

27 May 2025

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Attention: General Manager

Muswellbrook Shire Council

PO Box 122

Muswellbrook NSW 2333

SLR Project No.: 630.032367.00001

**RE: Statement of Environmental Effects
Demolition of Existing Service Station
22 Sydney Street, Muswellbrook NSW 2333**

1.0 Introduction

SLR Consulting Australia Pty Ltd (SLR) acts on behalf of its client Ampol Australia Petroleum Pty Ltd (Ampol) in preparing this supporting Statement of Environmental Effects (SEE) for a Development Application (DA) for the demolition of the existing dwelling, located at 22 Sydney Street, Muswellbrook NSW 2333.

This SEE describes the site, its environments, the proposed works and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The report should be read in conjunction with the supporting information appended to this letter.

2.0 Site and Surrounds

The subject site is generally referred to as 22 Sydney Street, Muswellbrook NSW 2333, and legally identified as Lot 1 of DP137128. The site is located within the Muswellbrook Shire Local Government Area (LGA). The site is regular in shape and has a total site area of approximately 235m², with a 10m frontage to Sydney Road (state classified road).

The site currently contains a one storey dwelling. The rear of the site is predominately vacant with a small portion of landscaping on the rear south eastern boundary. There is no vehicle access to the site however pedestrian access is available via Sydney Street.

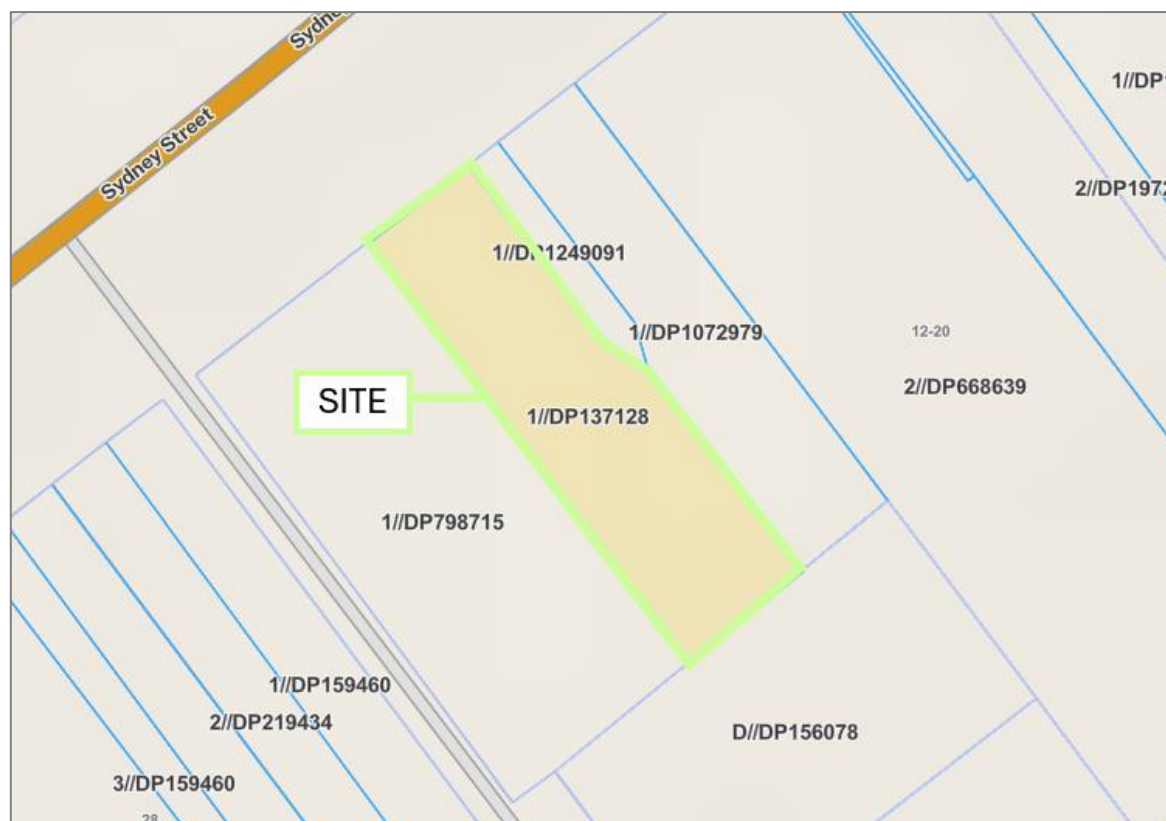
Located north and west of the site are predominantly commercial premises, including Muswellbrook District Workers Club and Prince of Wales Tavern. Located adjacent to the site to the east is a now vacant site, previously a service station which was demolished under DA 2024-2.

