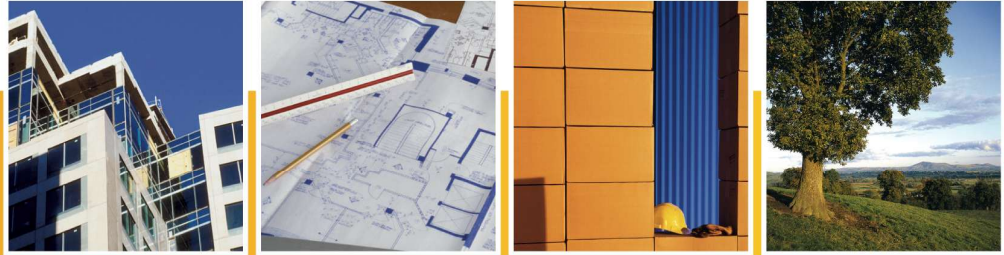


Statement of Environmental Effects



For
Extensions to Bottle Shop at the Prince of Wales Tavern
28 Sydney Street, Muswellbrook, NSW 2333
Lot 1 DP 80963, Lot 3 DP 159460
Lot 1 DP 219434, Lot 2 DP 219434
Lot 1 DP 159460

Prepared for
Jabetin Pty Ltd

August 2025
Report 25/072 Rev B

Prepared by
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 Applicant: HDB
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 HDB Reference Number: 25072

Project Manager: Graham Bates**Date: 06/08/2025***This document is for discussion purposes only, unless signed and dated by the person identified.***DISCLAIMER:**

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1.0 EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by HDB Town Planning and Design on behalf of Jabetin Pty Ltd. This SEE supports the lodgement of a development application seeking consent to regularise the expansion of the Bottle Shop through the incorporation of the rear entry foyer, public area, and restaurant at the Prince of Wales Tavern, 28 Sydney Street, Muswellbrook 2333 (Lot 1, DP 80963, Lot 3 DP 159460, Lot 1 DP 219434, Lot 2 DP 219434, Lot 1 DP 159460).

The SEE provides the following:

- Details of the Application (Section 2)
- An extensive assessment/analysis of the existing Site (Section 3)
- A detailed description of the proposed development (Section 4)
- An assessment of the proposed development against all the relevant planning controls and matters as outlined under Section 4.15 (Section 5)
- An assessment of the proposal with regard to the key planning and environmental issues identified (Section 6)
- Justification and Need for the Project (Section 7)

The subject lot sits in the northern corner of the commercial centre in the Muswellbrook township and is zoned E3: Productivity Support under the council's mapping. Primary access to the lot is via the New England Highway or Buddens Lane via Sydney Street.

The proposal seeks to regularise the expansion of the Bottle Shop by incorporating the rear entry foyer, public area, and restaurant located on the subject lot. The proposed development is permissible on the subject lot under the Muswellbrook LEP 2009 and is consistent with the objectives and character of the area. It has been established further in the report that the proposal can be achieved with minimal environmental impacts and complies with all the statutory, and non-statutory requirements.

This application is submitted for the Council's consideration on behalf of our client. Based on the assessment undertaken we recommend approval of the application with appropriate conditions.

2.0 INTRODUCTION

2.1 PURPOSE

The SEE addresses the planning requirements associated with the proposed development and undertakes an assessment of the potential environmental impacts pursuant to the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The SEE has been prepared by HDB Town Planning and Design (HDB) on behalf of Jabetin Pty Ltd. The application is lodged with the Muswellbrook Shire Council pursuant to Section 4.12 of the EP&A Act.

2.2 SITE DESCRIPTION

Lot 1 DP 80963

Lot 3 DP 159460

Lot 1 DP 219434

Lot 2 DP 219434

Lot 1 DP 159460

28 Sydney Street, Muswellbrook NSW 2333

2.3 APPLICATION DETAILS

2.3.1 APPLICANT DETAILS

Jabetin Pty Ltd
C/- HDB Town Planning & Design
PO Box 40
CESSNOCK NSW 2325

2.3.2 CONTACT DETAILS

Graham Bates
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PO Box 40
CESSNOCK NSW 2325

PH: 02 4933 6682

FX: 02 4933 6683

E: Graham@hdb.com.au

2.3.3 OWNERSHIP DETAILS

Jabetin Pty Ltd , refer to *Appendix A – Title Search and Deposit Plan*.

2.4 DOCUMENT STRUCTURE

The SEE has been structured as follows:

- Section 1 - Executive summary - provides a general overview of the project its findings and conclusions
- Section 2 – Introduction - provides a general background of the project and defines the site, the current owner, and contact details
- Section 3 – Site Analysis – provides a detailed analysis of the site proposed for the development.
- Section 4 – Proposed Development – provides a detailed description of the proposal including its suitability for the site.
- Section 5 - Legislative Context – provides the legislative context of the development.
- Section 6 – Key Planning and Environmental Issues – provides details of any potential impacts of the project on the subject site and includes mitigation measures that are proposed to reduce and/or remove the potential impacts.
- Section 7 – Project Justification and Need – provides a summary of the project and a justification of the proposal with reference to the principles of ecologically sustainable development and objectives of the Environmental Planning and Assessment Act, 1979.
- Section 8 – Conclusion – provides a conclusion and requests that Muswellbrook Shire Council grant conditional consent to the proposed development.

