

<b>JRPP No.</b>	2012HCC001
<b>DA No.</b>	DA 289/2011
<b>Proposal</b>	Student Accommodation – Removal of existing demountable classrooms, construction of twenty one (21) accommodation units, Manager's residence, office and communal facilities, road construction, associated infrastructure and landscaping.
<b>Property</b>	Lot 2 DP 857936 63 Maitland Street, Muswellbrook
<b>Applicant</b>	Muswellbrook Shire Council
<b>Report By</b>	Donna Watson
<b>Checked by</b>	Ben Oliver

## **Assessment Report and Recommendation**

### **Executive Summary**

#### **Proposed Development**

The proposal involves the erection of twenty one (21) accommodation units each containing three (3) bedrooms toilet and kitchen facilities, a Manager's residence and attached office, amenities buildings, an internal access road, car parking, associated infrastructure and landscaping.

The development will be completed in two construction stages and is intended to provide low cost, short term rental accommodation for students studying at the adjoining TAFE campus.

#### **Referral to Joint Regional Planning Panel (JRPP)**

In accordance with section 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979, the proposal is referred to the Joint Regional Planning Panel for determination, as the development has a Capital Investment Value over \$5 million and Muswellbrook Shire Council is the applicant for the development.

#### **Permissibility**

The site is zoned R1 General Residential pursuant to Muswellbrook Local Environmental Plan 2009.

The proposal is defined as a '*multi dwelling housing*' for the purpose of student accommodation and is permissible within the R1 General Residential zone, subject to development consent.

Owner(s) consent to the lodgement of the development application has been provided by the Department of Technical and Further Education.

#### **Consultation**

The application was publicly exhibited and notified to adjoining landowners and four (4) submissions were received in response to the notification of the development.

### Key Issues

The main issues identified in the assessment and/or raised in the submissions are summarised as follows:

- Concerns relating to the impact on the amenity of adjoining residential properties from increased noise levels and loss of privacy.
- Concerns relating to the density of the development and proximity of the proposed buildings to the property boundaries.
- Concerns relating to loss of views and outlook over the development site.
- Concerns relating to the environmental impact associated with the loss of trees and impact upon flora and fauna.

### Recommendation

The Joint Regional Planning Panel in its function of determining the development application, grant conditional consent to Development Application No. 289/2011 for Removal of existing demountable classrooms and construction of 21 accommodation units, managers residence and associated structures and infrastructure at Lot 2 DP 857936, 63 Maitland Street Muswellbrook.

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## 1. Background

The Muswellbrook TAFE Campus comprises several buildings over a large site and provides a range of educational opportunities to the Upper Hunter region. The popularity of the TAFE has resulted in an expanded number of course options and increased number of classrooms.

The most recent expansion to the TAFE educational facility, was the construction of the Mining Skills centre for students working and undertaking trades in the mining industry. The centre was approved by the NSW government and constructed in 2008.

The recent expansion of mining activity and related industries in the Upper Hunter has resulted in a constrained rental market which has had a negative effect on the availability of short term and affordable rental accommodation, particularly for students. The current application is intended to redress this situation.

## 2. Site and Locality Description

The subject site has an area of 4.792 hectares and contains the existing TAFE educational facility. The land adjoins residential properties to the south and south-east, Muswellbrook South Public School to the west and the New England Highway (Maitland Street) to the north.

The proposed student accommodation will be located at the rear of the property with access from the existing signalised intersection at the junction of Maitland and Bell Street .



## 3. Project Description

The proposal is for the construction of accommodation units to be used by students enrolled at the Muswellbrook TAFE. The development will be undertaken in two construction stages as follows:

- Stage 1 involves the demolition and/or removal of existing demountable classrooms and construction of nine (9) x three (3) bedroom units, together with manager's residence and attached office, laundry block, outdoor clothes drying area, waste storage and collection bay, internal access road, 27 car parking spaces, bicycle parking area, 5 motorcycle parking bays, associated infrastructure and landscaping.

- Stage 2 involves the construction of an additional 12 x three (3) bedroom units, 37 car parking spaces, 8 motorcycle parking bays and provision of infrastructure and associated landscaping.

The accommodation units will be constructed in the form of triplexes (3 attached buildings). Each unit will contain 3 bedrooms with a communal living room, meals area, kitchen and bathroom. The buildings will be constructed of brick veneer walls and colorbond roofs.

The proposed manager's residence is a detached dwelling with a small office for the purpose of administration of the accommodation facility, providing services such as bookings, mail sorting, site management, maintenance and security.

A separate communal laundry block and outdoor clothes drying area is proposed near the manager's residence for the use of lodgers.

The development is intended to address the shortfall in rental accommodation and provide low cost student accommodation that is integrally linked to the TAFE development. The leasing of the accommodation units will become a commercial enterprise for Muswellbrook Council.

A copy of the site plan and elevations is attached as Appendix B.

#### **4. Consultation**

The application was publicly exhibited and notified to adjoining property owners. Four (4) submissions were received in response to the notification of the development.

