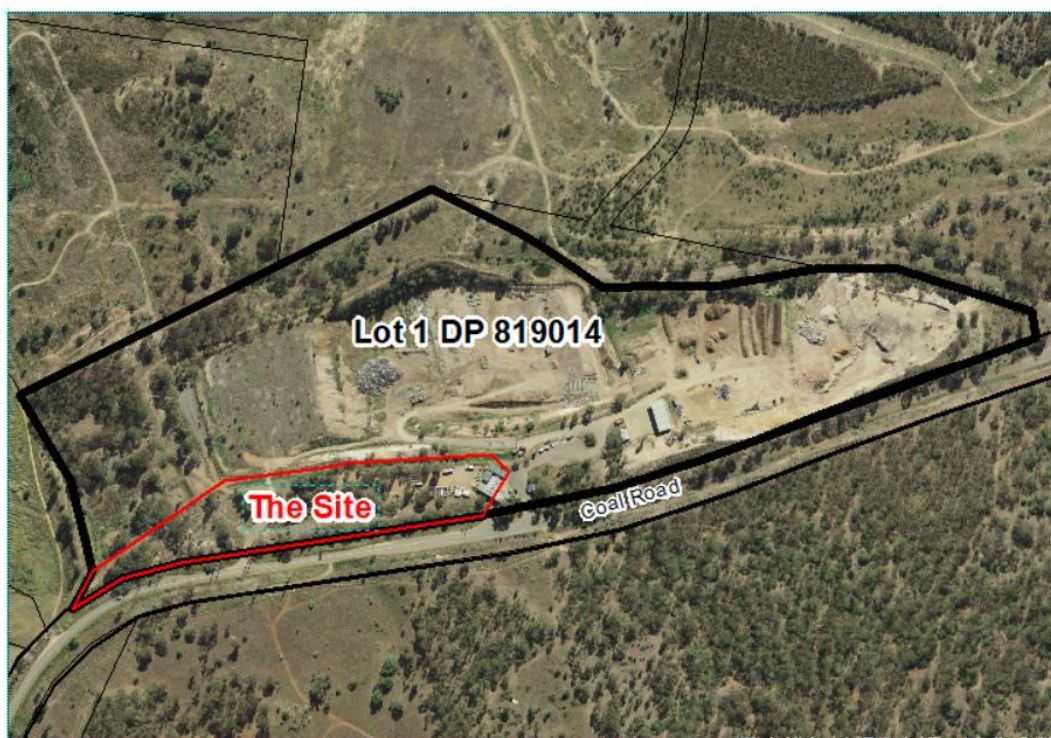


Figure 2 The Site

1.3 Site Conditions and Constraints

There is a high voltage transmission line that passes through the site, generally oriented north to south, and is defined by an easement restriction on title that benefits Ausgrid. The easement prohibits any structures or development generally, and defines the westerly limit of the proposed development, although it is intended to discharge stormwater across the easement into water detention basins on the western side of the transmission line, and within the site.

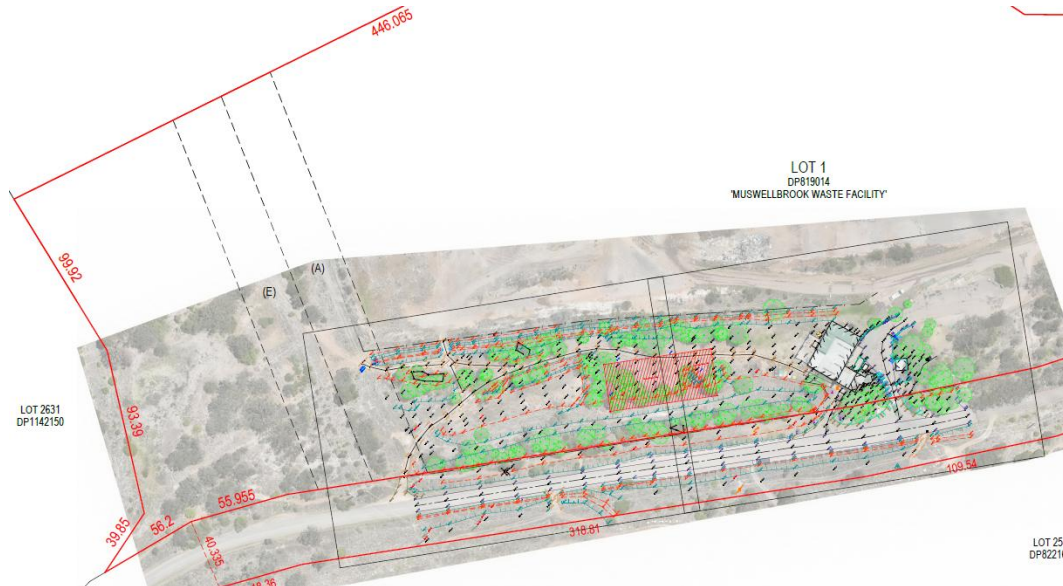


Figure 3 Survey Showing Transmission Line Easement (Source: Fyfe Upper Hunter Survey 19/03/2024)

An existing chain wire fence defines the northern edge of the proposed development and is to be used to define the limit of operation of the Waste and Recycle Facility.

The Geotechnical Assessment (Qualtest, 29/06/2022) notes that the site was formerly part of an open cut coal mine operation. Historic filling exists on the site, including two large fill stockpiles located on the southern side of the lot. 'Stockpile 1' - up to 5.5m in height and about 200m long; and, 'Stockpile 2' - up to 5m in height and about 120m long. Fill platforms exist generally located along the powerline easement, with a few small dam areas generally located in the western area.

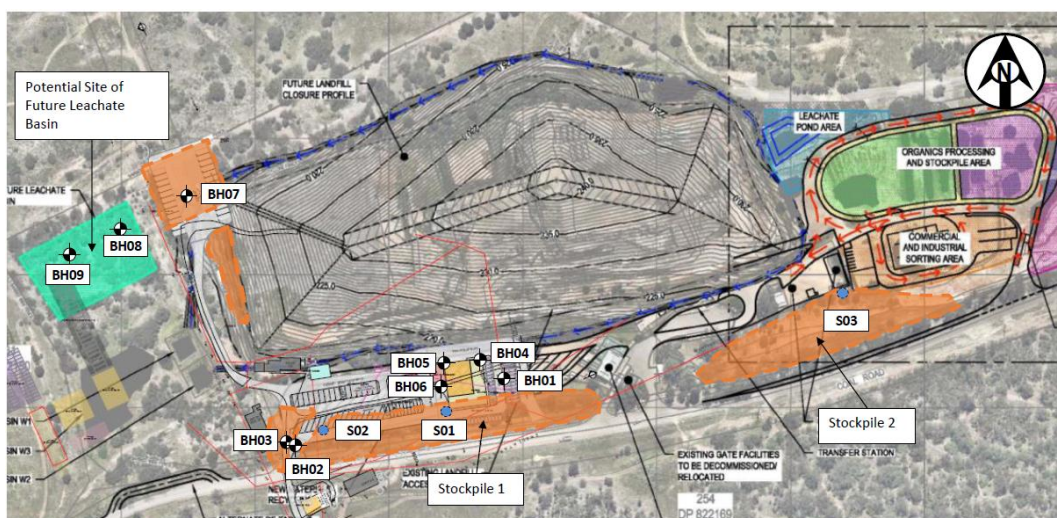


Figure 4 Site Conditions (Source: Geotechnical Assessment, Qualtest, 29/06/2022)

Th BDAR (Hunter Ecology, 17/12/2024) notes that the vegetation on site is comprised of native vegetation, planted native and non-native vegetation, and areas dominated by exotic grasses and

herbaceous weeds. The planted native vegetation is located along the soil bund running parallel to Coal Road, which has been planted for the purpose of bund stabilisation and that the extent of native vegetation, on site is limited to the dripline of the canopy trees. This is a total area of 0.51ha of native vegetation.