3.0 SITE ANALYSIS

3.1 LOCATION

Address: Lot 1 DP 80963 and others, 28 Sydney Street,
Muswellbrook NSW 2333

Refer to Figure 1

Current Use: Bottle shop. Public Bar is currently not operating

Local Government: Muswellbrook

Locality: Muswellbrook

Area of site: 2,049.3 m²

Zone: E3: Productivity Support

Refer to Figure 2

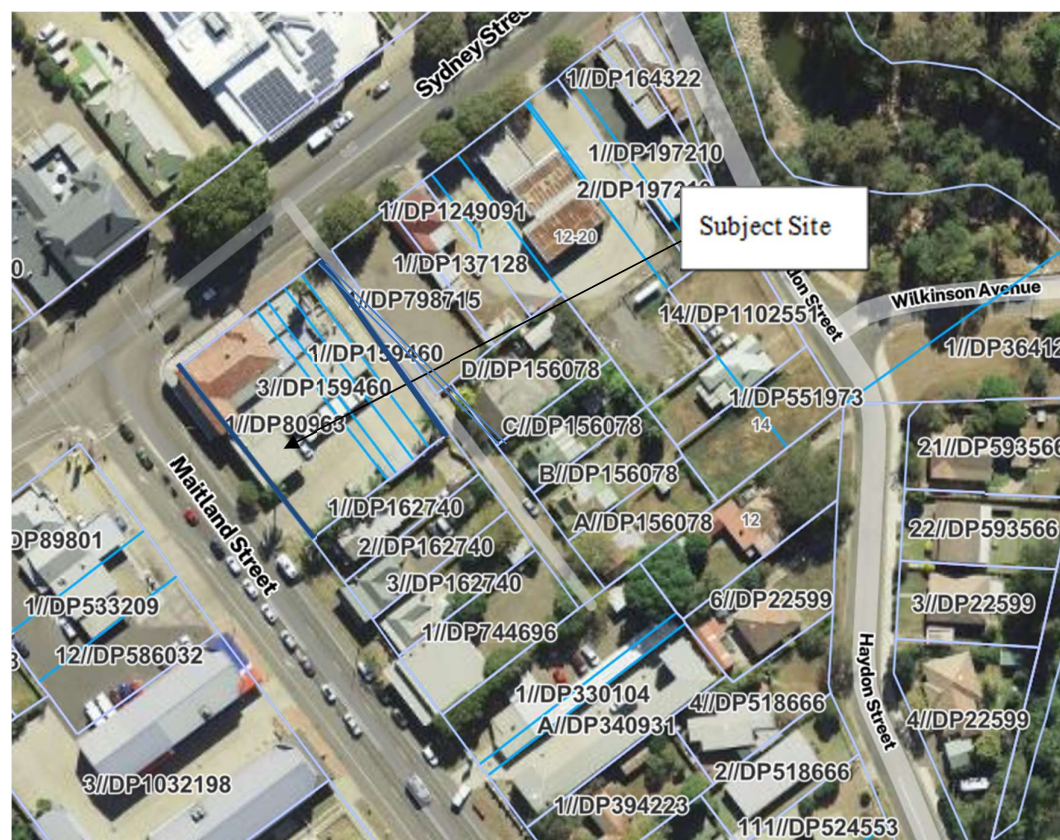


Figure 1: Location Plan

Source: Sixmaps, accessed July 2025

3.2 EXISTING SITE

The subject site is an 2,049.3m² regular shaped lot in the commercial centre of Muswellbrook. The lot is zoned E3: Productivity Support under the Muswellbrook

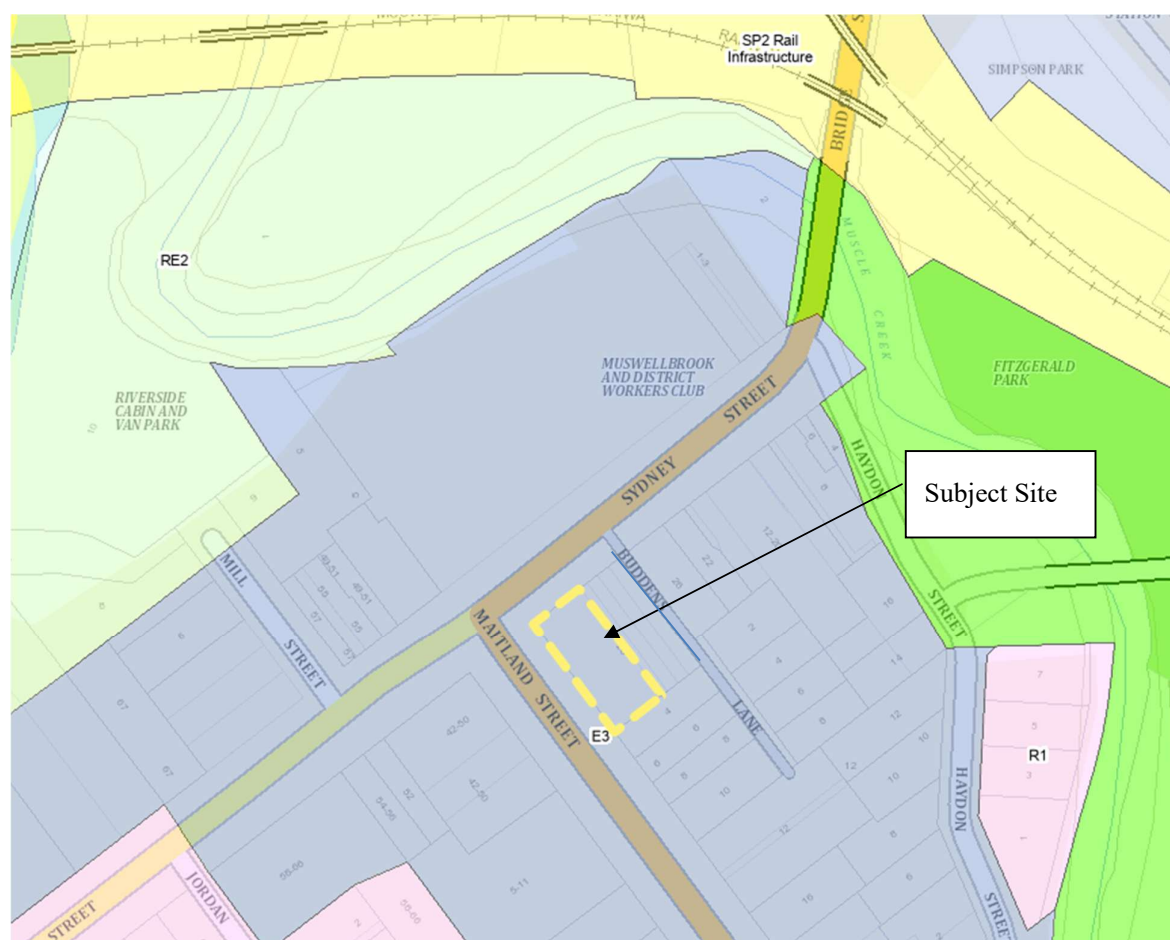


Figure 2: Zoning Plan

Source: NSW Planning Portal, accessed July 2025

Local Environment Plan (LEP) 2009.

The site contains an established building of approximately 1,100m² and is flat and cleared of vegetation. Primary access to the lot is from Maitland Street (the New England Highway) or Sydney Street via Buddens Lane. **Refer to Figure 3 and Appendix H – Site Survey.**

3.3 CURRENT USE

While the building includes a public bar, only the bottle shop is currently in operation. The bottle shop trades from 7:00am to 9:00pm, six days a week, and from 9:00am to 9:00pm on Sundays, **Refer to Figure 4.**

There are no known compliance matters affecting the site that would present issues for the proposed development. Additionally, the site has not been identified as contaminated.