The main issues raised in the submissions are summarised as follows:

- Concerns relating to the impact on the amenity of adjoining residential properties from increased noise levels and loss of privacy.
- Concerns relating to the density of the development and proximity of the proposed buildings to the property boundaries.
- Concerns relating to loss of views and outlook over the development site.
- Concerns relating to the environmental impact associated with the loss of trees and impact upon flora and fauna.

#### **5 Referrals**

##### External

The application did not require any statutory or integrated referrals under Section 91 of the Environmental Planning and Assessment Act 1979, however as the proposal was considered by the Local Development Committee (traffic) and access to the site is from a signalised intersection, a copy of the application was referred to the Road and Maritime Services for their information. The RMS requested a traffic study to determine traffic generation and the likely impact on the intersection and pedestrian and traffic safety.

A traffic study was prepared by Intersect Traffic and reviewed by the RMS. The recommendations of the traffic study are as follows:

*Having carried out this traffic impact assessment it is recommended that the proposed on campus residential development (TAFE student accommodation) at Muswellbrook TAFE can be supported from a traffic impact perspective as it will not adversely impact on the local and state road network and complies with all relevant Muswellbrook Council, Australian Standard and RTA requirements.*

*It is recommended that consideration be given to the following road and access works to improve pedestrian and cycle safety at the access. However it is not considered the proposed development itself provides a nexus to require these works as a condition of consent:*

- *A separate pedestrian access be constructed clear of entering/exiting vehicle movements.*
- *Widening of the existing path over the frontage of the TAFE (to Austroads requirements) to permit use by cyclists and pedestrians may assist students entering/exiting the College.*

The Roads and Maritime Services have raised no objection to the development and recommended the following conditions which have been included in the notice of consent:

- *The existing fencing, currently attached to the kerb shall be setback from the vehicular entrance/exit road to the TAFE Facility. A shared footway/cycleway shall be provided (minimum 2.5metres wide) on both sides of the road to enable pedestrians/cyclists to access the TAFE facility in a safe manner without the potential for conflict with vehicular traffic entering/exiting the site.*
- *The existing footway across the full frontage of the TAFE property shall be widened to 2.5 metres to create a combined footway/cycleway.*
- *All works associated with the proposed development shall be completed at no cost to Roads and Maritime Services (former Roads and Traffic Authority) or Council.*

#### Internal

##### **Local Development Committee (Traffic)**

The Local Development Committee (Traffic) considered aspects of the development including traffic generation, vehicular access and carparking. The Committee discussed emergency access arrangements and security provisions for access to the site and noted that a boom gate would be operated from the Managers residence to control vehicle movements and provide security and supervision. In conclusion, the Committee indicated its in-principle support for the proposal and did not recommend any specific conditions to be included in the conditions of consent.

The application was referred to the following internal departments within Council for consideration and comment:

##### **Health & Building**

The proposal has been considered by Council's Manager of Building and Regulatory Services and standard conditions regarding structural adequacy and compliance with the BCA and BASIX have been recommended and these have been incorporated into the conditions of consent.

##### **Water & Waste**

The proposal has been considered by Councils Water and Waste Department and standard conditions have been recommended for the issue of a Notice of Requirements for Services to be extended and augmented and these have been incorporated into the conditions of consent.

## Community Infrastructure

The proposal has been considered by Council's Manager of Technical Services and standard conditions have been recommended for vehicular access, car parking and stormwater drainage and these have been incorporated into the conditions of consent.

### 6. Section 79C Considerations

#### (a)(i) the provisions of any environmental planning instrument

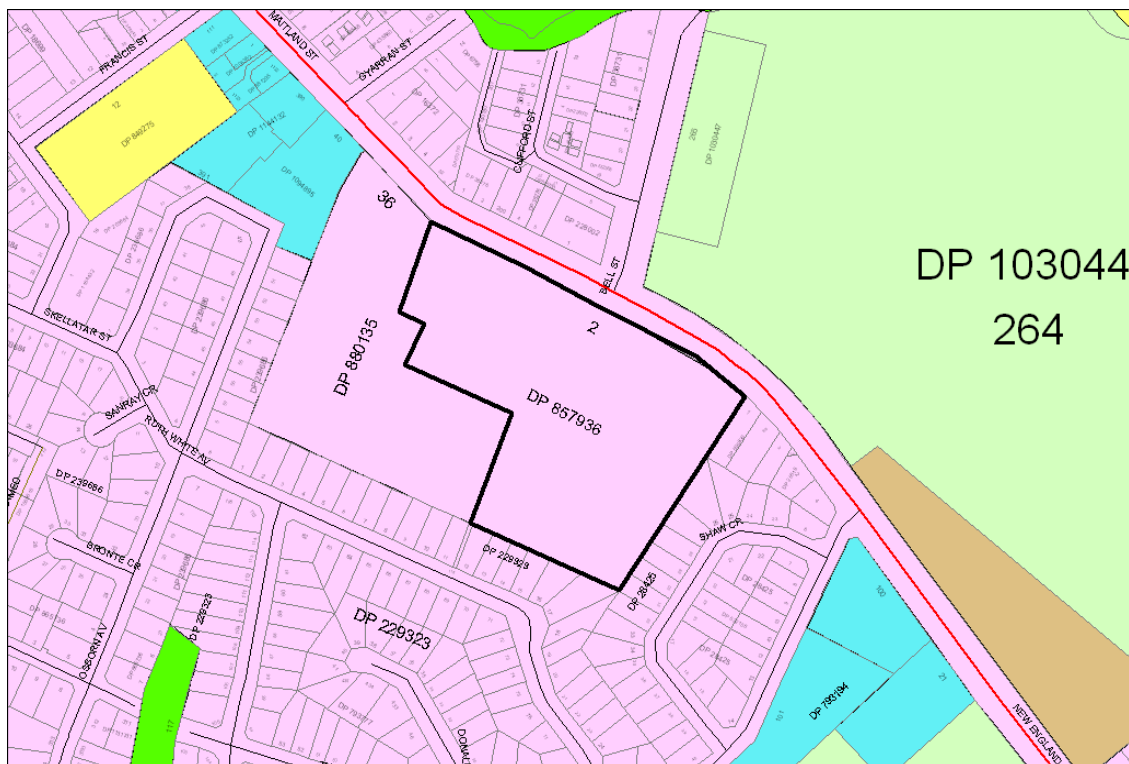
##### Muswellbrook Local Environmental Plan 2009

