

JRPP No.	2014HCC010
fDA No.	2014
47	Demolition of existing building and construction of a four storey tertiary centre to hold a maximum of 90 students
Property	Lots 1, 3, 4 and 5 DP 11221 Lot 8 Section 6 DP 758740 Lot 7 DP 71755 83 – 87 Hill Street, Muswellbrook 126 and 142 Bridge Street, Muswellbrook
Applicant	Stephen Rose Architects
Report By	Donna Watson
Reviewed by	Glenn Bunny Director of Environmental Services MUSWELLBROOK SHIRE COUNCIL

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

The development application is reported to the Joint Regional Planning Panel in accordance with the provisions of clause 4 Schedule 4A of the Environmental Planning and Assessment Act 1979, as the development has a capital investment values of more than \$5million and Muswellbrook Shire Council is the owner of the land and the development is to be carried out by the Council.

cl. 4 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

1.2 Proposal

The application is for the demolition of the existing Visitor Information Centre and the construction of a four (4) storey building to be used as a shared tertiary education centre specialising in mining engineering.

1.3 Permissibility

The site is zoned B2 Local Centre pursuant to the Muswellbrook Local Environmental Plan 2009. The proposal is defined as an “*Educational Establishment*” and is permissible within

the B2 Local Centre zone subject to development consent. All required owner(s) consent has been provided.

1.4 Site

The site has an area of approximately 7300m² and is bounded by the railway line to the west, Hill Street to the North, Bridge Street (SH29) to the east and commercial buildings to the south. The site contains two State Heritage items, these being Loxton House and Weidmann Cottage.

1.5 Public Participation

In accordance with the provisions of Section 4 – Notification of the Muswellbrook Development Control Plan 2009, the application was notified for a period of fourteen days from 9 April 2014 to 23 April 2014. A notice was placed in the Hunter Valley News at the commencement of the notification period.

One (1) submission was received.

1.6 Key Issues

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

- Heritage
- Carparking

1.7 Recommendation

That Development Application No. 47/2014 be approved subject to conditions attached as **Appendix A**.

2.0 DESCRIPTION OF PROPOSAL

The proposed development is for the demolition of the existing visitor information/wine centre and the construction of a four storey tertiary education centre.

The proposed four storey building comprises of the following:

<i>Lower ground floor</i>	Provides access from the west car park via a lift and stair, provides space for mechanical plant and equipment.
<i>Ground floor</i>	Provides two (2) teaching spaces, student common, administration office and toilet facilities. This is the main entry level for the building off Hill Street. The student common shares the courtyard between the proposed building and Loxton House, which is referred to as a shared pedestrian precinct. Access to the main entrance of the building from the carpark can be gained via an access compliant series of ramps. The water re-use tank is located under this ramp.
<i>First floor</i>	Provides four (4) teaching spaces, a computer lab and workroom, stores and toilet facilities. This floor is accessible via a list and stairs located on the eastern side of the building.
<i>Second Floor</i>	Provides staff office, staff common, store, copy room and toilet facilities. This floor is also accessible via a lift and stairs located on the eastern side of the building.

The submitted plans are attached as **Appendix B**.

3.0 SITE AND LOCALITY DESCRIPTION

The subject site is located on the south-western corner, behind Loxton House, of the intersection of Bridge Street (SH29) and Hill Street in the Muswellbrook Central Business District.