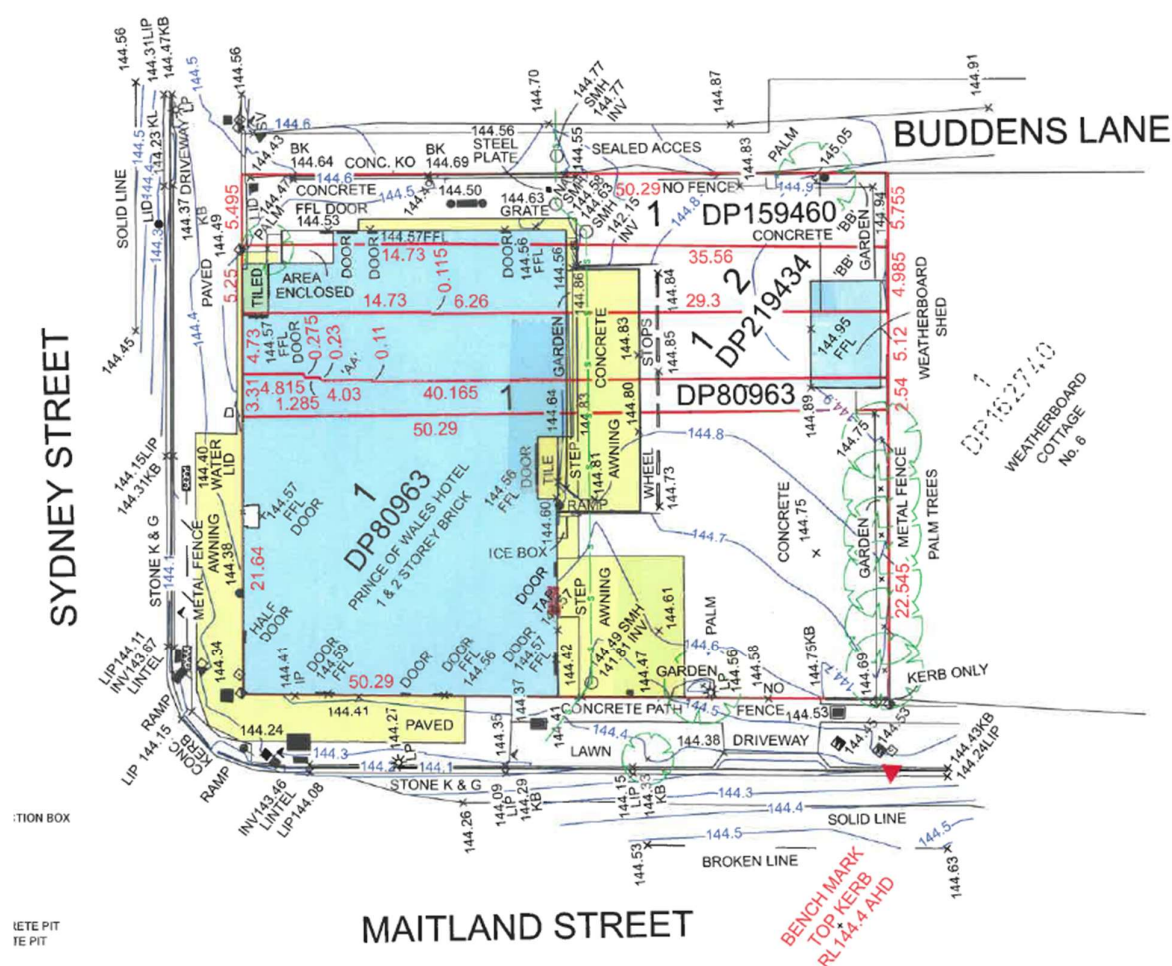


Figure 3: Site Survey

Source: HDB

3.4 TOPOGRAPHY & VEGETATION

The site is kerb and guttered and slopes from its highest point of RL 145.05m in the east to RL 143.34m in the west over a diagonal distance of 65 metres. The highest elevation is located at the rear of the property along Buddens Lane, with the lowest point at the front (western) corner at the intersection of Sydney Street and Maitland Street (New England Highway), ***Refer to Figure 3 and Appendix H – Original Plan.***

The lot is complete cleared and developed. The lot contains the hotel area, bottleshop and parking area.

3.5 HYDROLOGY

There are no natural or manmade drainage lines or waterways within 40m of the subject site.

3.6 ACCESS

Primary access to the lot is from Maitland Street (the New England Highway) or Sydney Street via Buddens Lane, *Refer to Figure 3*.

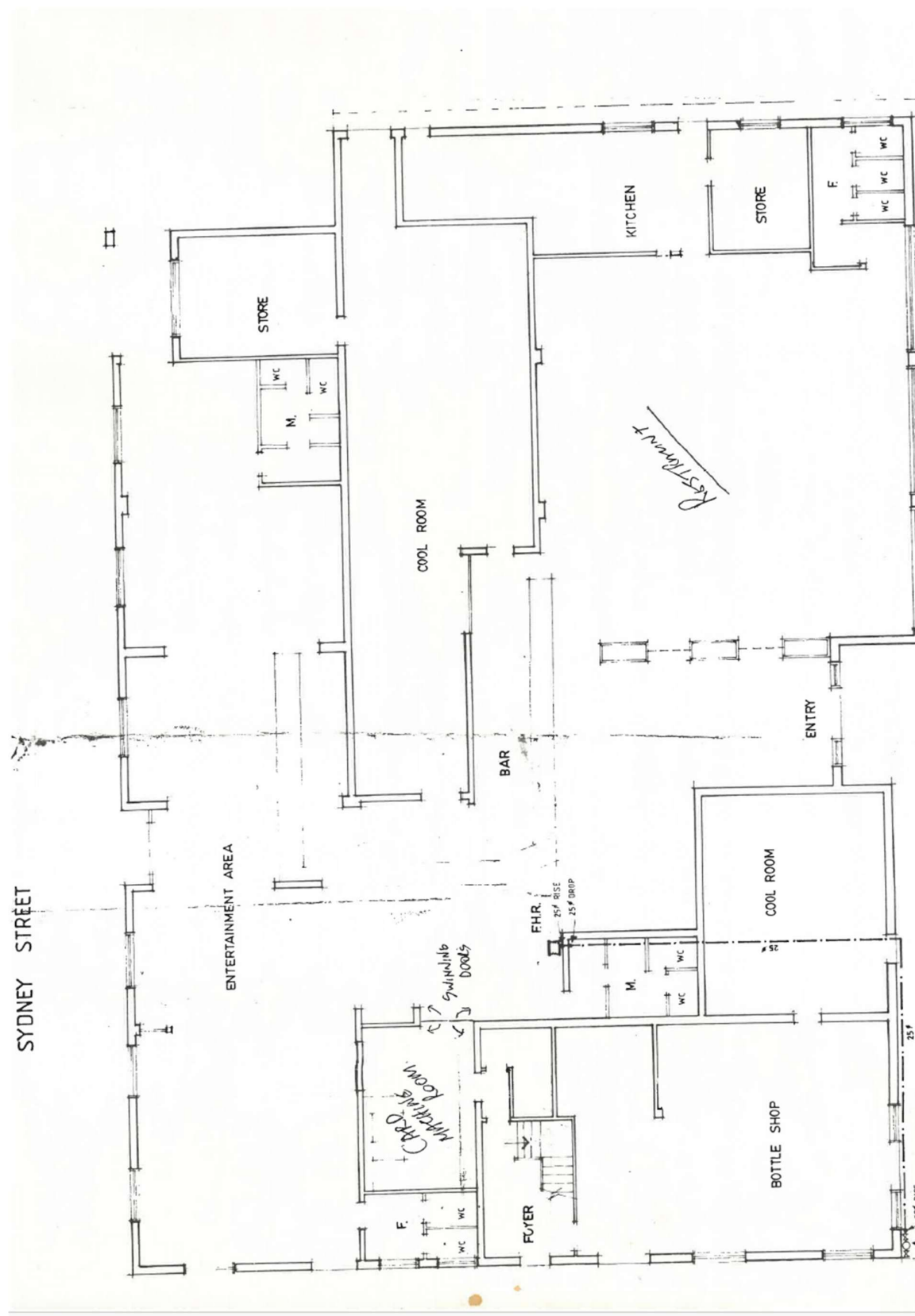


Figure 4: Original Internal Layout

Source: Owners Plans

3.7 SURROUNDING LANDUSE

The immediate surroundings of the subject site have typical characteristics of the commercial centre of Muswellbrook. Commercial properties with wide streets and footpaths built to the boundary, and attached car parking (*Refer Figure 5*).



Figure 5: Surrounding development

Source: NearMaps Accessed July 2025

3.8 ARCHAEOLOGY AND HERITAGE

A desktop investigation of both Aboriginal and European heritage was undertaken for the site. A review of the the Aboriginal Heritage Information Management System (AHIMS) was undertaken on the 25 July 2025 (refer to **Appendix B – AHIMS Report**), which confirmed that there are no recorded sites of Aboriginal Heritage or archaeological items found within 200m of the site boundary (*Refer figure 6*).