The site is wholly zoned R1 General Residential pursuant to MLEP 2009. The proposed development will provide housing for students who have enrolled in a TAFE course and the duration of stay is likely to be in the range of 3-12 months, depending on the course requirements. It is considered that the proposed land use is best described as *multi-dwelling housing* which is permissible with development consent in the zone.

**Multi-dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The proposed development is also consistent with the zone objectives, including the following:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable sensitive infill development of other housing types.
- To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.



The proposal complies with the principal development standards in Part 4 of the MLEP 2009 as follows:

Muswellbrook Local Environmental Plan 2009				
Development Standard	Existing	Proposed	Control	Complies
Building Height (Clause 4.3) (max)	N/A	4.5m (single storey)	8.5m	YES
Floor Space Ratio (Clause 4.4)	N/A	0.04:1	0.5:1	YES

### State Environmental Planning Policy (Affordable Rental Housing) 2009

While the proposal has been considered and assessed as multi dwelling housing pursuant to MLEP 2009 and Muswellbrook Development Control Plan 2010, the proposal could also be considered as a '*boarding house*' pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. Annexure F comprises an assessment of the proposal against the relevant considerations under the SEPP and confirms that the proposal satisfies the relevant criteria and development standards for affordable housing.

#### (a)(ii) the provisions of any draft environmental planning instrument

There are no draft environmental planning instruments that affect the site.

#### (a)(iii) any development control plans

The application has been assessed against the relevant provisions of Muswellbrook Shire Development Control Plan 2009. Annexure E comprises an assessment of the proposal against the relevant considerations under Section 6 of the DCP and confirms that the proposal satisfies the relevant standards.

### Section 16 – Off Street Car parking

The proposed development generates an onsite car parking requirement of 2 spaces for every 3 bedroom unit and 1 visitor space per 5 units or part thereof. Bicycle spaces are required to be provided at the rate of 1 space per 5 units or part thereof for tenants and 1 space per 10 units or part thereof for visitors.

The following table indicates carparking requirements for the development:

	Required	Provided
<b>Cars</b>		
3-bedroom or more: 2 spaces per unit	21 (3 bedrooms) x 2 = 42 spaces	The development will provide 64 carparking spaces, which includes carparking for the Manager's residence and 2 nominated disabled car parking spaces.
Managers Residence 1 space	1 space	
Visitors 1 per 5 units or part thereof	5 visitors spaces	
	<b>TOTAL = 48 spaces</b>	In addition to the 64 carparking spaces, 13 motor bike spaces have been provided.
<b>Bicycles</b>		
Residents: Minimum	5 spaces	The development will provide

1 space per 5 units or part thereof Visitors: Minimum 1 space per 10 units or part thereof	3 spaces	13 bicycle spaces.
<b>General design standards</b>	Vehicles to enter and exit in a forward direction.  Adequate road pavement width, compliance with design standards and sight distances as required.	The development will provide a 6m wide internal road and cul de sac suitable for turning of large service vehicles including loading and unloading by rigid trucks.  Signage will be provided in accordance with AS2890.1 and AS1742 and RMS guidelines.

#### Section 24 – Waste Management

During construction several existing building will be relocated from the site and reused. Building waste generated from the development will be minimal and limited to general construction materials from the building and construction process. The preparation of a waste management plan will be a recommended condition of consent.

On completion of the development, domestic waste will be collected and stored in a communal garbage area at the entrance to the student accommodation area. The garbage area will be screened from view and include a turning bay for waste contract vehicles.

#### Section 25 – Stormwater Management

A stormwater drainage strategy has been designed for the development of the land which satisfies the requirements of the Council. Relatively minor drainage works will be required to ensure that stormwater volumes are controlled via detention and installation of new pits and pipes and run-off or overland flow will not be exacerbated or have any adverse impact on neighbouring properties.

#### Section 94A Contributions Plan

Muswellbrook Section 94A Contributions Plan 2010 applies to the land at the rate of 1% of the cost of the development. However, Council may by resolution exempt categories of development, or components of development (including affordable housing) from the requirement for a levy under the Plan.