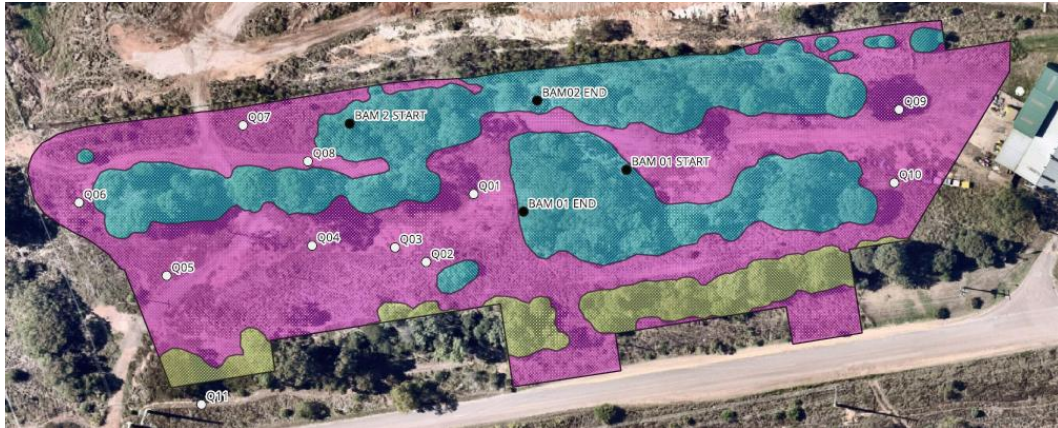


Figure 5 Extent of Native Vegetation (blue area) (Source: BDAR, Hunter Ecology, 17/12/2024)

Figure 6 provides a view of the location of the proposed building, looking westward. The mound on the left rises up towards Coal Road.



Figure 6 View of the Site of the Proposed Building looking westward

1.4 Muswellbrook Waste and Recycle Facility

Based on the information contained in the Muswellbrook Waste & Recycling Facility Environmental Management Plan (EMP) (Muswellbrook Shire Council, June 2019), an Environmental Impact Statement (EIS) was prepared for the original approval (DA92/90) of the facility by Patterson Britton Partners Pty Ltd in June 1990. Approval was granted September 1990, with operations commencing

in 1993 accepting Council's kerbside collection service and commercial and self-haul wastes from the local region.

Currently, there is an Environment Protection Licence (EPL) for the whole of Lot 1 DP 819014 issued by the NSW EPA that permits the use of the site for Waste Disposal (application to land) and Waste storage.

The services provided by the Facility include:

- Small vehicle waste transfer station providing drop off facilities for mixed solid waste and recyclables,
- Material storage areas,
- Bulk materials storage and processing areas,
- Community Recycling Centre for domestic "problem wastes",
- Landfill,
- Reuse Shop,
- Weighbridge and office facilities,
- Staff facilities.

Figure 6 shows the location of these services on the parent lot.

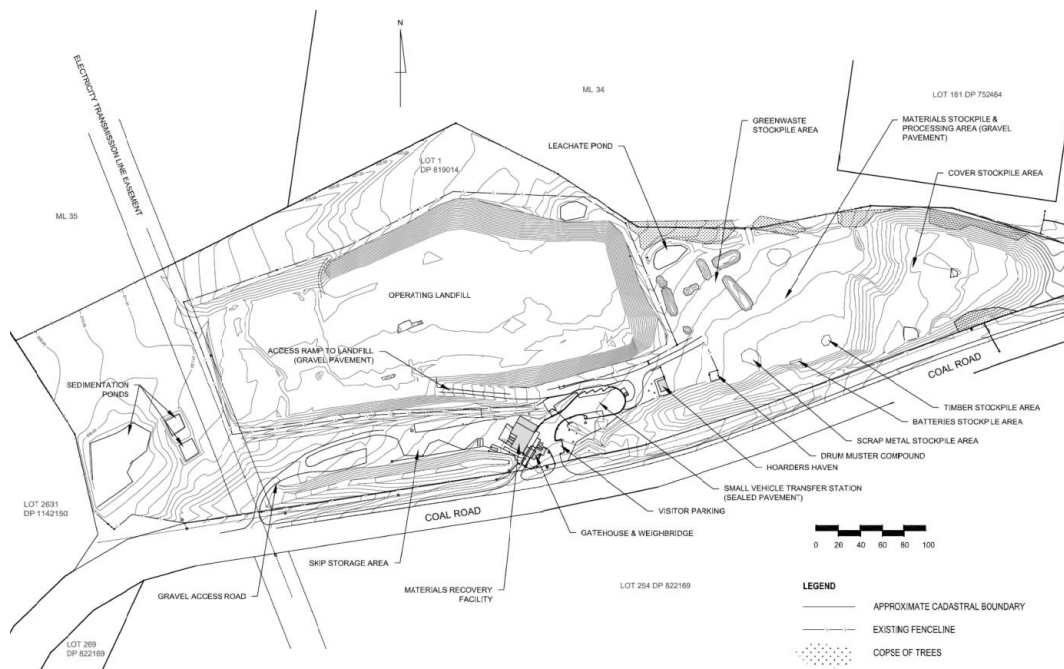


Figure 7 Existing Site Layout (Source: EMP)

1.5 Proposed Development

The development consists of:

- Adjustment of the boundary of the EPL, which requires the approval of the EPA,
- Two Lot Subdivision to Excise the existing Waste and Recycling Facility and new EPL boundary from the site of the proposed new Works Depot building, and
- Construction of a new Works Depot building containing office administration and depot uses, car park and vehicle parking associated with the operational functions of Muswellbrook Shire Council.

a) Adjustment to EPL Boundary

The pink line in Figure 4 shows the proposed adjustment to the boundary of the EPL for the Waste and Recycling Facility.

Initial discussions with the EPA indicated that there were no obvious restrictions to this adjustment.

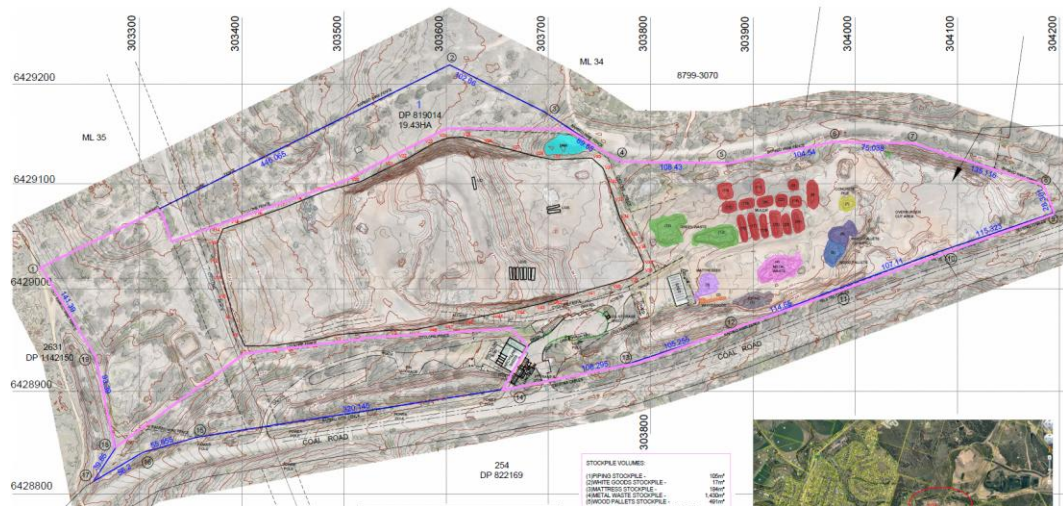


Figure 8 Proposed New EPL Boundary (pink outline)

b) Two Lot Subdivision

The proposed two lot subdivision will separate the existing Waste and Recycling Facility from the site of the new Works Depot Building and identify the EPL boundary by cadastral definition.