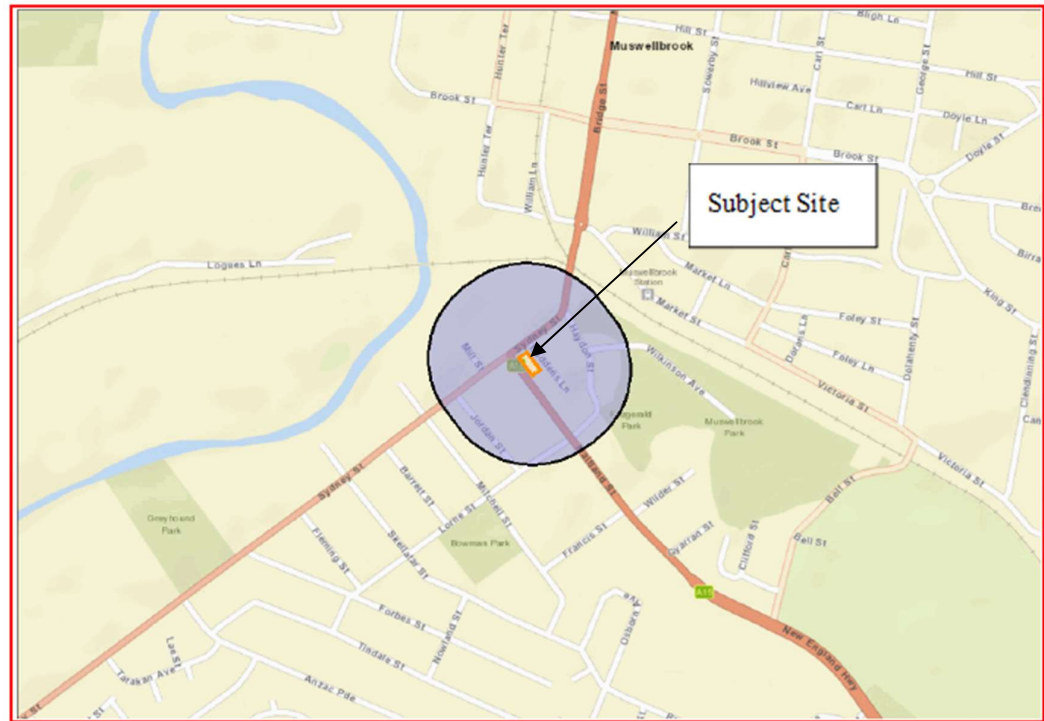


Figure 6: AHIMS Survey Plan

Source: Department of Heritage AHIMS mapping, dated 25 July 2025

The Muswellbrook LEP identifies the site as a heritage site under Key Sites Map Area 1, being the Prince of Wales Tavern. The site does not lie within the Muswellbrook Conservation zone (*Refer to figure 7*).

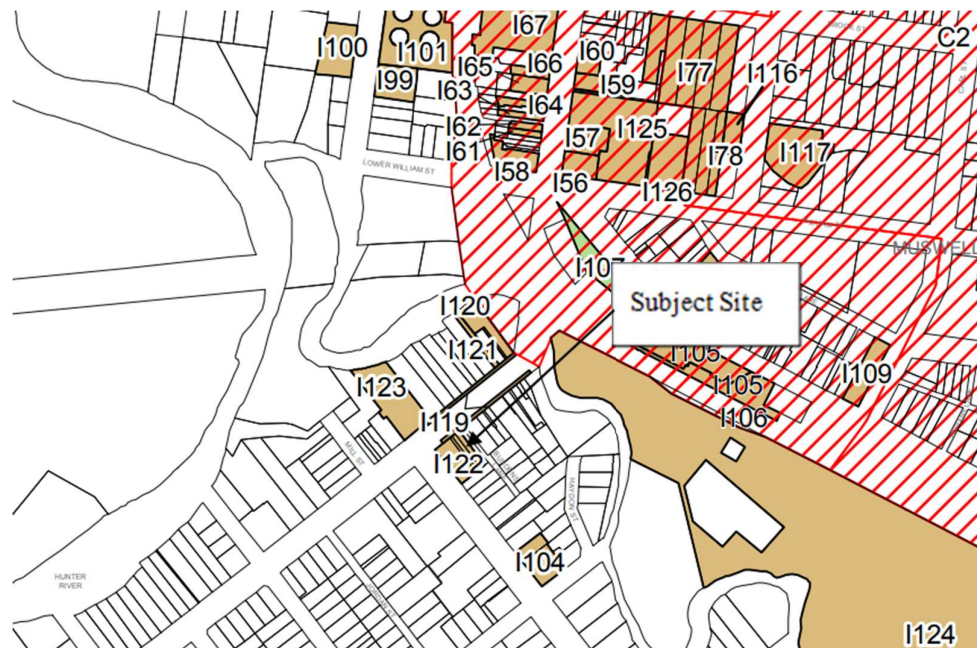


Figure 7: Heritage Mapping

Source: Online Maps – Muswellbrook LEP mapping, Accessed July 2025

A Statement of Heritage Impacts has been prepared as part of this assessment (*refer to Appendix C*). The report demonstrates that the building was developed in two stages. The first stage involved the construction of the two-storey façades along both Maitland and Sydney Streets, completed during the 1920s–1930s. The building remained largely unchanged until the late 1970s, when single-storey extensions were added to the north and east, expanding the public bar and former bottle shop areas

3.9 SERVICES TO SITE

The site is serviced by all the essential services of electricity, water, sewer, nbn, and telecommunications. Refer to *Appendix D – Services to the Site*.

3.10 BUSHFIRE & FLOODING

The subject site is not mapped as a Bushfire Prone Area. While the site is identified as a Flood Plan Area under the mapping by Muswellbrook Shire Council, the expansion of the bottle shop will not result in the intensification of residential uses and other inappropriate uses in flood affected areas.

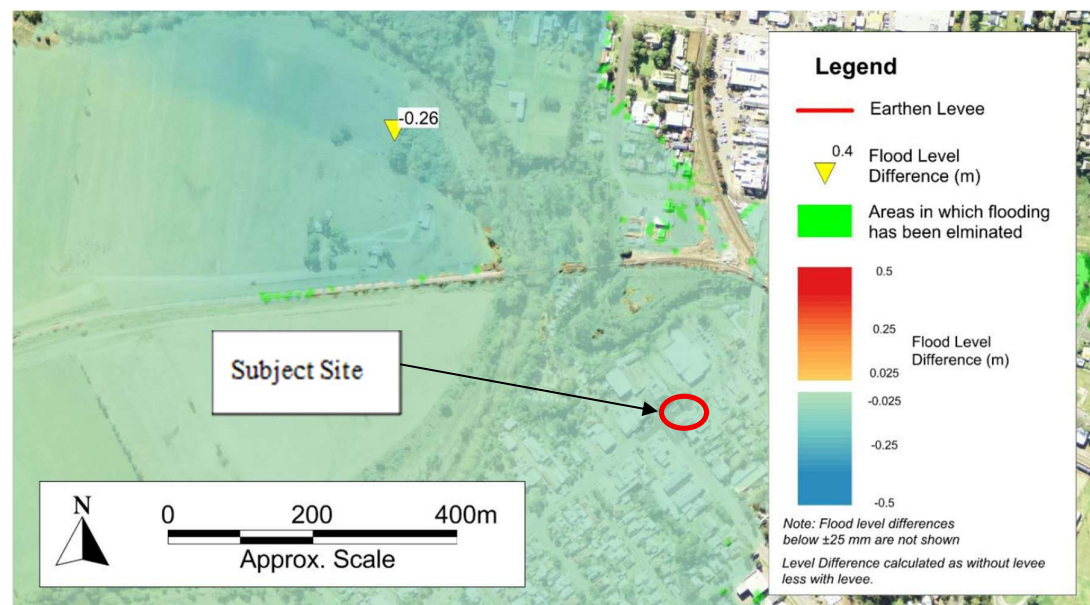


Figure 8: Flood Mapping

Source: Online Maps – Muswellbrook LEP mapping, Accessed July 2025

3.11 ACID SULFATE SOILS

The subject site is not mapped as having acid sulfate soils.