An assessment of the proposal against State Environmental Planning Policy (Affordable Rental Housing) 2009 has confirmed that development is capable of being considered as affordable housing and therefore may be exempt from paying a levy under Clause 1.5 of the policy. For this reason it is recommended that the development be exempt from the levy under the plan.

**(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into**

The applicant has not entered into or prepared a voluntary planning agreement for the proposed development.

**(a)(iv) any matters prescribed by the regulations**

There are no specific provisions of the regulations that affect the application.

**(b) the likely impacts of the development**

**Context and Setting**

The proposal is consistent with the objectives of the zone and integrates with the current use of the site as a TAFE education facility. The accommodation will be occupied exclusively by students attending the TAFE.

The single storey and brick construction of the proposal is consistent with the character of surrounding residential development. The single storey construction also minimises the visual impact of the development on adjoining residential development.

**Built Form**

There are no natural or technological constraints to preclude development of the site as proposed by the current application. The location and orientation of the buildings will provide the opportunity for private open space, landscaping and separation distance between and around the buildings, thereby minimising the visual impact and bulk of the overall development and providing good residential amenity.

**Potential Impact on Adjacent Properties**

The accommodation units are located approximately five (5) metres from the rear and side boundaries to allow adequate space for open space and landscaping and to minimise the potential for land use conflicts with neighbouring residences. There will be negligible privacy impacts and no overshadowing or loss of residential amenity.

**Access, Transport and Traffic**

The development will be accessed from the existing signalised intersection at the junction of Maitland and Bell Street. Vehicles will proceed through the existing car park and access the development site from a new internal road which terminates with a cul de sac.

The existing gated access will be replaced with a boom gate design, which will be opened at the commencement of TAFE and closed after the completion of classes each day. Access to the site outside these hours will be via an electronic swipe card.

The driveway and carparking areas associated with the accommodation will be sealed, line marked and signposted and be in accordance with Australian Standard AS2890.

**Utilities**

The development site has access to all necessary services and the capability exists for the extension and augmentation of services where required.

## **Soils**

Erosion and Sediment control plans have been prepared for the development of the site and standard conditions will be recommended to ensure that the erosion and sediment control measures are implemented and maintained during the construction phase of the development.

## **Economic and Social Impact on the Locality**

The proposed development will address the need for low cost housing for students and assist in supporting existing students and attracting new students to the Muswellbrook TAFE. It can be expected that the construction of the units in the short term and the occupation of the units in the long term, will have a positive economic impact on the local economy.

## **Security and Site Safety**

The development has been designed to ensure safety and security by incorporating the following measures:

- An on-site resident manager 24 hours 7 days per week.
- Provision of security lighting throughout the car park and communal areas
- Provision of secure mail boxes for students.
- Location and orientation of buildings to allow casual surveillance
- Installation of fencing and gates around the site.
- Minimising places of concealment through design.

### **(c) the suitability of the site for development**

The land is predominantly vacant and unconstrained, has the servicing capacity and is ideally located to enable the development to proceed. The use of the site for student accommodation is well suited and integrally linked to the TAFE and will support the future growth and success of the TAFE as a regionally significant educational establishment.

### **(d) any submissions made in accordance with this Act or the Regulations**

During the exhibition period, Council received four (4) submissions. The issues raised in the submissions are summarised and responded to as follows:

- *Concern with security and anti-social behaviour.*

Planning Comment: It is acknowledged that group housing particularly for students can generate negative perceptions. However these perceptions need to be balanced by an appreciation that access to the site is controlled and is not available to members of the public, the tenancy of the accommodation units is regulated and supervised from the Managers residence and the development has incorporated design elements to minimise security risks and anti-social behaviour.

- *Concerns for traffic and pedestrian safety.*

Planning Comment: The development will be accessed from the existing signalised intersection off Maitland Street and no secondary vehicular access is proposed to any other local streets.

The internal access will be controlled from boom gates and all vehicles will require electronic access to enter and leave the site. Clearly defined pedestrian pathways will be provided with security lighting to minimise the potential for vehicular and pedestrian conflict.

The RMS has reviewed the proposal and provided conditions of consent to address traffic and pedestrian safety concerns.

- *Concern with location and lack of close facilities like supermarkets and shops.*

Planning Comment: The site is centrally located within easy walking distance to a range of commercial and retail outlets and other essential services such as medical facilities.

- *Concerns about the number of students living in one area.*

Planning Comment: The accommodation units will contain a maximum 63 students at any one time. This is not considered excessive and any concerns relating to the potential for anti-social behaviour can be addressed through the preparation of a management plan.

- *Concerns that the development will result in a loss of residential amenity in terms of privacy and overlooking, noise disturbance and lighting.*

Planning Comment: The accommodation units will be single storey, which is in keeping with the character and density of surrounding development. A 1.8m high colourbond fence will be erected on the common property boundaries to minimise the potential for transmission of noise, overlooking and associated disturbance. Perimeter landscaping will further assist in providing a visual screen to the development.