The proposed subdivision is shown in Figure 9. Lot sizes are subject to final survey.

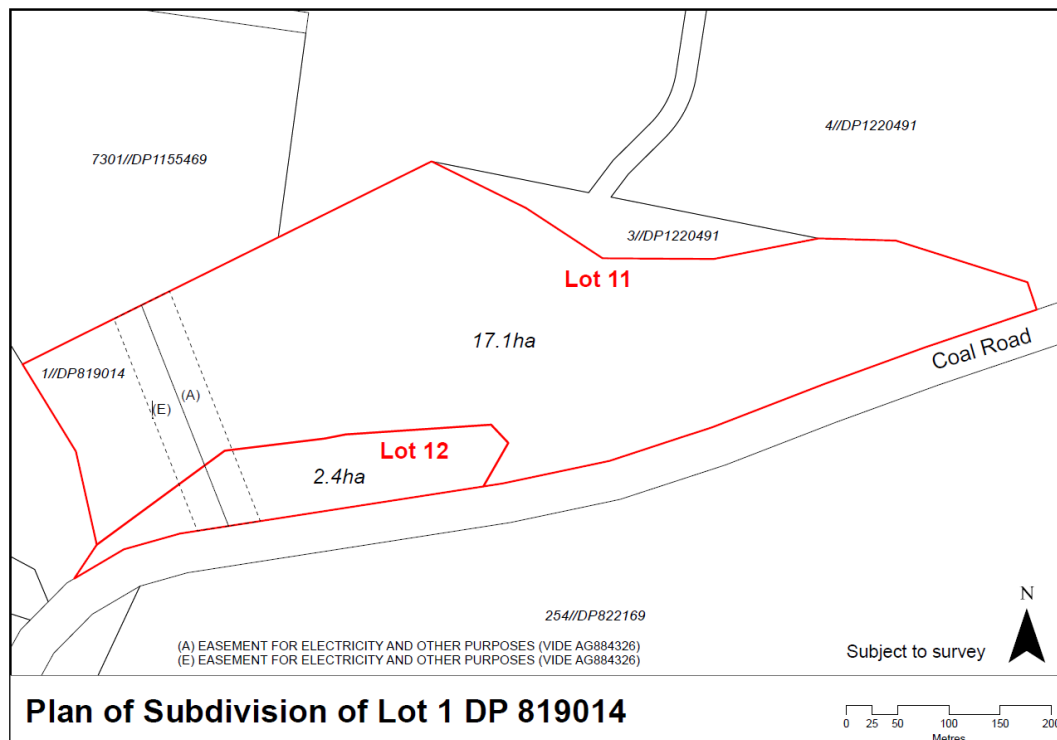


Figure 9 Proposed Subdivision

c) Construction of Works Depot Building

Construction of the Works Depot Building includes the following:

- On-grade car parking,
- Wash bays,
- Material storage bays,
- Split level depot building with an upper and lower ground floor that includes:
 - Store rooms,
 - Workshop,
 - Small offices,
 - Open plan office space,
 - Meeting room,
 - Meals room, and
 - Reception.

It is intended to extend sewerage services to service the site and instal Trade Waste management facility to treat vehicle washdown runoff.