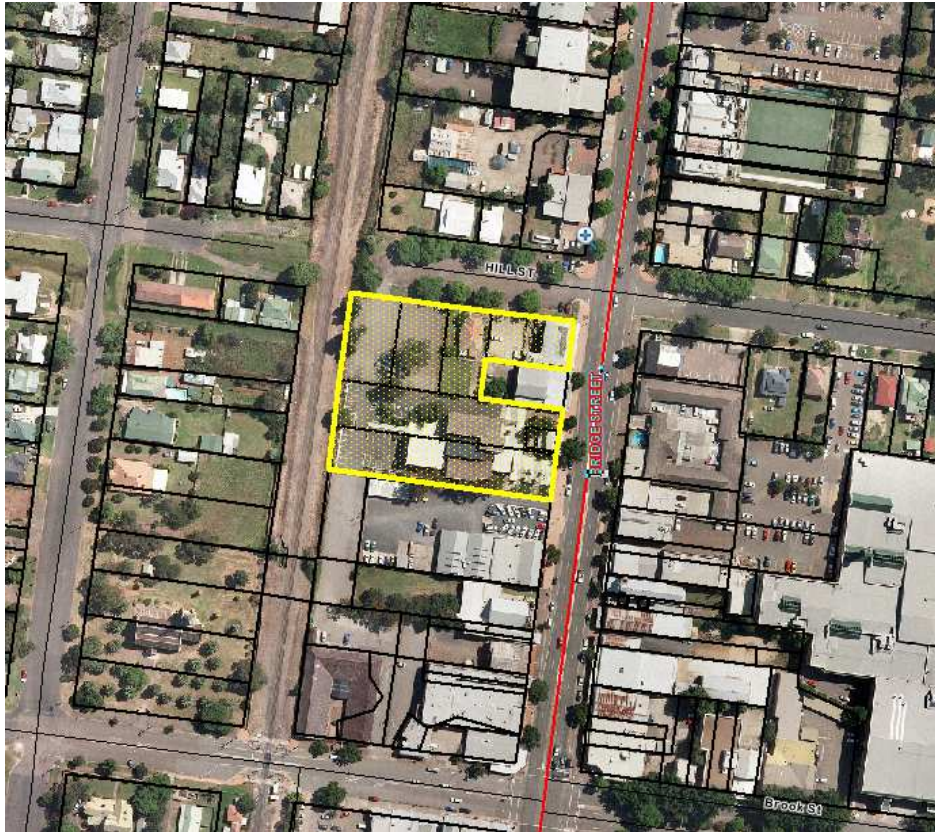
The development area comprises of a number of lots that contain a variety of buildings. These buildings are:

- Loxton House (State Heritage Item) located on Lot 1 DP 11221
- Visitor Information and Wine Centre located on Lot 3 DP 11221
- Public Library located on Lot 7 DP 71755 and Lot 8 Section 6 DP 758740
- Weidmann Cottage (State Heritage Item) located on Lot 8 Section 6 DP 758740

The development will not affect the use of the Library, Loxton House or Weidmann Cottage. However, the carparking located between the Visitor Information and Wine Centre and Loxton House will be removed and converted into a shared pedestrian area.

The details of the existing site are:

Site area: 7300m² approximately
Gross Floor area: 2314m²
Floor Space Ratio: 0.32:1
Carparking: 86 spaces including 2 disabled adjacent to the Library



Aerial Photo identifying the site outlined in yellow

4.0 BACKGROUND

The application was received by Council on 25 March 2014 and placed on public notification for a minimum of two (2) weeks. During this time, Council received one (1) submission.

The application was referred to the following government agencies:

- Roads and Maritime Services (RMS) on 7 April 2014
- Australian Rail and Track Corporation (ARTC) on 7 April 2014
- NSW Heritage Branch on 7 April 2014

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the application, the applicant has provided adequate information to enable an assessment of the application.

The applicant has included the following ancillary reports with the supporting documentation:

- Waste Management Plans
- Statement of Heritage Impact
- Traffic and Parking Assessment
- Landscaping Plans
- Stormwater Plans
- Safer by Design
- Acoustic Report

6.0 STATUTORY CONSIDERATIONS

The site is zoned B2 Local Centre under the Muswellbrook Local Environmental Plan 2009 and “Educational Establishments” are permissible land uses with consent.

The definition of “Educational Establishments” is:

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The following Environmental Planning Instruments (EPI's), Development Control Plan (DCP), Codes or Policies are relevant to this application:

- Muswellbrook Local Environmental Plan 2009
- Muswellbrook Development Control Plan 2009

There are no draft environmental planning instruments that apply to the subject site.

7.0 STATEMENT OF COMPLIANCE

The Statement of Compliance below contains a summary of applicable development standards/control and a compliance checklist relative to these:

Standard/Control	Required	Proposed	Compliance (%Variation)
Muswellbrook Local Environmental Plan 2009			
Clause 4.3 – Building Height	13 metres (max.)	Maximum of 13m	yes
Clause 4.4 - FSR	2:1 (max)	0.49:1	yes
Clause 5.10 - Heritage		Discussed in report under heritage	yes
Muswellbrook Development Control Plan 2009			
Section 9.1.1 - Building Design	<ul style="list-style-type: none">• New buildings to reflect and enhance existing buildings• Building facades to relate to context of buildings in the area• Building entrances to be well defined and well lit	Discussed in report under heritage	yes
Section 9.1.2 - Building Height	Compliance with LEP 2009 height limits	Yes. The Applicant proposes a maximum of 13m	yes
Section 9.1.3 - Setbacks	<ul style="list-style-type: none">• Provision of a continuous street frontage• New development to respect setbacks of existing development	The development will be setback from the boundaries in order to provide	yes