Refer to **Figure 1** and **2** for the site aerial and site cadastre.

Figure 1 Site Aerial (Source: Nearmap, dated 14 March 2025)



Figure 2 Site Cadastre (Source: Explorer Maps)



3.0 Proposed Development

This proposal seeks consent for the demolition of the existing dwelling and garage on the subject site. Refer to **Figure 3** for the proposed demolition plan.

Figure 3 Demolition Plan (Source: Appendix A)



The dwelling has an approximate area footprint of 190sqm and is primarily constructed of fibro asbestos sheeting with a brick veneer. The building is supported by concrete piers foundation with pad/pier footings. The roof is constructed of tin sheeting. Internally, the building is primarily constructed of gyprock and Masonite metal sheeting. The single storey garage is covered with fibre cement sheeting over a hardwood frame and timber cladding and a timber fascia. The garage has an aluminum roller door and concrete slab floor.

The primary purpose of this DA is to provide a cleared site to enable future redevelopment in line with the area and land zoning. Full details of the proposed works are provided within the Demolition Plan located at **Appendix A**.

Site fencing and erosion and sediment control measures will be utilised during demolition works and retained after to ensure that the site is secured and safe during and after works have completed.

The proposal does not include any works within the road reserve.



4.0 Relevant Legislation and Planning Controls

The following legislation, Environmental Planning Instruments (EPIs) and Development Control Plan (DCP) are relevant to the proposed development:

- *Environmental Planning and Assessment Act 1979*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- *Muswellbrook Local Environmental Plan 2009*; and
- *Muswellbrook Development Control Plan 2009*.

4.1 Environmental Planning and Assessment Act 1979

This proposal is subject to the provisions within the *Environmental Planning and Assessment Act 1979* (EP&A Act). Section 4.15(1) of the EP&A Act provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this SEE.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The *SEPP (Resilience and Hazards) 2021* aims to facilitate the efficient and safe development of hazardous and contaminated land across NSW.

All works will be above ground level and thus site soils will not be disturbed. The existing use of the site is residential. However, it is noted that the dwelling is constructed primarily of fibro asbestos and brick. An asbestos assessment to identify Asbestos-containing Materials (ASM) was undertaken at the site in accordance with the *NSW Work Health and Safety (WHS) Regulation 2017* and the *SafeWork NSW Code of Practice: How to Manage and Control Asbestos in the Workplace, 2022*.

All hazardous materials identified on site will be removed and disposed of to a licensed facility in accordance with *SafeWork NSW Code of Practice: How to Safely Remove Asbestos, 2022*. Demolition works will not commence on the site until clearance has been issued by a qualified hygienist. Refer to the HAZMAT Report and Demolition Plan provided at Appendix A for further detail.

4.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *SEPP (Transport and Infrastructure) 2021* aims to facilitate the efficient delivery of infrastructure across NSW. The relevant clauses of the SEPP are set out below.

Clause 2.119 Development with frontage to classified road.

The site has a frontage to a state classified road (Sydney Street), and accordingly Clause 2.119 applies to the proposal.

This clause states:

- 1 *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*



- a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - i. *the design of the vehicular access to the land, or*
 - ii. *the emission of smoke or dust from the development, or*
 - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal, relating only to demolition of a dwelling, will not result in any significant impacts to Sydney Street. Construction vehicle movement will utilise existing access points from Sydney Street. It is noted that any construction impacts will be readily addressed through management of the site.

4.4 Muswellbrook Local Environmental Plan 2009

The proposal is subject to the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009 which applies to all land within the Muswellbrook Shire LGA. The site is zoned E3: Productivity Support under the provisions of the LEP (refer to **Figure 4**).

Figure 4 Land Zoning Map Extract from LEP 2010 (Source: ePlanning Spatial Viewer)



Zone E3 Productivity Support

1 Objectives of Zone

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To ensure that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas.*

2 Permitted without Consent

Building identification signs; Environmental protection works; Flood mitigation works; Home occupations; Sewage reticulation systems; Water reticulation systems

3 Permitted with Consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; Rural supplies; Service stations; Sex services premises; Shop top housing; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

The proposal is for demolition of a dwelling. Future development and use of the site will be in line with the commercial zoning. No new use is proposed under this DA.



4.4.1 Relevant Clauses under Muswellbrook LEP 2009

Clause 2.7 Demolition requires development consent

Under Clause 2.7, demolition is permissible only with the consent of Council. The proposed demolition of the dwelling will not hinder the potential redevelopment of the site in accordance with the objectives and development standards of Muswellbrook LEP 2009.