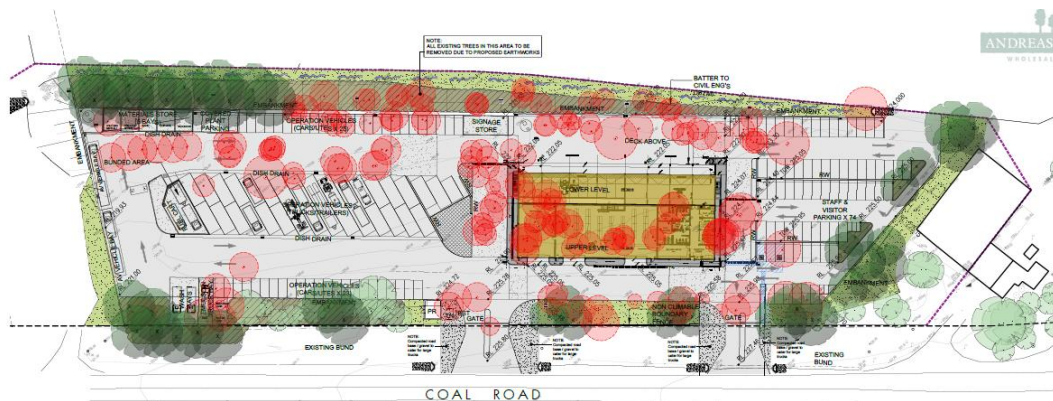


Figure 10 Landscape Plan showing the building footprint and depot parking

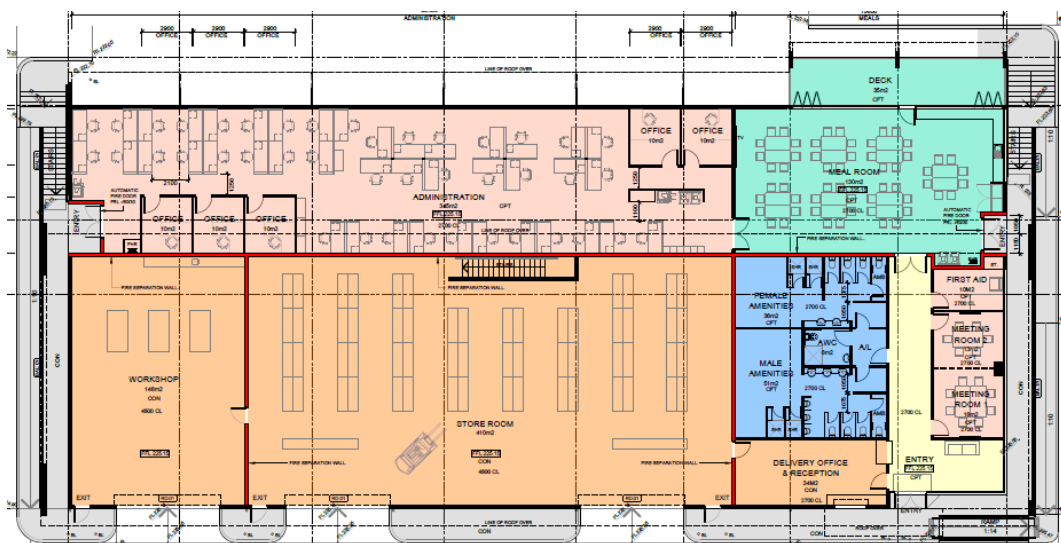


Figure 11 Upper-Level Floor Plan

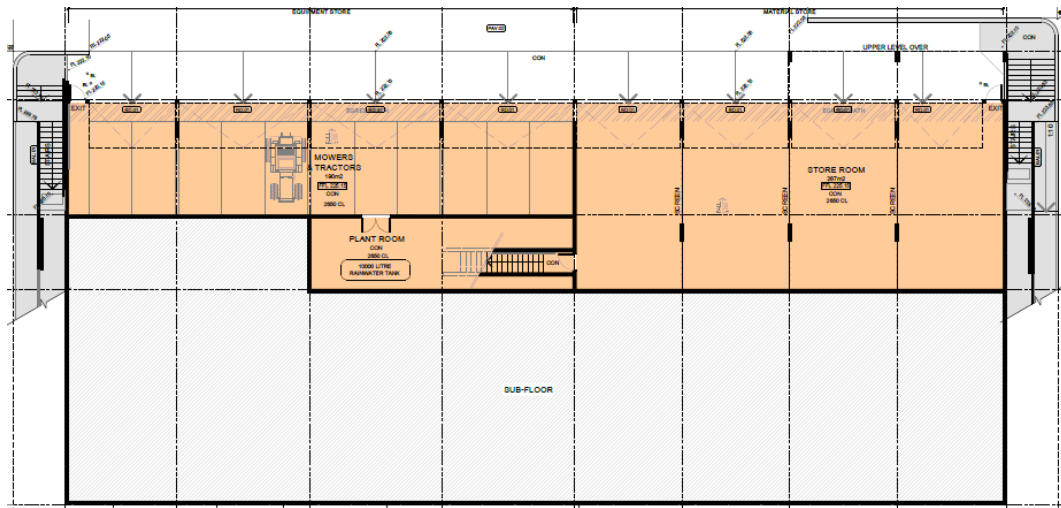


Figure 12 Lower Level Floor Plan

d) Staffing

The building will be used for a usual total staff of 82, relocating from a number of existing work locations:

Table 1 – Proposed Staff to be Relocated to the new building

Current Work Location	Office	Office & Field	Field	Total
Works Depot, Carramere Road	8	8	36	52
Water & Waste Water, Scott Street (Operations)	2	3	0	5
Water & Waste Water, Scott Street (Asset)	4	0	0	4
Property, Building & Services, Admin	7	2	0	9
Roads & Drainage / Technical Services, Admin	5	3	0	8
Waste Operations, Coal Road	2	0	0	2
Project Coordinator & Surveillance Officer	1	1	0	2
	29	17	36	82

e) Characterisation of the Proposed Land Uses

The proposed development incorporates components of a number of land uses, noting that Muswellbrook LEP 2009 provides the following definitions:

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

State Environmental Planning Policy (Transport and Infrastructure) 2021 refers to the following land uses (without specific definitions):

permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities). (clause 2.109)

maintenance depots associated with parks and other public reserves (clause 2.73), sewerage systems (clause 2.126) and water supply systems (clause 2.159).

The proposed development is able to be characterised as a combination of:

- Public administration building,
- Permanent road maintenance depot, and
- Maintenance depot associated with parks and public reserves, sewerage systems and water supply systems.

1.6 Statement in Respect to Integrated Development (EPA Regulation s.25)

The proposed development is integrated development as it requires approval under the Coal Mine Subsidence Compensation Act 2017. No other integrated approvals are required as set out below.

a) Coal Mine Subsidence Compensation Act 2017

Approval is required under the Coal Mine Subsidence Compensation Act 2017, section 22, to erect improvements within a mine subsidence district.

Approval was sought from Subsidence NSW prior to lodgement. Approval letter is submitted with this application.

b) Rural Fires Act 1997

Under the Rural Fires Act 1997: section 100B requires a Bush fire safety authority for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes.

In respect to the proposed 2 lot subdivision, there is permissibility to use the lots for residential or rural residential purposes.

c) Protection of the Environment Operations Act 1997

This development does not require a grant of a licence under section 55 of the Protection of the Environment Operations Act 1997 (PoEO Act) but will require a variation to the existing licence under section 58 of the PoEO to amend the boundary of an existing EPL.

Consequently, the development is not integrated development in respect to any requirements under the PoEO Act. It is understood that Council will need to consult with the EPA in respect to the process for varying the licence as part of consideration of the development application. Further, it is likely that the variation to the licence will not proceed until at earliest, approval is granted to the proposed two lot subdivision, and the commencement of the modification of the licence timed to commence upon registration of the subdivision.

1.7 Statement in Respect of Biodiversity Conservation Act 2016 (EPA Regulation s.28)

The development is accompanied by a biodiversity development assessment report under the Biodiversity Conservation Act 2016 and contains the required biodiversity credits information.

1.8 Council Related Development Applications (EPA Regulation s.30B)

Muswellbrook Shire Council adopted Council Development Conflict of Interest Management Policy on 27 April 2023, which provides the following requirement to manage conflicts of interest that may arise in connection with the application because the council is the consent authority:

Applications with a capital investment value of more than \$5million:

- Will be publicly notified for a minimum of 28 days;
- Will be assessed by qualified Council Staff or a qualified external third party; and
- Will be determined by the Regional Planning Panel.

It is expected that the Council's Development Assessment Team will manage conflicts of interest in accordance with the Policy.

1.9 Other Requirements of Environmental Planning and Assessment Regulation

Documents accompanying the application are:

1. This Statement of Environmental Effects,
2. Plans:
 - a. Architectural Plans, including Site Plans and Layout Plans,
 - b. Survey,
 - c. Structural Plans,
 - d. Hydraulic Plans,
 - e. Mechanical Plans,
 - f. Proposed Two Lot Subdivision Plan,
3. Legal Opinion in respect to land use permissibility of the development,
4. Plan showing proposed adjustment to the EPL boundary,
5. Quantity Surveyor Report,
6. NSW Subsidence Advisory:
 - a. Approval Letter in respect to the Coal Mine Subsidence Act 2017,
 - b. Stamped plans,
7. Contamination Report in accordance with SEPP (Resilience and Hazards) 2021,
8. Visual Impact and Landscaping Plan,
9. Site Servicing Strategy Report, including extension of sewerage services, proximity to fire hydrants,
10. Traffic Impact
 - a. Traffic Impact Assessment Report,
 - b. Traffic Swept Paths,
11. Stormwater Management Plan,
12. Noise Impact Assessment,
13. Air Quality Impact Assessment,
14. Land Fill Gas Risk (Methane) Hazard Assessment,
15. Bushfire Threat Assessment,

16. Ecological Assessment – Biodiversity Development Assessment Report,
17. Biodiversity Credits Information under the Biodiversity Conservation Act 2016,
18. Aboriginal Archaeology Assessment - AHIMS Search,
19. Consultation Advice letter from AUSGRID in respect to proximity to high voltage transmission line,
20. Geotechnical Report,
21. Site Waste Minimisation and Management Plan,
22. BCA DDA Capability Statement,
23. Section J DTS Report,
24. ESD Report.

2 Assessment Issues

2.1 Protection of the Environment Operations Act 1997

The application proposes to amend the boundary of the land included in the Environmental Protection Licence for the Muswellbrook Waste & Recycle Facility.

The licence currently applies to the whole of Lot 1 DP 819014.

Section 58 of the PoEO Act provides for the EPA to modify an existing licence. Note that this is not listed in section 4.44 of the EPA Act 1979 as being integrated development.

Separate application is to be made to modify the licence boundary to exclude the site of the proposed Operations Administration Building. However, it is expected that this will follow approval of the proposed two lot subdivision as part of this development application.

The following points are provided in support of the proposed modification of the EPL boundary:

1. The current area of operation of the Waste and Recycle Facility is contained within the proposed amended EPL boundary.
2. The approved landfill area is contained within the proposed amended EPL boundary.
3. The proposed area to be excluded from the approved EPL is not contaminated based on the report by Qualtest Laboratory (12 July 2022).
4. The proposed area to be excluded is to contain the proposed Operations Administration Building and supporting reports demonstrate that, with appropriate mitigation measures in the design of the building and site works, there will be no significant restriction on the future operation of the Waste and Recycle Facility in respect to:
 - a. Noise impacts (Acoustics Report, Northrop , 28 September 2024),
 - b. Odour (Air Quality Impact Assessment, Todoroski Air Sciences, 19 December 2024),
 - c. Methane (Landfill Gas Risk Assessment, Enrisks, 24 January 2025).