The proposal will generate noise during the construction stages and standard conditions of consent are recommended to ensure reasonable hours of construction and noise levels are adhered to. Increased noise levels are expected from the additional number of dwellings and lodgers. However the proposal has been designed to minimise the potential for nuisance noise by providing substantial building setbacks and the inclusion of communal facilities and a Managers residence which will allow for ongoing monitoring and supervision.

The car parking and communal areas have been designed with appropriate lighting to ensure safety and security. A condition will be recommended to ensure that light spillage to neighbouring properties is minimised.

- *Close proximity to licensed premises.*

Planning Comment: The site is suitably located within walking distance to nearby shops, services and licensed premises. Consumption of alcohol and associated behaviour is a matter of personal responsibility for the individual and is not a planning related matter for consideration.

- *Concerns that the development will have an adverse impact on flora and fauna.*

Planning Comment: The site is predominantly vacant and cleared and is regularly mowed and maintained. There are several large, but isolated trees which will be retained where feasible. It is not expected that the loss of any of the isolated trees will have a significant impact on the native flora and fauna. Additionally the redevelopment of the site will include comprehensive landscaping which has the potential to compensate for the loss of any existing vegetation.

**(e) the public interest**

The proposed development is in the public interest and will have significant positive social and economic benefits by addressing the shortage of rental accommodation and low cost housing options for students.

Council has taken the initiative to progress the project on behalf of the community and has committed itself to the project, with the assistance of funding which is in the process of being finalised. The project is targeted and will deliver clear community benefits and is therefore in the public interest.

**7. Conclusion**

The subject application has been assessed in accordance with the Muswellbrook Local Environmental Plan 2009, Development Control Plan 2009, Building Code of Australia, relevant Australian Standards and other relevant legislation.

It is recommended that the application be approved subject to conditions of consent.

**8. Recommendation**

That the Joint Regional Planning Panel in its function of determining the development application No 289/2011 for Removal of existing demountable classrooms and construction of 21 accommodation units, managers residence and associated structures and infrastructure at Lot 2 DP 857936, 63 Maitland Street Muswellbrook :

- (i) Exempt the development application from a levy under Muswellbrook Section 94A Contributions Plan 2010.
- (ii) Grant consent to the development application subject to conditions attached as Appendix A to the report.

## APPENDIX A - Conditions of Consent

### IDENTIFICATION OF APPROVED PLANS

1. The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing Number	Dated	Drawn By	Received
090-11 – Sheet 1	17 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 2	31 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 3	29 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 4	29 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 5	31 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 6	30 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 7	1 November 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 8	30 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 9	30 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 10	31 October 2011	P B Eveleigh Plan Service	4 November 2011
090-11 – Sheet 11	2 November 2011	P B Eveleigh Plan Service	4 November 2011
11-209 – C01	November 2011	RHM Consulting Engineers	4 November 2011
11-209 – C02	November 2011	RHM Consulting Engineers	4 November 2011
11-209 – C03	November 2011	RHM Consulting Engineers	4 November 2011
11-209 – C04	November 2011	RHM Consulting Engineers	4 November 2011
11-209 – C05	November 2011	RHM Consulting Engineers	4 November 2011
11-209 – C06	November 2011	RHM Consulting Engineers	4 November 2011
11-209 – C07	November 2011	RHM Consulting Engineers	4 November 2011

2. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

### ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

#### Construction Management

3. A Construction Management Program must be prepared and submitted to, and approved in writing by the Council prior to the issue of any Construction Certificate. The program shall include such matters as:
- a Safe Work Method Statement;
  - the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
  - the proposed phases of construction works on the site, and the expected duration of each construction phase;
  - the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be

undertaken;

- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

#### **Traffic Management**

4. A Traffic Management Plan prepared by an appropriately qualified civil engineer shall be prepared and submitted to Council for written approval prior to the issue of any Construction Certificate. The Traffic Management Plan shall include certification and details addressing the following:-

- (a) Details demonstrating compliance with relevant provisions in AS2890.1 – Off Street Car Parking Facilities, including, but not limited to, aisle widths, and parking space dimensions;
- (b) Details of the proposed circulation routes within the car park;
- (c) Details of proposed pedestrian routes, kerb construction methods and other

- protective measures such a bollards or the like to ensure safety of users;
- (d) Details of proposed traffic control signage to be installed and references to relevant RTA Guidelines and Australian Standards; and
- (e) Details of speed limit restrictions within the car park.

Notes:

- (i) It is recommended that the Traffic Management Plan be prepared and submitted at an early stage as the Traffic Committee only meets once a month, and make require further information prior to approval.
- (ii) The Traffic Management Plan is used to ensure appropriate safety and traffic management is provided within the development which can be enforced through relevant legislation. It is in the interests of the applicant that it is completed.

<b>OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION</b>
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### Building and construction

5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. (1) Building work that means residential building works (under the meaning and exemptions of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
  - (a) In the case of work being carried out by a licensed builder :
    - (i) Has been informed in writing of the licensees name and license number, and;
    - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$12,000.
  - (b) In the case of an Owner Builder:
    - (i) Has been informed in writing of the persons name and Owner Builder permit number where the cost of works is greater than \$5,000, or;
    - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$5,000.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

- Note:
- (1) The amounts referred to in point 1 may be subject to change as regulations are amended.
  - (2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

<b>ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE</b>
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### **Stormwater Management**

7. Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent catchments, shall be submitted to Council for written approval under Section 68 of the Local Government Act 1993. Stormwater shall be conveyed by gravity from the site to the nearest Council stormwater drainage system. All proposals shall be in accordance with Council's specifications.