		adequate room for disabled access ramps and carparking	
Section 9.1.4 -Accessibility	<ul style="list-style-type: none"> • Compliance with AS 1428.1 • Continuous accessible path of travel from parking areas to building entrances 	The Applicant is proposing a new building, which will be constructed in accordance with AS 1428.1	yes
Section 9.2.1 -Landscaping	To be incorporated where appropriate to enhance streetscape character	n/a	
Section 9.2.2 Car Parking	Compliance with parking rates in Section 16 of the DCP	Minimum of 21 spaces required for the development. The Applicant has provided 37 spaces on site	yes
Section 9.2.4 - Signage	Compliance with Section 14 of the DCP	Application for signage not part of this DA. Requirement for future DA's a condition of consent	
Section 14 - Outdoor Signage		See section 9.2.4 above	
Section 15 - Heritage	Statement of Heritage Impact required	Statement of Heritage Impact submitted	yes
Section 16.6 - Car parking rates	The development generates the requirement for 21 carparking spaces	The Applicant has provided 37 spaces for this development with an overall total of 65 spaces being available.	yes
Section 24.2 - Waste minimisation and management	Submission of a site waste minimisation & management plan	The proposed development will be required to provide a site waste minimisation & management plan prior to the issuing of the Construction Certificate	

8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

8.1 External Referrals

8.1.1 Roads and Maritime Services (RMS)

The application was referred to the Roads and Maritime Services on 7 April 2014 under Clause 104 Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, being an education establishment with access to a road that connects to a classified road within 90 metres.

A response was received on 14 April 2014 advising they had no objection to the proposed development. A number of advice points were detailed in the correspondence for Council to consider and formulate into conditions where necessary. Their correspondence is attached as **Appendix C**.

8.1.2 Australian Rail and Track Corporation (ARTC)

The application was referred to the Australian Rail and Track Corporation on 7 April 2014 for their consideration and comment due to the adjoining land being the Northern Railway line. Comments were received on 29 April from the ARTC raising no objections to the development subject to inclusion of conditions.

A copy of the Australian Rail and Track Corporation response is attached as **Appendix D**.

8.1.3 NSW Heritage Council

The application was referred to the Heritage Council for consideration and comment on 7 April 2014 due to the site containing two (2) State Heritage Items. A response was received from the Heritage Council on 14 May 2014 advising they have no statutory approval role in the Development Application, but offered some comments to consider in the assessment of the application.

A copy of their correspondence is attached as **Appendix E**.

8.2 Internal Referrals

8.2.1 Community Infrastructure

The application was referred to Council's Manager of Technical Services for consideration and comment. The comments provided raised a number of issues, which include loss of carparking, regrading of the carpark area, stormwater drainage within the site needs to be formalised, concerns on where the Tourist Information Centre will be relocated to and how will larger vehicles ie caravans will access the site.

8.2.2 Water and Waste

The application was referred to Council's Water and Waste Department for consideration and comment with regard to potential upgrading works. The

assessment of the application required additional plans to be submitted showing the location of the existing sewer main.

These plans have been submitted and Council's Water and Waste Department recommended standard conditions to be placed on the consent should the application be approved. These conditions have been included in the conditions of consent attached as **Appendix A**.

8.2.3 Building

The application was referred to Council's Building Inspector in order to assess compliance with the Building Code of Australia (BCA) and other relevant legislation. The assessment of the application did not require any further information to be requested with regard to compliance with the BCA. Standard conditions were recommended to be placed on the consent should the application be approved. These conditions have been included in the conditions of consent attached as **Appendix A**.

8.2.4 Heritage Committee

The application was referred to Council's Heritage Committee on 22 May 2014 in the absence of a Heritage Advisor. At this meeting, the Committee raised no objection to the application pending NSW Heritage Council support for the development.

8.2.5 Local Development Committee

The application was referred to Council's Local Development Committee on 20 May 2014. At this meeting, the Committee recommended not to support the application subject to:

- *the shortfall in car parking spaces; and*
- *The applicant be contacted to consider alternative options for carparking; and*
- *The application be reconsidered by the Local Development Committee once information is received from the applicant with regard to alternate carparking arrangements.*

The applicant was advised of this recommendation and a request for additional information was sent which required the applicant to address the concerns of the Committee.

The applicant has provided a response on 3 July which included revised plans confirming the location of offsite carparking and on-street parking. This response is attached as **Appendix F**.