4.0 PROPOSED DEVELOPMENT

4.1 SUMMARY

The proponent seeks to regularise the use of part of the existing building to extend the footprint of the operated bottle shop. The expansion was carried out within the unused 1979–1982 lounge bar/bistro area by incorporating the rear entry foyer, public area, and restaurant. The floor area of the existing Bottle Shop will increase from 150m² to 350m².

No changes have been made to the external fabric of the building, and no part of the original 1929–1930 structure - the oldest section of the building - has been impacted. The structural elements of the building remain unchanged. The existing fridges were relocated to the former foyer and restaurant areas to create a new, larger display area. New doors were installed to provide access to the cool room, and new fridge doors were also fitted to the existing fridges. A new ramp was installed in the entry way to improve access. The original bottle shop display area has been closed to the public and is now used for storage. ***Refer to Appendix F - Architectural Plans.***

The subject site has the capacity to support the proposal. Given the sites established facilities, its location in close proximity to arterial roads, public transport, and town and shopping centers, the site is ideal for accommodating an expansion to the bottle shop at the Prince of Wales Tavern to provide for the needs of local patrons without impacting upon the character of the area.

4.2 DETAILS

The proposed development is identified as permissible under *section 2.1* of the MLEP 2009.

4.2.1 DEVELOPMENT PROPOSAL

The hotel building with a footprint of approximately 1,100m² includes an area established as a public bar that is not currently in operation. The owner seeks to regularise the expansion of the existing bottle shop at the Prince of Wales Tavern from 150m² to 350m² and include the installation of open shelved areas, glass door fridges and a walk in cool room. The expansion took place within the unused 1979-82 lounge bar/bistro area, assuming an unused entry foyer, public area and restaurant. The bottle shop is orientated towards the carpark. The carpark accessible from both the New England Highway and Buddens Lane via Sydney Street (west). ***Refer to figure 9 and Appendix F – Architectural Plans.***