Refer to **Appendix A** for Demolition Plan.

Clause 5.10 Heritage Conservation

The site is not identified in the LEP maps as being within a heritage conservation area or containing any heritage items on site. The site borders heritage item I119 “*Kerb and guttering*” along its Sydney Street frontage. Refer to Section 5.3 for further discussion.

Clause 7.6 Earthworks

No earthworks will be undertaken in association with the proposed demolition. The demolition works aim to improve the site for future redevelopment.

No other clauses under the LEP are considered to be relevant to the proposal.

4.5 Muswellbrook Development Control Plan 2009

The Muswellbrook Development Control Plan (DCP) 2009 applies to land covered by the Muswellbrook LEP 2009. The aim of this DCP is to facilitate development that gives effect to the aims and objectives of the LEP.

The relevant sections of the DCP applicable to the proposed works are:

- Section 24 – Waste Management

While minimal controls are applicable to the proposal, an assessment against the relevant controls is provided in Section 4.5.1 below.

4.5.1 Assessment of DCP 2009

Section 24 – Water Minimisation and Management

24.3.1 Demolition of Buildings or Structures

Controls/Requirements

- *A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application.*
- *Identify all waste likely to result from the demolition, and opportunities for reuse of materials.*
- *Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.*
- *Reuse or recycle salvaged materials onsite where possible.*
- *Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).*
- *Provide separate collection bins or areas for the storage of residual waste.*
- *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.*

Pursuant to this control, a Waste Management Plan and Demolition Plan have been prepared for the proposed demolition works. Refer to Appendix B – Waste Management Plan and Appendix A – Demolition Plan.

There are no further DCP controls relevant to the scope of works. The proposal is therefore compliant with the requirements of DCP 2009.

5.0 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 4.15(1) of the EP&A Act 1979 relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

The proposal either complies with or is consistent with all relevant planning instruments and controls set out in Section 3 of this SEE, in that:

- The proposed works are compliant with *SEPP (Transport and Infrastructure) 2021*;
- The works are permitted with consent under the *Muswellbrook LEP 2009*; and
- The proposal is compliant with the relevant provisions of *Muswellbrook DCP 2009*.

5.2 Demolition

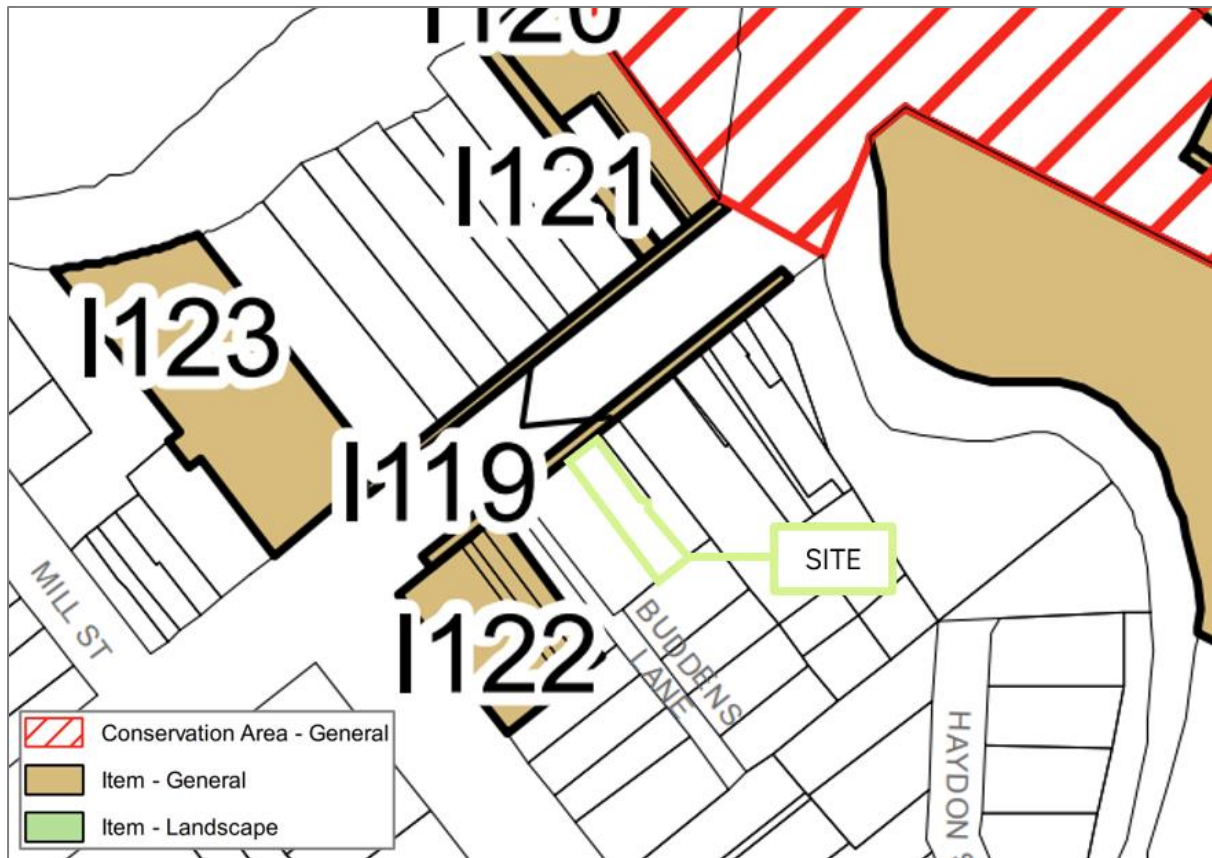
All demolition is to be undertaken in accordance with AS2601-2001: The demolition of structures and carried out by appropriately licenced contractors. Please refer to the Demolition Plan provided as Appendix A.