9.0 PUBLIC EXHIBITION

The application was received by Council on 25 March 2014 and placed on public notification for a minimum of two (2) weeks. During this time, Council received one (1) submission. A copy of this submission is attached as **Appendix G**.

The main issues raised in the submission were:

- *Restriction of heavy vehicle movement through the carpark (Lot 4 and 5 DP 11221 and Lot 8 Section 6 DP 758740) for the car dealership.*

Comment: The existing car dealership has utilised this carparking area to take delivery of their new vehicles for a number of years, as their site does not provide suitable access for car transport vehicles to directly access their site off Bridge Street.

A review of the relevant deposited plans and Certificate of Titles has found there is no registered easement for access over Lot 4 and 5 DP 11221 or Lot 8 Section 6 DP 758740. Therefore, the car dealership has no right to load or unload car transport vehicles within this carparking area.

- *High usage of the existing carpark by passenger vehicles and caravans.*

Comment: Council is aware that this carparking area is used by the community when visiting the library and for the travelling public to frequent the Visitor Information Centre. Currently, the Library holds the majority of their community activities on the same day, which potentially results in this carparking area to be full.

The Library has indicated they are willing to spread out the community activities in order to reduce the volume of vehicles utilising this carparking area.

With regard to caravans accessing this site, Council acknowledges this currently takes place. The removal of the Visitor Information Centre from its current location will reduce the amount of travellers to this location.

Council has advised the Visitor Information Centre will be temporarily located within the Muswellbrook Library. A permanent location for the Visitor Information Centre is yet to be determined.

- *New carpark appears to be restrictive in size.*

Comment: The proposed new carparking area will be constructed to the relevant Australian Standards. This will be imposed as a condition of consent.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the following matters are considered important to this application.

10.1 Zone Objectives

The land is within Zone B2 Local Centre pursuant to Muswellbrook Local Environmental Plan 2009. The objectives for the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.

- To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.
- To support business development by way of the provisions of parking and other civic facilities.

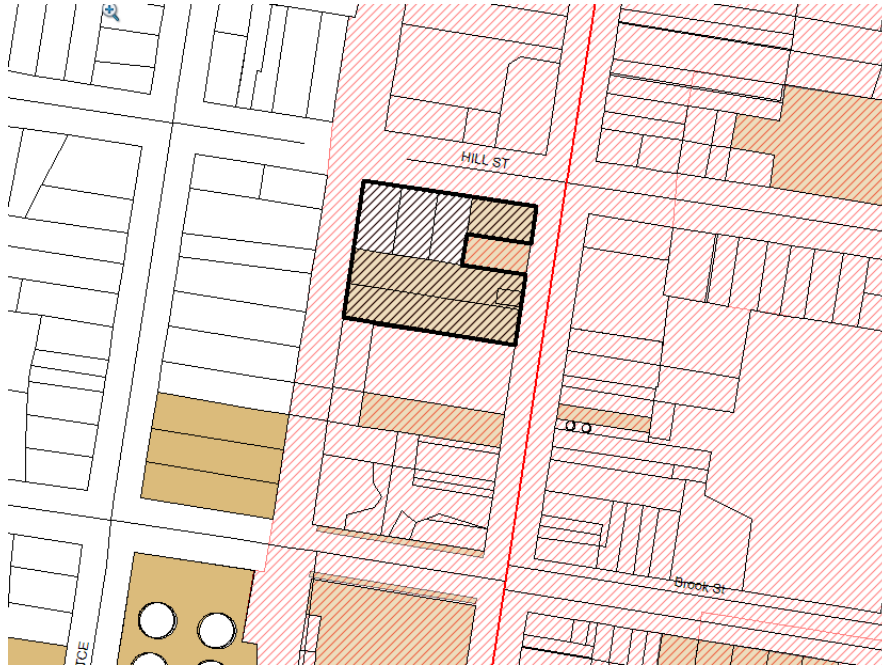


It is considered that the proposal is generally consistent with the objectives of the zone by allowing for an educational establishment to be constructed. This facility will encourage the future growth of Muswellbrook's established business centre by creating an educational precinct and maintain the heritage character and value of the business centre's streetscape.

10.2 Heritage

The site contains a two heritage items of State significance as listed in Schedule 5 (Environmental Heritage) of Muswellbrook LEP 2009. These items are Loxton House and Weidmann Cottage.

The land is also located within the Business Heritage Conservation Area listed in Schedule 5 of the LEP.