The stormwater drainage system, has to be designed and constructed in accordance with the following:

- a) Conveyed by gravity to Council's kerb or via a direct connection to Council's street stormwater gully pit in Maitland Street. If a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- b) The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation shall be submitted with all other drainage details to Council.
- c) All civil and drainage works within the road reserve and Council's stormwater drainage easement shall be designed and built in accordance with Council's current "Infrastructure Specification". Council reserves the right of keeping all bonds on infrastructure works for a 12 month defects liability period.
- d) Video inspection must be carried out of completed drainage works that are to revert to Council, and a video tape forwarded to Council's Development Engineer to support the certification. Bonds held by Council will be returned after receipt of satisfactory information.
- e) The piped stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 10 years with overland flow paths designed for 1 in 100 years ARI..
- f) The proposed design must not increase pre-development storm water flow rates and volumes either across the site, or discharged from the site, in accordance with the provisions of Council's Development Control Plan.
- g) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- h) Pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- i) All plumbing within the site shall be carried out in accordance with AS/NZ3500.3.2, National Plumbing and Drainage Code.
- j) Prevent any stormwater egress into adjacent property by creating a physical barrier or land reshaping.

- k) Any proposed fence is to be constructed so as not to impede the natural overland flow along the line of the flow.
- l) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- m) Floor levels adjacent to any overland flow path, are to be a minimum 300mm above 1 in 100 year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the construction certificate application, detailing the 1 in 100 year flood level and minimum floor level.

All design details are to be certified in accordance with the above requirements by an appropriately qualified and practising Civil Engineer, and written concurrence obtained from Muswellbrook Shire Council, prior to the commencement of work.

### **Water and Sewer**

8. A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any commencement of work, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment at construction certificate stage are to be paid prior to the issue of any Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided prior to the issue of any Construction Certificate.

The final compliance certificate must be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

### **Access and car parking**

9. A bicycle storage area shall be provided within the site to accommodate a minimum of 14 bicycles. The bicycle storage areas are to be designed in accordance with AS 2890.1. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.
10. A total of two (2) car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.
11. A total of 64 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to Council prior to the issue of any Construction Certificate.

### **Landscaping**

12. A landscape design plan in respect of the proposed landscaping is to be submitted to the Certifying Authority with the Construction Certificate. The plan is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and to be in accordance with Council's Landscaping Guidelines.

### **Waste Storage**

13. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:
- a) all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
  - b) include provision for the separation and storage in appropriate categories of material suitable for recycling;
  - c) the storage area shall be adequately screened from the street and located behind the building line;
  - d) garbage enclosures serving residential units are to be located within areas designated for non-residential uses; and
  - e) all waste is to be removed weekly from the site by a contractor and disposed of at a site approved for such purposes

Details of the storage area are to be provided to, and approved by Council prior to the issue of any Construction Certificate.

### **Roof reflectivity**

14. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the chosen roofing material.

### **Accessibility requirements**

15. Proposed apartments 17 and 20 are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standard 4299.

### **Basix Requirements**

16. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. Details and plans demonstrating compliance with these requirements are to be submitted to Council prior to the commencement of work.

<b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b>
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### **Erosion and Sediment control**

17. All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

**Building and construction requirements**

18. (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
- be a standard flushing toilet, connected to a public sewer, or
  - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
  - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
- protect and support the building from damage, and
  - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.
19. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

## **Waste Management**

20. A Waste Management Plan is to be submitted to Council prior to the commencement of works. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

## **Building and construction requirements**

21. (a) Subject to this clause, building construction is to be carried out during the following hours:
- i. between Monday to Friday (inclusive)—7.00am to 5.00pm
  - ii. on a Saturday—7.00am to 4.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.
22. At the following stages of construction, an inspection is required by Council:
- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready for backfilling. Suitable backfill material is to be available on site at the time of inspection
  - (b) Connection of stormwater drainage to easement
  - (c) Driveway crossover of the footpath or nature strip
  - (d) Council infrastructure

To arrange an inspection please contact Council's Environmental Service Department on (02) 6549 3745.

### **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

## **Water and Sewer**

23. Signage in accordance with AS3500.1 shall be installed to all taps that supplied by the rainwater tank where mains reticulated water supply is provided to the site.
24. The final compliance certificate for water supply and sewerage works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to Council prior to the release of any Occupation Certificate.