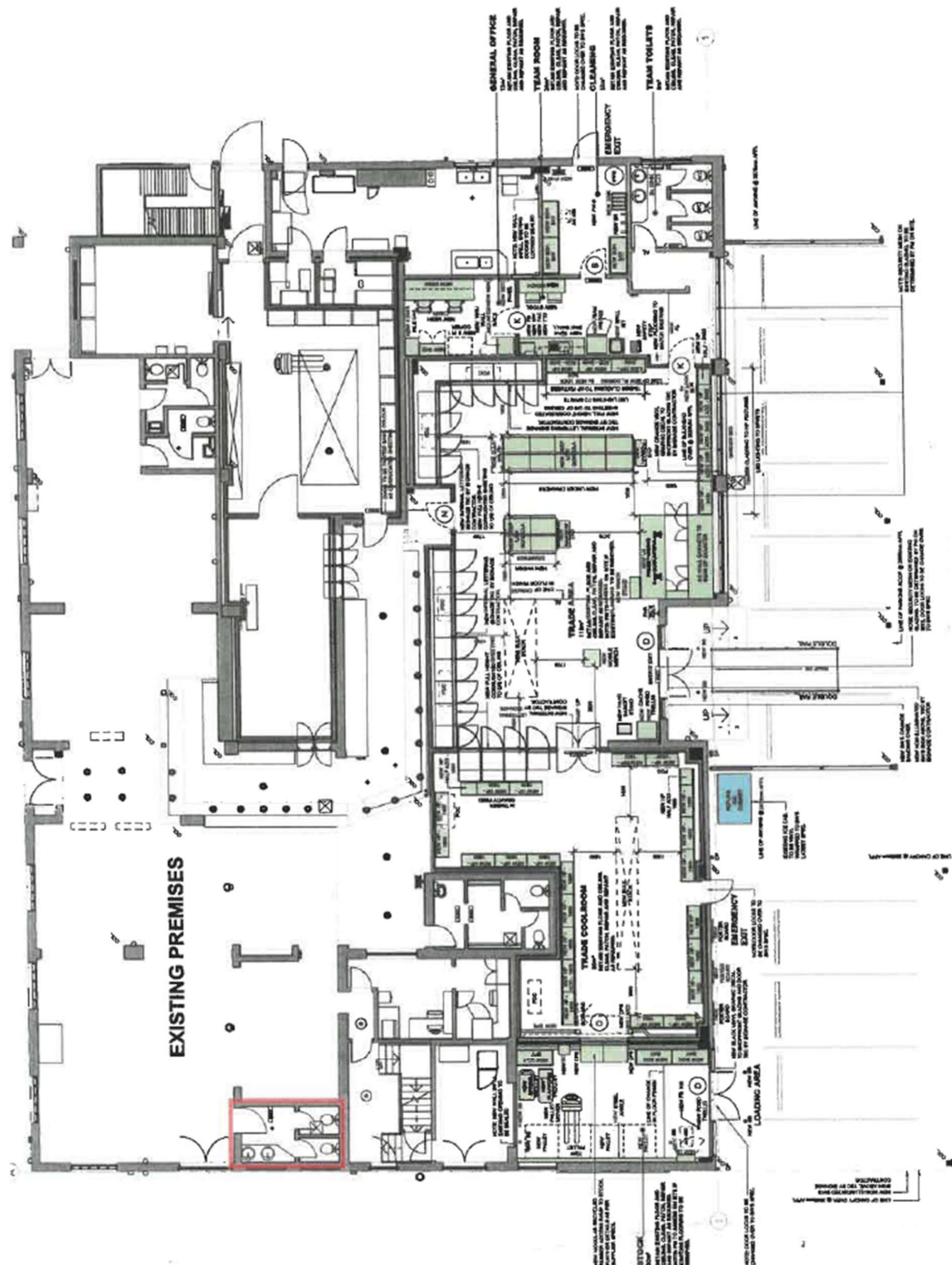


Figure 9: Proposed Changes

Source: BWS, dated 25 March 2025

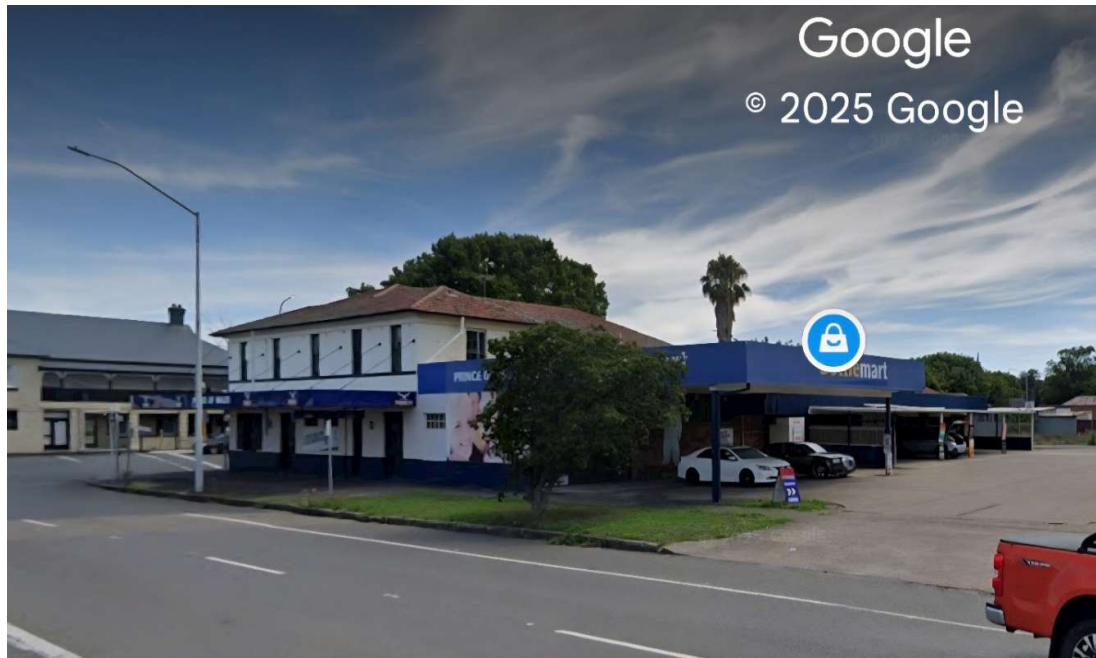


Photo 1: Bottle Shop at the Prince of Wales Tavern Plan

Source: Google Street View, dated July 2025

4.2.2 ACCESS

The trading area of the bottle shop is accessed directly from the on-site car park. Primary vehicle access to the site is via the New England Highway, with secondary access available from Buddens Lane. A Traffic Impact Assessment has been prepared to address parking considerations associated with the proposed expansion of the bottle shop (*refer to Appendix G – Traffic Impact Assessment*). The assessment concluded that the car park can accommodate 20 vehicles, which exceeds the requirements of the Muswellbrook City Council Development Control Plan by providing two additional spaces. Deliveries can be effectively managed by utilising the surplus parking spaces and scheduling them during periods of low customer demand.

4.2.3 EARTHWORKS

No earthworks will be required as the bottle shop will be extended into the existing structure. Refer to *Appendix H – Site Plans*.

4.2.4 STORMWATER MANAGEMENT

No alterations to the current stormwater system will be required as the bottle shop will be extended into the existing structure. Refer to *Appendix H – Site Plans*.

4.2.5 LANDSCAPE DESIGN

No landscaping will be required as the bottle shop will be extended into the existing structure. Refer to *Appendix F - Architectural Plans*.

4.2.6 SERVICES

As mentioned earlier in *section 3.8* of this report, the lot has all the services available to it. Refer to *Appendix D – Services to the Site*.

5.0 LEGISLATIVE CONSIDERATION

5.1 STATUTORY PLANNING FRAMEWORK

5.1.1 INTRODUCTION

The statutory planning framework provides the legislative guidelines for regulating development at the state, regional, and local levels.

The statutory planning instruments applicable to the proposal are discussed below.

5.1.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT

The *Environmental Planning & Assessment Act* (EP&A Act) provides the overarching statutory framework for planning in NSW.

The objectives of this Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Comment:

The proposal is consistent with the objectives of the Act in the following manner: -

- The proposal for a bottle shop at the Prince of Wales Tavern sits well with the context, amenities, and functions of the site and the surroundings; and
- It has been demonstrated that the proposal can be realised with minimal impact on the site and its surrounding environments.

5.1.3 ACTS

The following Acts are considered relevant to the proposed development:

Biodiversity Conservation Act 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Comment:

The site is not mapped on the NSW Biodiversity Values Map and does not occur within an Area of Outstanding Biodiversity Value (AOBV). To this extent, no further consideration of the Biodiversity Conservation Act is required.

Water Management Act

The site is not within 40m of any watercourse.

Comment:

Referral to the Natural Resources Access Regulator is not required. To this extent, no further consideration of the Water Management Act is required.

Rural Fires Act 1997

The subject site is not identified as bushfire prone land, therefore does not require referral to the NSW RFS.

Comment:

Referral to the NSW RFS is not required. To this extent, no further consideration of the Rural Fires Act is required.

Roads Act 1993

Road management responsibilities in New South Wales are shared between Transport for NSW (formerly Roads and Maritime Services) and local councils, with roads categorised as State, Regional, or Local. Under the *Roads Act 1993*, roads may also be classified as Freeways, Controlled Access Roads, Tollways, State Highways, Main Roads, Secondary Roads, Tourist Roads, Transitways, or State Works. These classifications empower Transport for NSW to exercise authority over various aspects of classified roads and to provide financial support to councils.

The subject site has a 40.5-metre frontage to Sydney Street and a 51-metre frontage to Maitland Street (New England Highway), both of which are designated as State Roads. A Traffic Impact Assessment undertaken for the site (*refer to Appendix G*) determined that

all assessed movements operate at Level of Service (LOS) C or better. The proposed development is therefore not anticipated to have any material impact on traffic operations. As such, referral to the State road authority is not required.

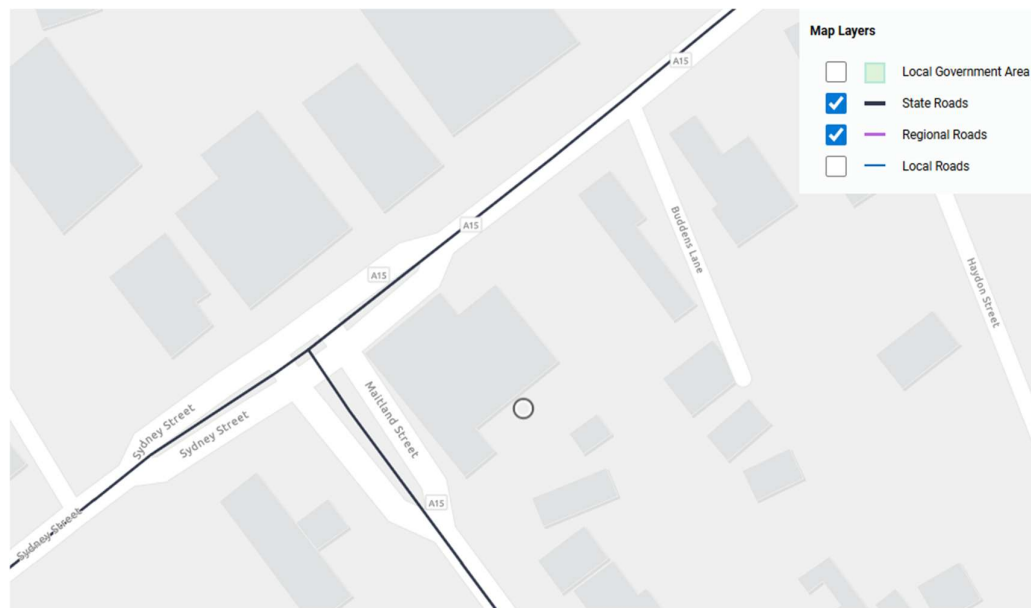


Figure 10: State Road Network

Source: NSW Road Network Classifications Mapping, Accessed July 2025

To this extent, no further consideration of the Roads Act is required.

Comment:

The proposal is consistent with the objectives of the Act in the following manner: -

- The proposal for a bottle shop at the Prince of Wales Tavern sits well with the context, amenities, and functions of the site and the surroundings; and
- It has been demonstrated that the proposal can be realised with minimal impact on traffic movements within its surrounding environments.

5.1.4 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

Part 2.1 - Land Use Zones

The site is zoned E3: Productivity Support as indicated below.

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

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

Comment:

Bottle Shop at the Prince of Wales Taverns are permissible with consent in E3: Productivity Support zone.

The proposed development is consistent with the surrounding commercial character and will not impact the surrounding land use.