Consequently, it is expected approval will be granted by the EPA to modify the licenced area of the EPL.

2.2 Section 4.14 of the Act – Bush fire prone land

The Site is partially mapped as bush fire prone land.

A Bushfire Protection Assessment Report by Australian Bushfire Protection Planners Pty Ltd (28.05.2024) provides an assessment of the development in accordance with Planning for Bushfire Protection 2019, and concludes that the proposed development complies with the aim and objectives of Planning for Bushfire Protection 2019 and the deemed to satisfy requirements of Section 8.3.10 of Planning for Bushfire Protection 2019 – Buildings of Class 5 to 8 and Class 10 of the Building Code of Australia in respect to the provision of asset protection zones [defendable spaces], access and water/utilities for fire-fighting operations.

Council is able to be satisfied that the development conforms with the requirements.



Figure 13 Extract of Bush Fire Prone Land Map

ENVIRONMENTAL PLANNING INSTRUMENTS

2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala habitat protection 2021 applies to the land.

There is no approved koala plan of management for the land.

Clause 4.9 provides that

- (2) *Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) *If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

The BDAR (Hunter Ecology, 17/12/2024) noted the presence of *Corymbia maculata*, *Eucalyptus crebra*, and *Eucalyptus moluccana* are listed as 'Koala use tree species', for the Central Coast Koala management area (page 30). However, in assessing the likelihood of occurrence of the species from the vegetation surrogates and landscape features, the report did not identify the need for ecosystem credits for koala habitat.

It is considered reasonable to conclude that the development will have no impact on koalas or koala habitat.

2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

a) Chapter 3 Hazardous and Offensive Development

The proposed development is not a potentially hazardous or potentially offensive development.

However, it is noted that the Muswellbrook Waste & Recycling Facility EMP includes assessment of the Waste & Recycling Facility as it is regarded as a potentially offensive industry. The assessment concluded that compliance with the EPL and application of

appropriate safeguards reduces the level of offensiveness to a non-offensiveness level. (page 11)

It is necessary to consider whether the construction of the new works depot building would change the assessment of the Waste & Recycling Facility.

Clause 3.7 requires consideration of current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.

Hazardous and Offensive Development Application Guidelines: Applying SEPP 33 (NSW Planning, January 2011) provides the following information for assessing offence:

Question 5.1 What supporting information should be supplied with a development application for a potentially offensive industry?

Consent authorities should seek information from the applicant on the quantity and nature of any discharges, and the significance of the offence likely to be caused by the development, having regard to the nature of the surrounding land use and the proposed controls. The need for any licences from the DECCW or other public authority should also be ascertained.

Question 5.2 Do any specific considerations apply in the assessment of a potentially offensive industry?

The key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant. An important factor in making this judgement is the view of the DECCW (for those proposals requiring a pollution control licence under DECCW legislation). If the DECCW considers that its licence requirements can be met, then the proposal is not likely to be 'offensive industry'.

Question 5.3 Is compliance with DECCW licence requirements sufficient to demonstrate that a proposal is not 'offensive industry'?

In most cases, compliance with DECCW requirements should be sufficient to demonstrate that a proposal is not an offensive industry. In some cases, depending on surrounding land uses, and particularly for proposals which do not require a DECCW licence, consent authorities should also consider:

- *Do any other authorities need to license the proposal? For example, for some proposals the Department of Health or the local water authority may be required to license emissions. Some pollution control approval may also be required under legislation or bylaws administered by council; and*
- *Can conditions be attached to further reduce the level of offence? Conditions which might be appropriate could include (depending upon circumstances): –*
 - *restricting hours of operation; and –*
 - *ensuring adequate separation distances to surrounding land uses.*

If, after considering these matters, the consent authority considers that the level of offence will not be significant, then the proposal should not be refused for reasons due to offence.

Supporting Information

Based on the Waste & Recycling Facilities EMP (see page 39), potential discharges from the Waste & Recycling Facility include:

1. Noise:

An Acoustics Report prepared by Northrop Consulting Engineers (28/09/2024) has been submitted in support of the application. The report assesses both the noise impact from the proposed development, and the impact of noise from the Waste and Recycling Facility on the proposed development. Noise levels from the Waste and Recycling Facility were extrapolated on the basis of the future extent of the landfill site, assuming

operations are operating at the closest offset distance from the proposed depot.

Recommendations have been provided by Northrop to ensure internal noise levels achieve the required criteria. These include:

- Glazing
 - Double glazing consisting of 8mm glass/ 16mm air gap/ 10.8mm laminated glass (Rw 43).
 - All windows / doors should be well sealed when closed with quality seals such as Q-LON acoustic seals (or equivalent) along the top and bottom sliders. Special attention should be given to balcony or slider doors to have quality acoustic seals all around them.
- Walls and Ceiling
 - CLD:01 (Rw 47) – 9mm CFC, steel stud frame (0.55mm); cavity width 94mm, stud spacing 600mm, 60mm fibreglass insulation, 10mm plasterboard
 - CLD:02 (Rw 45) – Colorbond, steel stud frame (0.55mm); cavity width 94mm, stud spacing 600mm, 60mm fibreglass insulation, 2 layers of Fyrcheck plasterboard
 - Roof (Rw 44) – 0.6mm roof cladding, suspended light steel grid frame; cavity width 200mm, stud spacing 600mm, 75mm Earthwool 11kg/m3 acoustic wall batt, 10mm plasterboard

These measures are projected to ensure that the noise from the Waste and Recycling Facility will not be offensive.

2. Leachate:

The Landfill has been designed to direct surface and subsurface water flows in a westerly direction to be collected and treated in leachate ponds in the western area of the site. Leachate is not considered to be offensive to the proposed depot building and future occupants.

3. Gas emissions:

A Land Fill Gas Risk Assessment Report, prepared by EnRisks (21/01/2025) has been submitted in support of the application. The assessment considered the long term design and extent of the landfill and extrapolated potential gas production at the end of the life of the landfill (30 years). At that time, there is a potential risk for lateral migration of gas.

The assessment identified a moderate risk for the proposed development, and provides recommendations for gas mitigation systems in the design of the building.

Two options are provided. It is proposed that the second option be required by consent condition: installation of a suitable gas-resistant membrane beneath the building structure to provide a barrier to minimise the migration of gas into the building.

These measures are projected to ensure that gas emissions from the Waste and Recycling Facility will not be offensive.

4. Odour

An Air Quality Impact Assessment, prepared by Todoroski Air Sciences (27/09/2024) has been submitted in support of the application. The assessment evaluated the potential for odour impacts on the proposed building and conversely to ensure the new building does not impact on the operation of the landfill and waste management facility, its licence requirements and the ability to carry out landfilling operations to the full extent shown in the long-term filling plan.

The Assessment Report identified the composting operations as the most significant source of odour for the life of the development.

Figure 13 provides isopleths of odour units during operational hours. The location of the building is outside the threshold target of less than 40Us.



Figure 14 Projected Odour Levels Operational Hours

The report notes the following:

The modelling assessment indicates that predicted odour levels at the CID would be within the acceptable levels during standard operating hours. However, there is potential for odour levels above the criteria outside of the standard operating hours.