The Statement of Significance (see **Appendix H**) prepared by the EJE Group for the Muswellbrook Heritage Study (1996) states the following for Loxton House and Weidmann Cottage:

Loxton House

This building is historically of great local significance for its role in the establishment of Muswellbrook as a commercial centre in the middle of the 19th century. It is a rare survivor of its type and period. Aesthetically the building is of a scale and sophistication of detail rare in the area at the time and as such, has local significance. Socially the building is of local significance to the descendants of Thomas Loxton, in whose hands it remained for so long. Scientifically the building is of great local interest and significance for its innovative features, which have the potential to reveal information which could contribute to an understanding of the activities of an innovative retailer in early Muswellbrook.

Weidmann Cottage

Weidmann cottage has regional historical significance for its part in the earliest growth of retailing in Muswellbrook and for indicating the increase in affluence of its owner over a period of approximately twenty years. Aesthetically it is of local significance as a representative example of a simple middle class merchant's shop and house, with little refined detail but rare at the local level of its type and period. It is also significant locally for its contributions to the streetscape of Muswellbrook over the past century and a half. Scientifically the building has high level local significance for its potential to reveal information about the resources, lifestyles, and levels of affluence of a typical Muswellbrook merchant in the middle of last century. Socially the building has local significance to the Muswellbrook community as a distinctive town icon and symbol of Muswellbrook's economic roots. Its regional scientific significance also relates to its potential to reveal information which could contribute to an understanding of the geographical focus of retailing in Muswellbrook at that time. Of its type the building has local rarity.

The development application and Statement of Heritage Impact, attached as **Appendix I**, was referred to Council's Heritage Committee for consideration and comment. The

Committee raised no objection to the proposal pending the NSW Heritage Council's support for the development.

The submitted Statement of Heritage Impact has concluded that the proposed development will have a minimal effect on the heritage significance of the State listed heritage items, nearby local heritage items and the Muswellbrook Business Heritage Conservation Area.

Further, the Statement has recommended, should the development be approved, that the demolition of the building housing the Muswellbrook Visitors Centre require the contractor to salvage the following elements for re-use in buildings of that are being restored. *Reason: to preserve building fabric for restoration projects.*

- 4 Panel doors
- Glazed doors
- Plate rails
- Skirting boards.

10.3 Traffic Management

The applicant engaged Intersect Traffic Pty Ltd to undertake the traffic impact assessment, which was submitted in March 2014. The report made the following findings:

- *The proposed development is likely to generate an additional 27 vtpd during the peak traffic periods.*
- *Both Bridge Street (SH9) and Hill Street have significant spare two way mid-block capacity to cater for additional traffic generated by the proposal without adversely impacting on current levels of service (LOS) experienced by motorists on these roads.*
- *Sidra analysis of the Bridge Street (SH9) / Hill Street give way controlled cross intersection indicated the additional traffic generated by the proposal does not adversely impact on the operation of this intersection which continues to operate satisfactorily post development and with at least 10 years background traffic growth.*
- *An assessment of the carparking provisions of the Muswellbrook DCO Chapter 16 – Carparking and Access indicates the proposal is required to provide an additional 23 on-site carparking spaces.*
- *The proposed does not provide any additional on-site carparking therefore an on-site carparking deficiency results when assessed against the Muswellbrook DCP.*
- *It is considered that the provision of additional on-site carparking is not required as there is suitable available long term public carparking in close vicinity to the site. A parking survey has indicated that the existing public carparking area at the rear of the site is currently underutilised and even with the loss of 23 carparking spaces as a result of construction of this development would still have sufficient space capacity to cater for the peak parking demand generated by the development and other land uses in the vicinity of the site.*
- *The existing CBD loop bus service provided by Osborn Bus Services is considered adequate for this development and there would be no requirement for additional or changed services as well as additional public transport infrastructure.*
- *Existing pedestrian facilities in the area are considered satisfactory for the proposed development ensuring as safe as possible passage for pedestrian traffic to and from the development.*
- *Apart from the provision of bicycle racks within the development there would appear little nexus to require the provision of additional on or off road cycle infrastructure in the vicinity of the site.*

A copy of the Traffic Impact Assessment by Intersect Traffic is included in **Appendix J**.

Based on the findings of the Traffic Impact Assessment and intersection analysis undertaken by Intersect Traffic it is concluded that the proposed development of a tertiary centre, can be supported from a traffic impact perspective as it will not adversely impact on the local and state road network and complies with the relevant Australian Standards and RMS requirements. However, the development does not fully comply with the carparking criteria within Section 16 of the Muswellbrook Development Control Plan 2009, which is discussed in the following section of the report.