5.1.5 STATE ENVIRONMENTAL PLANNING POLICIES

The subject site and/or the proposed development trigger the following State Environmental Planning Policies. An Assessment of the proposal against the relevant sections is provided in further detail below:

State Environmental Planning Policy Resilience & Hazards 2021

SEPP Resilience & Hazards 2021 Chapter 4 Remediation of Land provides a State-wide planning approach to the remediation of contaminated land. Clause 4.8 of SEPP Resilience & Hazards 2021 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

Comment:

A review of the Environment Protection Authority (EPA) contamination register confirms that no contamination, the subject of regulation by the EPA, is identified on the site.

State Environmental Planning Policy Transport & Infrastructure 2021

SEPP Transport & Infrastructure 2021 is to facilitate effective delivery of infrastructure to the State.

Comment:

The proposed development has been assessed against the provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and does not trigger any applicable clauses under the SEPP

5.2 DEVELOPMENT CONTROL PLANS

The following **Table 1** outlines the relationship between the proposed development and the relevant provisions of the Muswellbrook Development Control Plan 2009 (as amended August 2012). It should be noted that a Development Control Plan serves as a guideline only. Accordingly, any variations to the DCP provisions, along with their associated impacts, are addressed and justified in the following section;

Item	DCP Requirements	Proposed	Comment
SECTION 3 – SITE ANALYSIS			
3.2. Site Analysis Required	<p>(i) A site analysis must be completed on all proposals other than single dwellings involving construction work less than 100 square metres in floor area. It forms part of the development application to Council.</p> <p>(ii) The site analysis can be in two formats depending on which method best presents the site characteristics, they are plans (maps) and statements.</p> <ul style="list-style-type: none"> • Plans – contain all the information that can be easily mapped. • Statements – issues such as character of the area are better addressed in text and photographs. 	Please refer to the <i>Section 3</i> of the report.	Complies
SECTION 9 – LOCAL CENTRE DEVELOPMENT			
9.1 BUILT FORM			
9.1.1 Building Design	<p>a) To provide for the integration of new development into local centres.</p> <p>b) To ensure the design of buildings complements and enhances existing local centres.</p> <p>c) To maintain the heritage character/ value and streetscape of the business centre of Muswellbrook.</p>	<p>NA – The proposed development takes place within an existing building, <i>refer Appendix F</i>.</p> <p>The building continues to complement and enhances existing local centre, <i>refer Appendix F</i>.</p> <p>The building continues to maintain the heritage character/ value and streetscape of the business centre of Muswellbrook, <i>refer Appendix F</i>.</p>	Complies

9.1.2 Building Height	<p>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	<p>The expansion of the bottle shop took place on the ground floor within the existing building. The height of the building will not change, <i>Refer Appendix F</i>.</p>	Complies
9.1.3 Setbacks	<p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p>	<p>The expansion of the bottle shop took place at the rear of an existing building. The street frontage, front setbacks and separation fencing will not be impacted or required.</p>	Complies
9.1.4 Accessibility	<p>(i) New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS 1428.1.</p> <p>(ii) Continuous accessible paths of travel shall be provided:</p> <ul style="list-style-type: none"> • from parking spaces, public streets and walkways to building entrance(s); 	<p>The expansion of the bottle shop has provided access to and circulation within the premises for people with disabilities in accordance with the provisions of AS 1428.1.</p>	Complies

	<ul style="list-style-type: none"> • between buildings, facilities and spaces that are on the same site; • to connect the building entrance(s) with all spaces and facilities within the building; and • to minimise travel distance between each accessible element of the building and of facilities within it. <p>(iii) For the purposes of subsection 9.1.4(ii), access shall be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.</p> <p>(iv) Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:</p> <ul style="list-style-type: none"> • Whether there is a benefit or a detriment to any person concerned; • How it affects the disability of the person concerned; and • The financial cost. <p>And considering the following circumstances:</p> <ul style="list-style-type: none"> • technical limits; • topographical restrictions; • safety, design and construction issues; and • does not rely on the ‘public domain’ to solve access issues within the site. 		
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SECTION 13 – FLOODPLAIN MANAGEMENT

13.3 Objectives	<ul style="list-style-type: none"> • Establish guidelines for the development of flood prone land that are consistent with the NSW Flood Policy and NSW Floodplain Development Manual (2005) and as updated by the associated Floodplain Risk Management Guides. • Limit the intensification of residential uses and other inappropriate uses in flood affected areas. • Promote flood compatible design and building that considers requirements for the development of flood prone land and does not adversely impact on adjoining properties or pose unnecessary risk or cost to the public or emergency services. • Ensure measures are implemented to reduce private and public losses resulting from flooding and manage risks to property and life from flood events. • Ensure that the development or use of floodplains waterways and riparian corridors does not adversely impact upon aesthetic, recreational and ecological values and takes into account potential changes resulting from climate change; and 	<p>The expansion of the bottle shop did not result in the intensification of residential uses and other inappropriate uses in flood affected areas.</p>	Complies
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	<ul style="list-style-type: none"> • Provide guidance for assessing the LEP criteria for Development Consent, considering Council's responsibilities for floodplain management and flood related development standards as specified in other relevant legislation including the <i>Local Government Act 1993</i> and <i>Water Management Act 2000</i>. 		
SECTION 15 - HERITAGE CONSERVATION			
15.1.13 Buildings	<p>When proposing to make changes in a place that contains built heritage items or in a heritage conservation area:</p> <ul style="list-style-type: none"> • Minor changes are likely to be acceptable if they are consistent in form, scale, finishes and details with those of the original • Substantial extensions may be acceptable where they do not affect the integrity or character of the original building. Extensions that are separated from the original building and that respect the form, shape, scale, materials, finishes and detail of the original, which are designed in a simple unobtrusive style can meet these criteria. The architectural style and details of new work should complement, not compete with, the original building. • In regard to changes in building elements: 	<p>A Statement of Heritage Impacts has been prepared on behalf of this application. This outlines that there will be no changes to the external fabric of the building and no part of the historical 1929-30 structure will be impacted, this being the oldest part of the building. The building is not rare, as small country hotels are common all over NSW. This building does not represent well characteristics that make up a significant variation on a type of building.</p> <p>Based on the assessment of the project and the heritage values of the site there are no heritage restrictions that would hinder the proposed development.</p>	Complies

	<p>(a) Changes to facades that are visible from public places are generally not encouraged.</p> <p>(b) Changes to materials and the roof form should be minimised. Large, complex roofs may allow more options because changes may be less noticeable.</p> <p>(c) Changes to details should be true to the original details. Simple cottages, for example, should retain their simplicity. Decorative detail which has been removed may be put back, but decoration of kinds that were never present should never be added.</p> <p>(d) High walls and fences, and garages in front of buildings can obstruct views of older buildings and create an inappropriate built character.</p> <p>(e) Similarly, unsympathetic garden treatment (eg excessive use of concrete or paving, dense informal plantings or inappropriate plantings) can detract from the historic character of a place.</p> <ul style="list-style-type: none"> • Total or partial demolition or removal of a listed heritage item will only be considered under exceptional circumstances. Council must notify the Heritage Council of all proposals to demolish heritage items. If an item is of <i>State</i> significance 		
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	demolition and any other major changes require the concurrence of the Heritage Council.		
15.1.15 Development of sites near heritage items and heritage conservation areas	Because heritage items and heritage conservation areas need to be seen in context in order for their significance to be appreciated it is particularly important for owners of land in their vicinity to understand that proposed changes might affect how a heritage item or heritage conservation area can be seen. For this reason Council has to assess impacts on the heritage significance of heritage items and heritage conservation areas of DAs that relate to adjacent sites.	<p>A Statement of Heritage Impacts has been prepared in support of this application.</p> <p>The site is not located within the Muswellbrook Conservation Zone, and the proposed development will not impact any heritage-listed buildings within South Muswellbrook.</p> <p>Based on the assessment of the site's heritage values and the nature of the proposed works, there are no heritage constraints that would prevent or hinder the development.</p>	
SECTION 16 – CAR PARKING AND ACCESS			
16.1.3 Aims and Objectives	<p>a) to provide a guide for developers of Council's minimum requirements for off street vehicular parking.</p> <p>b) to ensure that adequate off-street vehicular parking is provided for traffic generating developments.</p> <p>c) to ensure adequate car parking facilities are provided in association with developments;</p> <p>b) to ensure each development proposal is assessed consistently and equitably in relation to the provision of off-street vehicular parking;</p> <p>c) to ensure vehicular parking areas are designed in such a manner as to be functional, aesthetically</p>	<p>A Traffic Impact Assessment has been prepared in support of this application. The assessment concludes that the proposed bottle shop benefits from convenient and direct access to both Maitland Street and Sydney Street.</p> <p>The on-site car park can accommodate 20 vehicles, which exceeds the requirement of 18 spaces as specified in the Muswellbrook City Council Development Control Plan.</p>	Complies