It should be noted that whilst the modelling indicates levels below the applicable criteria, there is still potential for odour to be observed, however would not be considered to be offensive as it is not expected to interfere with the comfort and repose of the normal worker at the CID unreasonably. The range of a person's ability to detect odour varies greatly in the population, as does their sensitivity to the type of odour and how any particular odour is perceived by any individual. There is an expectation that the workers at the CID would be less sensitive to odour considering the context of its receiving environment, frequency, intensity, duration and character. That being said, there will be times at the CID when odour would be detectable from the composting and landfilling operations, therefore consideration of mitigation and management measures for both the CID building and WRMF operations to minimise the potential land use conflict is considered.

The report provides a number of recommendations to minimise the potential odour impacts on the development including:

- Ensure the building design provides adequate air flow and encourages flow in a particular direction away from doorways and intakes. Avoid dead-ends or long narrow spaces perpendicular to the wind where air can lay dormant and stagnate.
- Build continuous dense landscaping along the CID boundary between the landfill and composting operations. Tall vegetation will aid in dispersion and dilution for odour sources and also assist to minimise visual impacts and perception of odour sources.
- Consider positioning of air conditioning and ventilation intakes away from odorous sources. Have non-opening windows on the odorous side of the building and duct cleaner air into the building from along the south and west of the building and out to the odorous side. If necessary, consider the use of filtration to assist with odour removal.

These recommendations have generally been incorporated into the design of the development, noting that:

- The building provides air conditioned office space and air conditioning intakes have been positioned on the side furthest from the composting operations.
- The internal layout provides for openings at each end of the first floor level, with no obvious dead ends or long narrow spaces.
- Planting is proposed along the eastern boundary (the direction of the composting operation), however the density is limited by considerations of bushfire safety.

In addition, the Waste and Recycling Facility EMP provides for operational measures to minimise odour emissions, in accordance with best practice methods. It is considered that these measures will be implemented into the future and continue to form part of the EPL requirements, without significant additional burden to the operation of the landfill.

These measures are projected to ensure that the odour from the Waste and Recycling Facility will not be offensive.

5. Dust

The Waste & Recycling Facility EMP notes that there are no records of dust complaints (page 27).

In the medium to long term, as landfilling operations get closer to the site of the new building, there will need to be increasing efforts to control and suppress dust.

The measures proposed to mitigate odour impacts in the medium to long term will help to mitigate dust impacts within the new building and there would be opportunity to instal additional filters on the intake ducts for air conditioning if necessary.

Dust suppression will be required for the health and safety of the workers at the waste facility, and this will be the main driver of the need for these measures.

These measures are projected to ensure that the dust from the Waste and Recycling Facility will not be offensive.

6. Litter

Litter would not ordinarily be considered to be an offensive discharge for the purposes of assessing a potentially offensive industry. Litter may be blown from the working face of the landfill during strong winds. The EMP provides procedures and measures to control litter. The proposed building will be occupied by Council staff and the likelihood of an increase in complaints regarding litter is expected to be low.

7. Fire

Fire may create a hazard for the proposed new building and may give rise to offensive smoke discharge. The EMP provides for procedures and measures to prevent fires, and to manage fire outbreaks. There are existing fire fighting water services provided to the site. The proposed building is located to provide a defensible space between the landfill site and the building. Evacuation routes are available.

b) Chapter 4 Remediation of land

A Preliminary (Stage 1) and Detailed (Stage 2) Contamination Assessment Report (Qualtest, 12/07/2024) has been prepared for the site.

Five Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to:

1. Imported Fill (placed and stockpiled);
2. Current and former buildings across the site;
3. Storage of unknown materials/objects and equipment;
4. Former mining works and potential infrastructure;
5. Landfilling works to the north east of the site.

Qualtest provided the following conclusions and recommendations (page 30):

Sampling and analysis targeted the AECs identified within the proposed development area (excluding AEC 5 groundwater and ground gases), with a targeted soil sampling pattern adopted. The soil laboratory results reported concentrations of contaminants below the adopted human health and ecological criteria.

Based on the results of the Preliminary and Detailed Contamination Assessment it is considered the site can be made suitable for the proposed commercial/industrial development, with the following recommendations:

- *Completion of a ground gas assessment in the vicinity of the proposed buildings; and*
- *Preparation of a Construction Environmental Plan (CEMP) which will include an Unexpected Finds Procedure (UFP). The CEMP will be implemented during vegetation clearing and earthworks.*

Provided the recommendations made within this report are carried out, it is considered that the site could be rendered suitable, from a contamination point of view, for the proposed commercial/industrial development.

On this basis, it is concluded that Council is able to be satisfied that the land is suitable, or will be suitable, after remediation, for the purpose for which the development is proposed to be carried out.

2.5 State Environmental Planning Policy (Sustainable Buildings) 2022

The application is supported by an ESD Report prepared by Erbas and Associates (14 February 2025) and satisfies the development consent requirements under Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2022. In particular the following development consent requirements for non- residential development:

- the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
- a reduction in peak demand for electricity, including through the use of energy efficient technology,
- a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
- the generation and storage of renewable energy,
- the metering and monitoring of energy consumption,
- the minimisation of the consumption of potable water.
- Demonstrate how the development minimises greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources.

It is expected that consent conditions will be imposed in accordance with the recommended measures set out in the Report.

2.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

The following provisions define the permissibility of the proposed development:

a) Division 14 Public administration buildings and buildings of the Crown

2.85 Definitions

prescribed zone means any of the following land use zones

....

(h) SP2 Infrastructure

2.88 Development permitted with consent

- (1) Development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone.
- (2) Development for the purpose of public administration buildings that are ancillary to and located on the same land as another infrastructure facility may be carried out by or on behalf of a public authority with consent if—

- (a) the development application for the public administration building is determined at the same time as the development application for the infrastructure facility, and development for the public administration building is to be carried out at the same time as development for the infrastructure facility

b) Division 17 Roads and traffic

2.108 Definitions

prescribed zone means any of the following land use zones

...

- (h) SP2 Infrastructure

2.109 Development permitted without consent—general

- (2) Development for any of the following purposes may be carried out by or on behalf of a public authority without consent on land in a prescribed zone—
 - (b) permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities).

2.112 Development permitted with consent

- (2) Development for any of the following purposes may be carried out by any person with consent on land in a prescribed zone—
 - (c) permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities),

c) Division 12 Parks and other public reserves

2.73 Development permitted without consent

- (3) Any of the following development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority—
 - (a) development for any of the following purposes—
 - (viii) maintenance depots,

d) Division 18 Sewerage systems

2.125 Definitions

prescribed zone means any of the following land use zones

...

- (g) SP2 Infrastructure

2.126 Development permitted with or without consent

- (10) A reference in this Division to development for the purpose of a sewerage system of any kind includes a reference to development for any of the following purposes if the development is in connection with the sewerage system—

(j) maintenance depots.

e) Division 24 Water supply systems

2.158 Definitions

prescribed zone means any of the following land use zones

...

(g) SP2 Infrastructure

2.159 Development permitted without consent

- (1) Development for the purpose of water reticulation systems may be carried out by or on behalf of a public authority without consent on any land.

...

- (6) In this Division, a reference to development for the purpose of a water supply system of any kind includes a reference to development for any of the following purposes if the development is in connection with the water supply system—

(m) maintenance depots.

f) Summary of Permissibility under SEPP(IT)

	Permissible with consent	permissible without consent
Public administration building	clause 2.88(1)	
Public administration building ancillary to another infrastructure facility if determined at same time and carried out at same time	clause 2.88(2)(a)	
Permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities)	clause 2.1112(2)(c)	clause 2.109(2)(b)
Maintenance depots - parks		clause 2.73(3)(a)(viii)
Maintenance depots - sewerage systems		clause 2.126(10)(j)
Maintenance depots - water supply systems		clause 2.159(6)(m)

Moray and Agnew have provided a legal opinion (4 September 2024) confirming that the proposed development is permissible with consent.