Council received correspondence dated 14 April 2014 from the RMS confirming they have no objections to or requirements for the proposed development as it is considered the proposed development will not have any significant impacts on the classified (State) road network.

10.4 Carparking

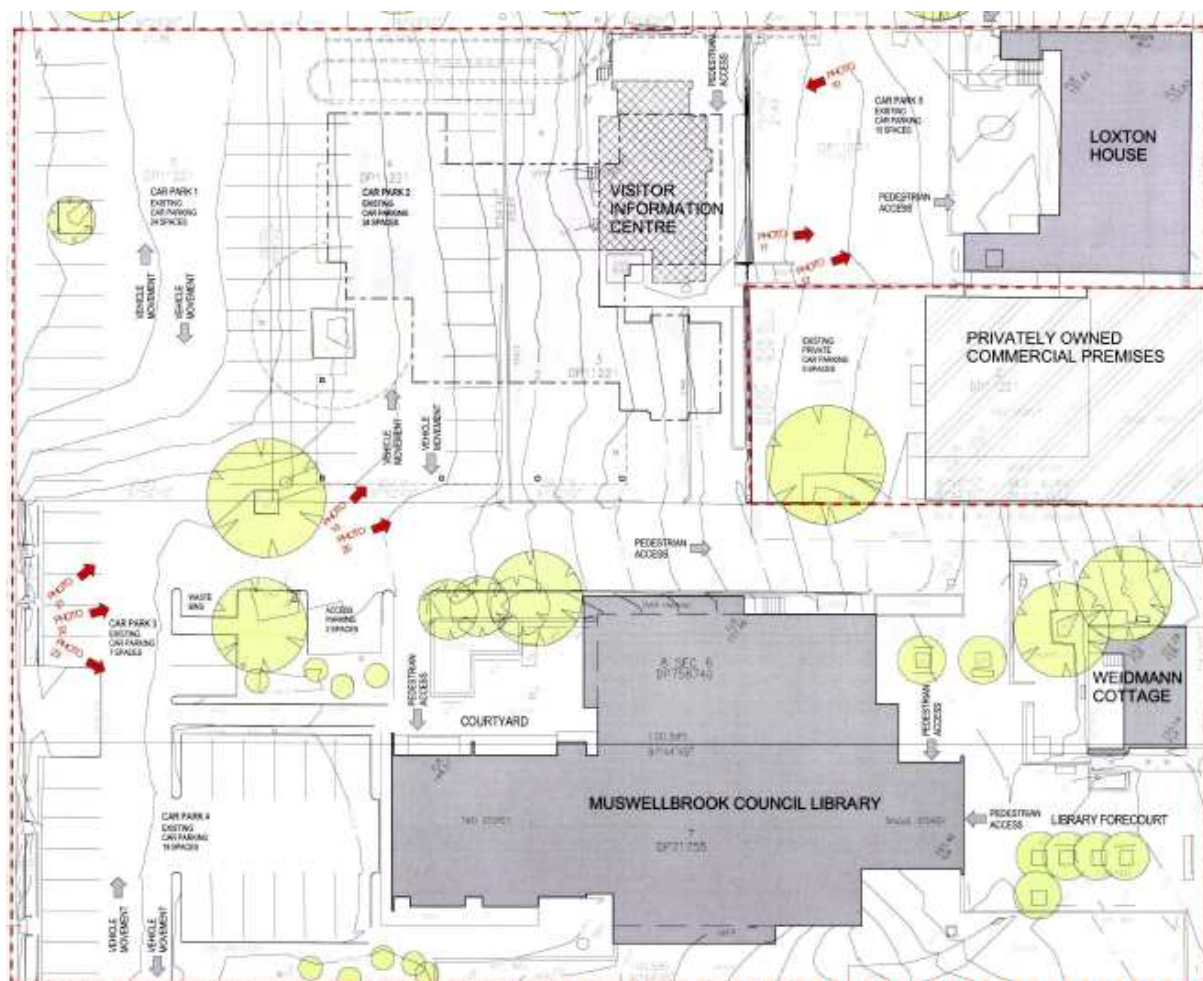
Pre development carparking (existing)

The land has been subject to a number of Development Applications which have been considered and approved subject to conditions of consent.

The following table shows the existing carparking arrangements for the site.