## **RMS requirements**

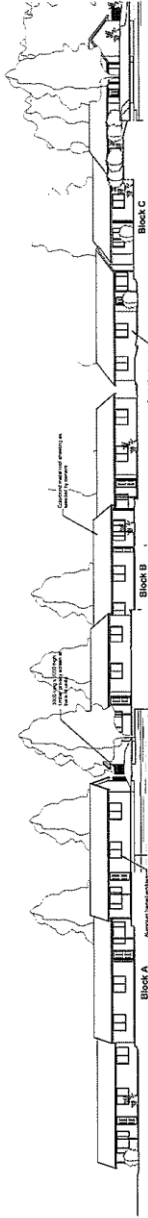
25. The existing fencing, currently attached to the kerb shall be setback from the vehicular entrance/exit road to the TAFE Facility. A shared footway/cycleway shall be provided (minimum 2.5metres wide) on both sides of the road to enable pedestrians/cyclists to access the TAFE facility in a safe manner without the potential for conflict with vehicular traffic entering/exiting the site.
26. The existing footway across the full frontage of the TAFE property shall be widened to 2.5 metres to create a combined footway/cycleway.
27. Carparking and access driveways are to conform to Councils footpath policy for commercial driveways and AS2890.1.

<b>CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES</b>
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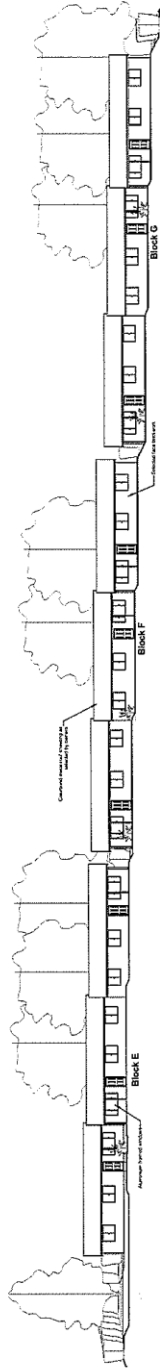
**Amenity**

28. The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.
29. All lighting to be erected on site is to be directional lighting to the ground and hooded to reduce off site light spillage. Shielding shall be provided to all lights to ensure no light spillage to adjoining properties.

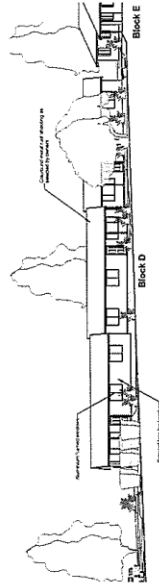




Elevation of Blocks A, B & C



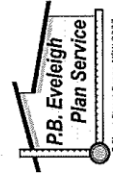
Elevation of Blocks E, F & G



Elevation of Block D



Elevation of Managers Residence & Laundry Block



**P.B. Eveleigh  
Plan Service**  
7 Short Street, Suite NSW 2337  
Ph/Fax (02) 654 52108  
A.B.N. 88 709 487 258

**PROJECT**  
PROPOSED STUDENT ACCOMMODATION

**59 MATLAND STREET  
MUSWELLBROOK NSW 2333  
MUSWELLBROOK SHIRE COUNCIL  
MUSWELLBROOK TAFE CAMPUS**

**DATE** 03/11/11 **JOB No.** 090-11



## **APPENDIX C – Referral Comments**

### Comments from External Agencies

<b>Agency</b>	<b>Comments</b>
Roads and Maritime Services	The RMS has raised no objection to the proposed development subject to their recommendations being included as conditions of consent.

### Comments from Internal Departments

<b>Department</b>	<b>Comments</b>
Council Water and Waste	The proposal has been considered by Councils Water and Waste Department and standard conditions have been recommended for the issue of a Notice of Requirements for Services and have been incorporated into the conditions of consent.
Council Local Development Committee	The application was considered by the Local Development Committee on 17 January 2012. The Committee supported the application in principle, but requested clarification from the applicant with regard to access arrangements. The Committee did not require the application to be reconsidered.
Council Community Infrastructure	The proposal has been considered by Council's Manager of Technical Services and standard conditions have been recommended for access car parking and drainage and have been incorporated into the conditions of consent.
Council Health and Building	The proposal has been considered by Council's Manager of Building and Regulatory Services and standard conditions regarding structural adequacy and compliance with the BCA have been recommended and have been incorporated into the conditions of consent.

## **Appendix D – Submissions**

## ANNEXURE E – Section 6 DCP Checklist

Section 6.1 - Built Form		
Context	Complies	Comments
Front Setbacks	Yes	The site has access from Maitland Street and the development will be located behind the existing TAFE buildings and not visible from the street. Therefore the front setback complies.
Side and Rear Setbacks	Yes	The proposed development is located a minimum of five (5) metres from the side and rear boundaries. The DCP requires a minimum of 0.9m.
Building Height and Scale	Yes	The proposed buildings are approximately 4.5m and therefore below the maximum height restriction of 8.5m.
Front Fencing and Retaining Walls	N/A	The proposed accommodation is located within the TAFE site, which has existing fencing. New fencing is proposed as required, around the perimeter of the site.
Garages, Carports and Sheds	N/A	The applicant has not provided individual garages/carports for each of the units and car parking is provided within the internal road network.
Accessibility and Adaptability	Yes	The applicant has provided two (2) adaptable housing units – Units 17 and 20.
Reflective Materials	Yes	The units will be constructed in brick and have a colourbond roof and will not result in any reflectivity concerns.
Section 6.2 - Urban Landscape		
Usable Open Space	Yes	Each of the proposed units will have a minimum 35m <sup>2</sup> area for usable private open space. The proposed units all have patios attached to the building which have direct access off living areas.  There is also communal open space and facilities available for the development.
Carparking	Yes	Refer to discussion and calculations in the report.
Landscaping	Yes	The applicant has submitted a comprehensive landscaping plan which satisfies Council's requirements.
Dual Occupancy Housing, Multi Dwelling Housing and Secondary Dwellings	Yes	<p><u>Occupancy Rates</u></p> <p>All units contain 3 bedrooms = 2.52 persons</p> <p>This equates to a proposed density of 52.92 persons (21 units x 2.52 persons).</p> <p><u>Maximum Density</u></p> <p><math>47920\text{m}^2 / 166.67\text{m}^2 = 287.51</math> persons</p> <p>The maximum permissible density is 287.51</p>