2.7 Muswellbrook Local Environmental Plan 2009 (LEP 2009)

a) Zones

The site is zoned Zone SP2 Infrastructure and is labelled as “Waste Management Facility” on the Land Zoning Map.

Permissible uses are:

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads

The proposed development is not permissible within the zone under LEP 2009.

However, as set out under the foregoing section 2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021, all components of the development are permissible with or without consent.

In accordance with the legal advice provided by Moray and Agnew:

As the aspect of the proposed building that will be used for a Council administration building will require development consent under Part 4 of the Act and the Transport SEPP, and the areas of the proposed building and the wider Property used for each of the other proposed uses are mixed, cannot easily be physically delineated from each other, and cannot easily be seen as ancillary to any of the other uses, we see that the preferred course for Council should be for the Project to be addressed as a consolidated project requiring development consent.

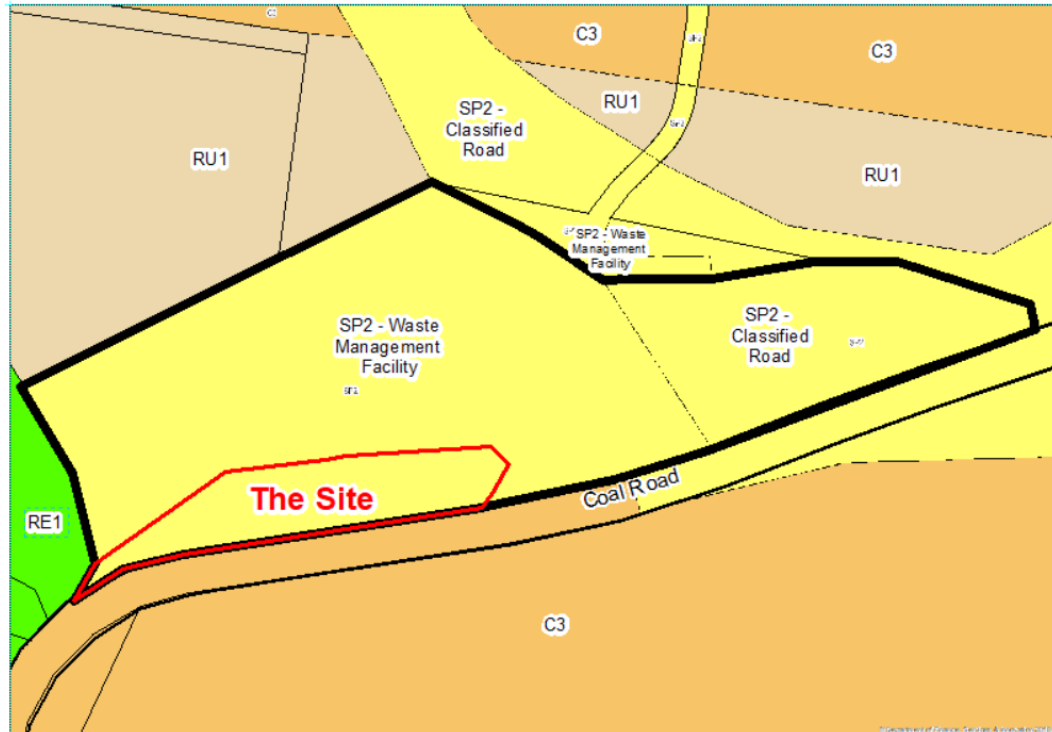


Figure 15 Zoning under Muswellbrook LEP 2009

b) Clause 4.3 Height of buildings

Clause 4.3 provides:

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

The maximum height for the land shown on the Height of Buildings Map is 13m.

The proposed building has a maximum height of 10.4m above existing ground levels.

2.8 Muswellbrook Development Control Plan 2009 (DCP)

a) Section 1 Introduction

Noted.

b) Section 2 Submitting and Application

Information accompanying this application is listed in section 1.9 of this SEE and includes all the relevant information specified in the DCP.

c) Section 3 Site Analysis

This SEE, Architectural Plans and other supporting reports provide necessary site analysis information including site characteristics, drainage, services, existing development, photographs, existing title restrictions, zoning, and bushfire prone land.

d) Section 16 Car Parking and Access

The Traffic Report (TAR Technologies, 29/04/2024) provides an assessment of parking demand, parking design, access and traffic impacts.

Parking Provision

The DCP requires parking to be provided in accordance with 16.6, which provides a table of parking rates according to land use.

The proposed development is not readily categorised within the table of parking rates, and a use specific assessment was undertaken by TAR Technologies. The assessment identified the following demand:

Administration: Total of 66 car and 5 motorbike spaces

Staff: 59 car parking, 5 motorcycle spaces

Visitor: 7 car parking spaces

Operational vehicles: 79 spaces as follows

Cars, Utilities and vans: 38 spaces

Trucks: 3 spaces

Trailers: 26 spaces

Other: 12 spaces

Slashers: 11 spaces

The development proposes 73 car and 5 motorbike parking spaces for staff on the eastern side of the building. This exceeds the requirement of 66 spaces.

On the western side of the building, there are 53 car parking spaces, plus parking for an equivalent 33 trucks, noting there is a combination of vehicle types in the council fleet. This exceeds the requirement for 79 spaces.

There are 11 spaces in the lower floor level of the building for slashers (tractors and mowers). This equals the requirement for 11 spaces.

Parking Layout

The DCP requires parking layout to be designed in accordance with AS2890.1/AS2890.2.

The Traffic Report confirms that the parking layout complies.

Access

The access to the site has been assessed by TAR Technologies and confirms that the development complies with:

- the provisions of AS2890, and
- the driveway types specified in the RTA of NSW: Guide to Traffic Generating Developments.

Parking for People with Disabilities

The staff car park provides 2 disabled parking spaces, which exceeds the minimum of 2% required by the DCP.

Internal Roads

The internal roads comply with the minimum circulation widths and swept path analysis demonstrates that the internal road system will cater for all vehicles associated with Council's fleet and expected to enter the site.

Construction Materials

The parking areas and internal roads are to be constructed with asphaltic pavement (two coat bitumen seal), with selected areas (ramps and driveway crossings) to be concrete pavement.

Landscaping

Landscaping is proposed around the perimeter of the site to provide visual screening of car parking areas.

There are long stretches of parking bays proposed that exceed the rule of thumb of 10 parking bays nominated in the DCP.

However, the DCP requirements are more appropriate for commercial and industrial developments within urban zones. Given the rural setting of this site and the proposed perimeter landscaping, it is considered that the objectives of the DCP have been satisfied.

e) Section 20 Erosion and Sediment Control

An Erosion and Sediment Control Plan (Diversi Consulting, 6/12/2024) has been prepared in accordance with the requirements of the DCP and submitted with the application.

f) Section 21 Contaminated Land

A Preliminary and Detailed Contamination Assessment Report (Qualtest, 12/07/2024) has been prepared and submitted with the application. This report satisfies the requirements of

State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land and the provisions of Council's DCP.

g) Waste Minimisation and Management

A Site Waste Minimisation and Management Plan (Rapid Geo, 6/12/2024) has been prepared and submitted with the application. This addresses the requirements of the DCP.

h) Water Management

A Civil and Stormwater Works Plan and Stormwater Catchment Plan (Diversi Consulting, 6/12/2024) has been prepared in accordance with the requirements of the DCP and submitted with the application.