5.3 Heritage

The site is not identified as a heritage item, nor is it located within a heritage conservation area. However, the site borders heritage item I119 “*Kerb and guttering*” along its Sydney Street frontage, refer to **Figure 5**.



Figure 5 Heritage Map Extract from Muswellbrook LEP 2009 (HER_008AA)



The Statement of Significance for the item states:

“The kerbing and guttering is locally significant historically, aesthetically and scientifically. Historically it is identifiable with late 19th century road making in major towns throughout regional (and metropolitan) NSW. Aesthetically it is aligned with a period in which brick and stone were used in complementary fashion in the main street buildings of the towns and in which town design embraced the range of modern day streetscape considerations. Scientifically it is significant for its potential to reveal information about available materials and road making practices in late 19th century upper Hunter townships.” (State Heritage Inventory, 2009)

The proposed demolition works will not cause significant adverse impacts to the heritage item. The existing vehicle crossovers have been in regular use without compromising the structural integrity or heritage value of the item. Therefore, there will be no additional or unforeseen physical intrusion into undisturbed sections of the heritage fabric.

Furthermore, appropriate site management and mitigation measures will be implemented during the demolition process to ensure that the kerbing and guttering are adequately protected. These may include delineation of vehicle paths, use of protective barriers where necessary, and close monitoring to ensure compliance with heritage protection protocols.



5.4 Amenity

Air Quality

The works are temporary in nature and any air quality impacts will be short term and managed appropriately. All air quality impacts will be managed in accordance with relevant standards. All asbestos-containing materials are to be thoroughly wetted to suppress dust and physical barriers and enclosures will be utilised to contain the work area.

Noise

Due to the temporary nature of the works any noise impacts will be short term and managed appropriately. Noise management and mitigation measures will be adopted during noise intensive construction/demolition activities with the works restricted to reasonable levels to achieve compliance with the *EPA NSW Noise Manual for the control of construction site noise*.

5.5 Waste Management

A Waste Management Plan (WMP) has been attached to this SEE (see **Appendix B**) and provides estimated type and quantities of waste intended to be removed from the site.

The WMP provides details of the estimated demolition materials and provides details on the management of all waste. The expected demolition waste materials will likely include timber, plastics, bricks, concrete, and metal. Waste generated will be taken to appropriately licenced waste management facilities for recycling, with disposal only employed as a last resort. Excavated material will be reused on-site if found to be suitable.

5.6 Demolition Management

The proposed works will be undertaken in accordance with the detailed Demolition Plan, attached at **Appendix A**.



6.0 Conclusion

The proposed demolition of the existing dwelling at 22 Sydney Street, Muswellbrook NSW 2333 will have a positive impact on adjoining properties and the environment, with potential impacts on amenity being temporary. The primary purpose of the proposal is to provide for a cleared and safe site in preparation for future redevelopment in line with the land use zoning.

The development will comply with the relevant requirements of applicable state legislation, SEPPs, the Muswellbrook LEP 2009, and Muswellbrook DCP 2009, and will not restrict any future development from being able to achieve compliance in the future.

Given the merit of the proposal and the absence of any significant adverse environmental impacts, the DA is considered to be in the interest of the public and worthy of Council's support.

We thank you for the opportunity to lodge this application and look forward to timely development consent. Should you have any questions please do not hesitate to contact the undersigned.

Regards,

SLR Consulting Australia



Grace Moses

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Appendix A Demolition Plan

Appendix B Waste Management Plan



Appendix A

Demolition Plan



Appendix B

Waste Management Plan