Development Use	Existing carparking shown on drawing A02
Loxton House	10
Visitor Information Centre	located in the public carpark
Extension to Visitor Information Centre	located in the public carpark
Extensions to Library	28
Public carpark area	48
Total	86

The applicant has confirmed this carparking in the submitted plans and can be seen below (drawing A02):



Tertiary Centre carparking calculation

The application has been assessed against Section 16 of the Muswellbrook DCP and has been defined as an *Educational establishment*. In this regard, the following carparking will be required:

Land Use	Parking requirement	Required	Proposed
Educational Establishment	Tertiary 1 space per 2 employees, PLUS 1 space per 5 students	6 teachers = $6 / 2 = 3$ spaces 90 students = $90 / 5 = 18$ spaces TOTAL required = 21 spaces	<p>The applicant will be incorporating the remaining carparking spaces from the public carpark area and constructing additional spaces on the Lower ground level of the building.</p> <p>The applicant has shown on the proposed plans, that there will be a minimum of 37 spaces provided, which exceeds the 21 required by the DCP.</p>

The applicant will be required to line mark the carparking area and erect suitable signage to direct students and staff to the allocated areas. Appropriate conditions will be incorporated into the development consent should the application be approved.

In addition to the carparking spaces, the applicant has indicated that six (6) bicycle racks will be provided on site. This will be imposed as a condition of consent and the location of the bike racks are to be shown on the plans submitted with the Construction Certificate.

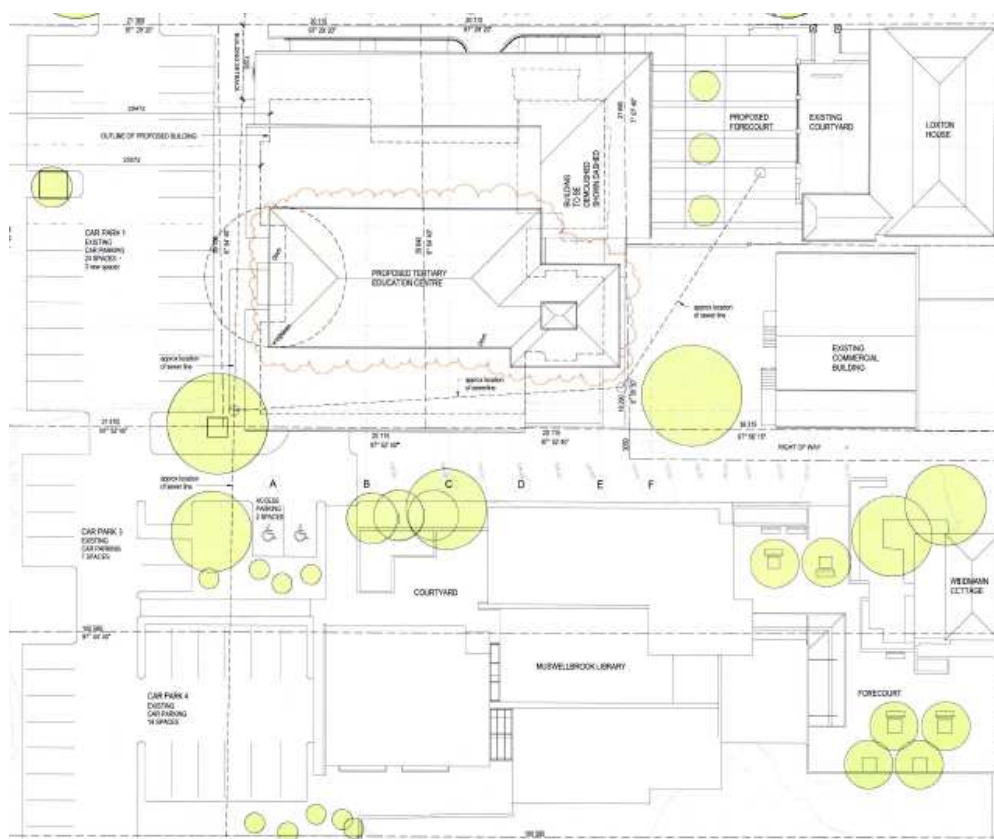
Post development carparking (proposed)

The applicant has indicated in their Statement of Environmental Effects that they do not propose any additional carparking for the development. The table below shows the rationale behind not requiring additional parking.

The following table shows the proposed carparking for the site should the application be approved.

Development Use	Proposed
(Loxton House)	0
Visitor Information Centre	(credit 4 spaces included in public carpark)
Library	28
Tertiary Centre	37
Total	65 (86 minus the 18 spaces that have been paid for under S94 contributions and the 4 spaces allocated to the VIC)

The applicant has confirmed the proposed carparking for the subject site on the submitted plans and can be seen below (drawing A04):



Loxton House

The site known as Loxton House, being Lot 1 DP 1121 corner of Bridge and Hill Street currently contains approximately ten (10) carparking spaces located directly behind the building. Loxton House accommodates a number of businesses, which include a Surveying firm, Restaurant and Hairdressers. These businesses use the rear carparking area for staff and clients/patrons during operating hours.