	pleasing in terms of landscaping, and safe for motorists and pedestrians; and d) to ensure all vehicles entering or leaving properties are driven in a forward direction.		
16.3 Non-Residential Development	(i) Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP. (ii) On site parking facilities are designed and constructed to comply with the provisions of AS2890.1/AS2890.2. (iii) To ensure that traffic movements into and out of a site are made, whenever possible, in a forward direction. If a site layout does not permit forward movement for delivery vehicles, then the developer, owner or occupier must provide a risk management plan, to the satisfaction of Council, detailing the measures required to ensure that traffic movements are carried out in an adequate and safe manner.		
SECTION 24 – WASTE MINIMISATION AND MANAGEMENT			
24.1 Site Waste Minimisation And Management	<p>This section aims to facilitate sustainable waste minimisation and management within the Muswellbrook Local Government Area in a manner consistent with the principles of ESD.</p> <p>The objectives of this section include:</p> <ul style="list-style-type: none"> To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources. 	<p>Waste generated during the alterations and additions was removed by licensed contractors.</p> <p>Ongoing operational waste from the bottle shop is currently collected by commercial waste contractors, with recycling undertaken in accordance with Council requirements</p>	Complies

	<ul style="list-style-type: none"> • To encourage building designs, construction and demolition techniques in general which minimise waste generation. • To maximise reuse and recycling of household waste and industrial /commercial waste. • To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan • To provide guidance in regards to space, storage, amenity and management of waste management facilities. • To ensure waste management systems are compatible with collection services. • To minimise risks associated with waste management at all stages of development. <p>This section applies to the following types of development that may only be carried out with development consent.</p> <ul style="list-style-type: none"> • demolition • construction • subdivision • change in use 		
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Table 1: DCP Compliance Table*Source: HDB*

6.0 KEY PLANNING/ENVIRONMENTAL ISSUES

6.1 CONTEXT AND SETTING

The proposal seeks approval to regularise expanding the area of the bottle shop at the Prince of Wales Tavern by assuming an unused area of 1979–1982 lounge bar/bistro, including the rear entry foyer, public area, and restaurant. The bottle shop comprises open shelved areas, glass door fidges, walk in cool room and a store room with loading area, increasing the footprint of the bottle shop from 150m² to 350m², *Refer to Appendix F*.

The subject lot is located in the commercial centre of Muswellbrook and has similar commercial premises in its surrounding. The proposal would serve the demand for local residents in the area while utilising the existing services and enhancing the existing character.

6.2 ACCESS, TRANSPORT, AND TRAFFIC

The site has direct access to Maitland Street via a 6m wide driveway and can also be accessed from Buddens Lane via a 7m wide driveway. This serves the requirements of the proposed development.

6.3 SERVICES

As mentioned in *section 3.9* of the report, the development site is already connected to essential infrastructure and utility networks such as power supply, reticulated water and sewer, and telecommunication networks, which would serve the proposed development.

6.4 STORMWATER

As mentioned in *section 4.2.4* of the report, the bottle shop at the Prince of Wales Tavern has been expanded into the existing area of the hotel, with no changes to the external surfaces of the building. There will be no changes to the stormwater management system. Refer to *Appendix H – Site Plan*.

6.5 HERITAGE

A Statement of Heritage Impacts has been prepared as part of this *assessment (Refer to Appendix C)*. The report demonstrates the building has been developed in 2 stages, the first being the construction of the two storey façades on both Maitland and Sydney Streets that was constructed in the 1920's to 1930's. The building remained unchanged until the late 70's when single storey extensions were added to the north and east of the building, extending the public bar and previous bottle shop area.

The site does not contain items or places of Aboriginal Cultural significance. Refer to *Appendix B – AHIMS Report*.

6.6 FLORA AND FAUNA

The lot is flat and cleared of vegetation. No landscaping will be required as the bottle shop will be extended into the existing structure. Refer to *Appendix F - Architectural Plans*.

6.7 HAZARD

The subject site is mapped within the Flood Planning Area; however, as the proposed bottle shop expansion is a non-residential use, it is not expected to result in any adverse flood-related impacts. Additionally, Council mapping confirms that the site is not identified as being bushfire prone.

6.8 WASTE

The waste generated by the bottle shop at the Prince of Wales Hotel is removed by private contractors organised by the owners.

6.9 SAFETY AND SECURITY

Given the minor nature of the development, it is anticipated that the proposal would not cause a rise in anti-social activities or adversely impact the safety of the surrounding area.

7.0 PROJECT JUSTIFICATION AND NEED

The proposal seeks to regularise the expansion of the Bottle Shop through the incorporation of the previously unused rear entry foyer, public area, and restaurant at the Prince of Wales Tavern, located on the subject lot. As part of the works, the existing fridges were relocated to create a larger display area. New doors were installed to provide access to the cool room, and new doors were also fitted to the existing fridges. A ramp was added in the entry way to improve accessibility. The original bottle shop display area has been closed to the public and is now used for storage. The development is consistent with the planning requirements for commercial buildings within the Muswellbrook Local Government Area.

The proposal complies with relevant state and local planning policies, statutory and non-statutory provisions, objectives, and development standards. It represents a sustainable outcome for the site, with minimal anticipated adverse impacts on the surrounding environment. Furthermore, the proposal is highly respectful of the commercial and heritage character of the surrounding area. On this basis, the proposed development is considered appropriate and should be supported.

8.0 CONCLUSION

This Statement of Environmental Effects has been prepared having regard to the requirements of Sec. 4.15 of the *Environmental Planning and Assessment Act 1979*. In reviewing the relevant statutory and non-statutory planning standards and objectives, it is concluded that the proposal presents:

- Minimal adverse impacts on the surrounding environment and land use;
- The expansion of the bottleshop provides for the needs of the community and commercial outcomes for the owners and local businesses;
- A logical proposal to optimise the site's development potential, whilst utilising existing public infrastructure, services, and amenities; and
- In compliance with all relevant statutory and non-statutory planning provisions.

Muswellbrook Shire Council is therefore respectfully requested to grant consent to this development application, with appropriate conditions.

APPENDIX A

TITLE SEARCH AND DEPOSIT PLAN

APPENDIX B

AHIMS REPORT

APPENDIX C

STATEMENT OF HERITAGE IMPACTS

APPENDIX D

SERVICES TO THE SITE

APPENDIX E

ORIGINAL PLANS

APPENDIX F

ARCHITECTURAL PLANS

APPENDIX G

TRAFFIC IMPACT ASSESSMENT

APPENDIX H

SITE SURVEY