2.9 Environmental Impacts

a) Environmental Impacts – Natural Environment

The development requires clearing of natural vegetation. The impacts have been assessed in the BDAR (Hunter Ecology, 17/12/2024) and it is proposed to offset the impacts through the purchase of ecosystem credits in accordance with the report.

The BDAR also provides other recommendations to be implemented as part of the development including:

- Clearing protocols,
- Vegetation management and replacement planting,
- Replacement habitat in the form of artificial nest boxes,
- Weed management protocols, and
- Sediment and erosion controls.

b) Environmental Impact – Built Environment

The development does not impact on any existing components of the built environment.

The proposed works and building will not significantly change the character of the site when viewed from Coal Road, with existing vegetation between the Coal Road pavement edge and the boundary of the site mostly not affected by the development.

The removal of the existing soil stockpile will result in some filtered views of the new fence and the new building beyond, viewed through the existing vegetation within the road reserve. There will be further screening provided by the proposed planting along the front boundary.

Overall, there will not be a significant impact on the built environment.

c) Social Impacts

Consideration of social impacts include:

Odour Impacts

An Air Quality Impact Assessment, prepared by Todoroski Air Sciences (27/09/2024) has been submitted in support of the application. The assessment evaluated the potential for odour impacts on the proposed building and conversely to ensure the new building does not impact on the operation of the landfill and waste management facility, its licence requirements and the ability to carry out landfilling operations to the full extent shown in the long-term filling plan.

The Assessment Report identified the composting operations as the most significant source of odour for the life of the development.

Figure 13 provides isopleths of odour units during operational hours. The location of the building is outside the threshold target of less than 4Ous.



Figure 16 Projected Odour Levels Operational Hours

The report notes the following:

The modelling assessment indicates that predicted odour levels at the CID would be within the acceptable levels during standard operating hours. However, there is potential for odour levels above the criteria outside of the standard operating hours.

It should be noted that whilst the modelling indicates levels below the applicable criteria, there is still potential for odour to be observed, however would not be considered to be offensive as it is not expected to interfere with the comfort and repose of the normal worker at the CID unreasonably. The range of a person's ability to detect odour varies greatly in the population, as does their sensitivity to the type of odour and how any particular odour is perceived by any individual. There is an expectation that the workers at the CID would be less sensitive to odour considering the context of its receiving environment, frequency, intensity, duration and character. That being said, there will be times at the CID when odour would be detectable from the composting and landfilling operations, therefore consideration of mitigation and management measures for both the CID building and WRMF operations to minimise the potential land use conflict is considered.

The following recommendations have generally been incorporated into the design of the development, noting that:

- The building provides air conditioned office space and air conditioning intakes have been positioned on the side furthest from the composting operations.
- The internal layout provides for openings at each end of the first floor level, with no obvious dead ends or long narrow spaces.
- Planting is proposed along the eastern boundary (the direction of the composting operation), however the density is limited by considerations of bushfire safety.

Implementation of these recommendations and noting that the modelling of odour is based on long term projected operation of the landfill, the impacts on occupants of the new building are not considered to be significant.

Noise Impacts

An Acoustics Report prepared by Northrop Consulting Engineers (28/09/2024) has been submitted in support of the application. The report assesses both the noise impact from the proposed development, and the impact of noise from the Waste and Recycling Facility on the proposed development.

The nearest residential receiver is identified as R04 located at 39 Queen Street Muswellbrook, which is located more than 650m to the west of the site.

Based on the Northrop report:

“the noise levels are predicted to comply with the noise emission criteria for all time periods. Nevertheless, the following recommendations should be considered to help minimise noise emissions.

- *Heavy vehicles should utilise broadband reverse beepers (where feasible); and*
- *Locate trucks in car spaces that allow forward movement to avoid reverse beeping.*
- *Mechanical plant – an assessment of noise emissions from the mechanical and building services equipment should be undertaken at the detailed design stage to ensure cumulative noise does not exceed the project specific criteria at the nearest affected receivers. Indicative recommendations that can be incorporated in the design is detailed in Section 5.2.1.2*
- *High pressure hoses and bitumen pumps – Sound power level of the high pressure and bitumen pumps should not exceed the sound power levels provided in Table 8. The use of the high pressure hoses should be limited to the day time (between 7am and 6pm)*

Bushfire Hazard

A Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd (28/05/2024) has been submitted in support of the application.

The report concludes:

“that the proposed development complies with the aim and objectives of Planning for Bushfire Protection 2019 and the deemed to satisfy requirements of Section 8.3.10 of Planning for Bushfire Protection 2019 – Buildings of Class 5 to 8 and Class 10 of the Building Code of Australia in respect to the provision of asset protection zones [defendable spaces], access and water/utilities for fire-fighting operations.”

Land Fill Gas Emissions

A Land Fill Gas Risk Assessment Report, prepared by EnRisks (21/01/2025) has been submitted in support of the application. The assessment considered the long term design and extent of the landfill and extrapolated potential gas production at the end of the life of the landfill (30 years). At that time, there is a potential risk for lateral migration of gas.

The assessment identified a moderate risk for the proposed development, and provides recommendations for gas mitigation systems in the design of the building.

Two options are provided. It is proposed that the second option be required by consent condition: installation of a suitable gas-resistant membrane beneath the building structure to provide a barrier to minimise the migration of gas into the building.

These measures are projected to ensure that gas emissions from the Waste and Recycling Facility will not be offensive to the development.

Traffic Safety

A Traffic Report, prepared by TAR Technologies Pty Ltd (29/04/2025) has been submitted in support of the application. The report provides the following conclusion:

“Coal Road is a low-volume, low-hazard road operating in a rural environment. The low traffic volumes generated at the new development site are not foreseeable issues. Furthermore, the surrounding road network is expected to have enough capacity to accommodate any additional traffic generated by the site. These conclusions apply to both construction and post-development traffic generation.”

d) Economic Impacts

The proposed development will provide a new consolidated Community Infrastructure depot in one location effectively a consolidation of four existing sites into one.

A confidential report to the Ordinary Meeting of Council on 28 June 2022 provided the following commentary:

A consolidated site will result in several operational efficiencies and improved economies of scale due to centralised stores, sharing of resources, reuse of materials, site proximity to Muswellbrook with reduced travel time, rationalisation of building assets, and greater integration of work between technical and operational staff.

The site is closer to town compared to the current Carramere Road Works Depot, therefore travel time would be reduced, allowing for increased operational productivity and a decrease in overall fuel costs if either of these locations were chosen. It is estimated that Works would spend a total of 16 hours a day in travel time between the Depot and Muswellbrook. Furthermore, the Muswellbrook Waste and Recycling Facility is isolated from residential areas, and this would result in limited noise pollution.

It is considered reasonable to conclude that the new development will provide benefits for Council operations.

The introduction of the administration and operational staff onto the site will increase the casual surveillance of the Waste and Recycling Facility. There will be a potential for increased complaints relating to odour, dust and noise and consequent increased rigour for the Waste and Recycling Facility Manager to ensure compliance with operational standards.

e) Suitability of the Site

Council undertook an investigation of location options for the new Community Infrastructure Depot, which was considered as a confidential report at an Ordinary Meeting on 28 June 2022. The investigation considered three possible sites. The site adjacent the Waste and Recycling Facility was selected because it was relatively isolated from residential, while at the same time

not too distant from the town centre compared to other options. The selected site also had a greater site area available to accommodate the building and parking of operational vehicles.

While it is acknowledged that the site has a number of restrictions and constraints to be addressed in the design, construction and ongoing management of the site, it is considered that the site is suitable for the development in the context of available sites and subject to the range of measures proposed to manage the constraints of the site.