The development proposed to remove these carparking spaces in order to redesign the space as a shared pedestrian precinct. In this regard, the applicant has shown that these ten (10) carparking spaces will be relocated at the rear of the Tertiary Centre.

Council can justify this relocation for the carparking due to the shared uses on the site. The potential peak demand for the restaurant will be on Friday and Saturday evening when there will be more carparking available due to the Tertiary Centre being closed from 4.30pm.

The Surveying firm that utilises part of the building has the majority of their staff off-site and potentially only require parking for administration staff. Clients that frequent the Surveyors firm are only there for a short time and would not be inconvenienced by parking in the rear carpark area.

In summary, the assessment of post development carparking provisions indicates that the required number of parks will be provided in accordance with the applicable standards. This will be achieved for the proposed development and has also taken into account the parking requirements associated with previous development consents for associated activities with the immediate area.

10.5 Noise

The proposed development was referred to the Australian Rail and Track Corporation (ARTC) for consideration and comment due to the close proximity of the railway line. The ARTC has provided a response which is attached as **Appendix D**.

The ARTC recommended a number of conditions, which have been included in the draft conditions. Of particular mention is the requirement for acoustic treatment of the building. The applicant has been advised of this requirement and has provided an acoustic report (attached as **Appendix K**) which confirms the building will contain the necessary noise attenuation measures. A condition will be recommended requiring compliance with the acoustic report.

10.6 Other Matters

10.6.1 Section 94A Contributions Plan

The levies collected under the Section 94A Plan are applied towards meeting the cost of facilities including car parking, community, drainage, footpaths, recreational and roads.

While the development application was not accompanied by a submission presenting a case and a justified request for exemption, the Plan does identify the following types of development as appropriate for consideration for an exemption:

- works undertaken for charitable purposes or by a registered charity;
- places of worship, public hospitals, police and fire stations;

- childcare facilities;
- libraries;
- other community or educational facilities.

Therefore, Under Clause 1.5 of the Plan, the proposed development does fall within an exempt category of development and is therefore not required to pay a Section 94A contribution equivalent to one percent of the development cost.

10.6.2 Matters prescribed by the regulations

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

10.6.3 Likely impacts of the development

Built Form

The proposed development will be sympathetic to the State Heritage Items located in close proximity to the site and has been considered by the Local Heritage Committee. The materials and colours proposed are consistent with the surrounding properties

Potential Impact on Adjacent Properties

The proposed development will have minor impact on surrounding properties as the land is located within the B2 Local Centre Zone. The 3D view, shown on Drawing A13, shows a conceptual view of the building in relation to the existing buildings on adjoining sites with artist's views following on Drawings A14 and A15.

Further, conditions of consent are proposed that protect adjoining properties from construction activities and a traffic management plan is required to ensure that existing businesses are not adversely affected by the movements of construction traffic.

Utilities

The site currently has access to all services, with a sewer main located within the property. Council's Water and Waste section have advised that a Notice of Requirements under the Water Management Act 2000 will be required prior to the release of the Construction Certificate.

Stormwater

The existing site drains by overland flow to the railway corridor to the west of the site.

The applicant has submitted preliminary stormwater drainage plans with the development application. These plans indicate that stormwater generated by the development will be drained to Hill Street and discharge to the rail corridor.

Economic and Social Impact on the Locality

The positive impacts of this development are:

- Increase the availability to tertiary education specialising on Mine Engineering
- Provide a link from TAFE to Tertiary education
- Provide an Educational precinct within the Central Business District of Muswellbrook
- Introduction of shared pedestrian areas which provide a linkage to the Library

Streetscape

The applicant has provided landscaping plans for the proposed development. This landscaping will enhance the area by creating inviting areas/courtyards for the students and it will help soften the bulk of the building.

9.5 The public interest

The potential social and economic benefits to be derived from the proposed development are considered to be in the public interest.

11.0 Conclusion

The application has been considered against the Environmental Planning and Assessment Act 1979, Building Code of Australia, relevant State Environmental Planning Policies, relevant Australian Standards, Muswellbrook Local Environmental Plan 2009, Muswellbrook Development Control Plan 2009 and any other relevant legislation.

12.0 Recommendation

That the Joint Regional Planning Panel grant consent to Development Application No. 47/2014, subject to the conditions contained in **Appendix A**.