		persons, therefore, the proposal <u>does</u> comply with the requirements.
<b>Section 6.3 - Environmental</b>		
Topography	Yes	The site is relatively flat with a gentle slope towards Maitland Street and is not constrained to preclude the development.
Solar Access	Yes	Each of the units will have a minimum of four (4) hours solar access to open space areas.
Visual Privacy	Yes	The units will be constructed as single storey, which will reduce the impact to adjoining residents.  The units that face each other are greater than 9m apart, therefore no additional privacy measures are required.
Acoustic Privacy	Yes	Each block of 3 units will be fire rated in accordance with the Building Code of Australia as there will be common walls between units. The party wall will also be noise attenuated.
<b>Section 6.4 - Site Operation</b>		
Energy Conservation	Yes	The applicant has submitted a BASIX certificate and certification as required.
Stormwater Management	Yes	The applicant has submitted a concept stormwater plan which satisfies Council's Community Infrastructure Department subject to further design details.
Security, Site Facilities and Services	Yes	There is no vehicle access to the site from Ruth White Avenue. All vehicle access will be from Maitland Street via the existing entrance to the TAFE.  During construction of the development, the site will be fenced to restrict access to the public.

## ANNEXURE F – SEPP Affordable Housing Checklist

### State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal complies with the provisions of the SEPP relating to the development of a boarding house.

The SEPP defines a 'boarding room' as "a room or suite of rooms within a boarding house occupied or so constructed or adapted as to be capable of being occupied by one or more lodgers".

Muswellbrook Local Environmental Plan 2009, defines a 'boarding house' as a building that:

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The proposed development complies with the standards for boarding houses as specified under Clause 30 of the SEPP.

Clause	Development Standard	Requirement	Comment	Complies Y/N
Clause 29 – Standards that cannot be used to refuse consent	Floor Space Ratio	Floor space ratio not to exceed a maximum of 0.5:1	Floor Space ratio required under the LEP is 0.5:1. The development has a FSR of 0.04:1	Yes
	Building Height	Height of buildings not to exceed maximum height permitted under the Local Environmental Plan	Height of buildings restriction under the LEP is 8.5m. The units will be single storey and have a maximum height of 4.5m.	Yes
	Landscaped area	Landscape treatment to be compatible with streetscape	The applicant has submitted a landscaping plan, however, no details regarding on species or maturity levels was provided. The location of the landscaping will not detract from the streetscape.	Yes
	Solar Access	Communal living room to receive a minimum of 3 hours direct sunlight between 9am and 3pm in winter	The communal areas are generally north facing and will receive a minimum of 3 hours per day of sunlight.	Yes
	Private Open Space	a) one area of at least 20m <sup>2</sup> with a minimum dimension of 3 metres is provided for the use of the lodgers. b) Boarding house manager – one area of at least 8m <sup>2</sup> with a minimum	The accommodation units and manager's residence will have adequate open space for each unit.  Each unit will have a minimum of 40m <sup>2</sup> of private open space.	Yes

		dimension of 2.5 metres adjacent to that accommodation		
	Parking	0.4 spaces / boarding room. 1 space / manager	The development complies with the carparking requirements under the Muswellbrook Development Control Plan 2009.	Yes
	Accommodation size	12m <sup>2</sup> gross floor area/single boarding room. 16m <sup>2</sup> gross floor area / other boarding rooms	Each bedroom within the units have an of 11.4m <sup>2</sup>	

Clause 30 – Standards for Boarding Houses	Communal rooms	1 communal room / 5 boarding rooms		
	Maximum accommodation size	Gross floor area of boarding rooms to be <25m <sup>2</sup>		
	Lodgers	No more than 2 lodgers per boarding room	Each bedroom within the units will only have a single person	
	Facilities	Adequate bathroom and kitchen facilities to be available to each lodger	Each of the units will have a full kitchen and bathroom, with a separate toilet.	yes
	Onsite Manager	Boarding house manager required for boarding houses with capacity to accommodate 20 or more lodgers.	The applicant has advised there will be a manager on site. The plans show the location of the Manager's residence.	Yes
	Boarding houses on commercially zoned land	Not applicable	Land is zoned R1 General Residential under the Muswellbrook LEP.	
	Cycle parking	1 bicycle parking space and 1 motorcycle parking space for every 5 boarding rooms.	The applicant has provided 16 motorcycle parking spaces and 14 bicycle parking spaces	yes