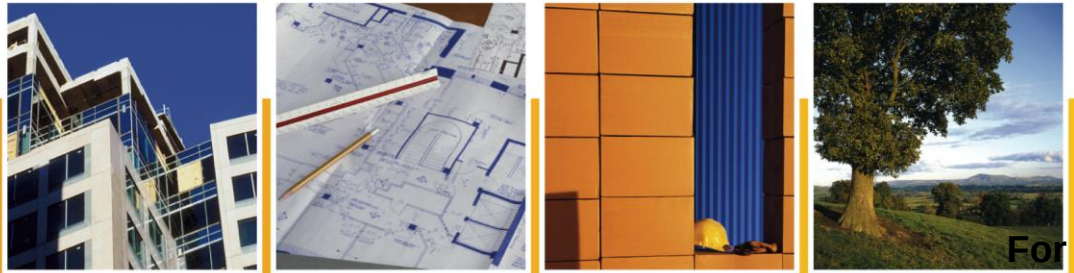


SEARs REQUEST



CHANGE OF USE AND ESTABLISHMENT OF A K-6 SCHOOL RICHARD GILL NATIONAL MUSIC ACADEMY

At
Lot 2 DP1118310
157 Maitland Road, Muswellbrook

Prepared for
RICHARD GILL NATIONAL MUSIC ACADEMY LTD

October 2019
Report 19/044

Prepared by



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Project Manager
Date 15 October 2019***This document is for discussion purposes only, unless signed and dated by the person identified*****DISCLAIMER:**

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1.0 INTRODUCTION

1.1 DEVELOPMENT PROPOSAL

The *Richard Gill National Music Academy Ltd* (The client) is seeking to establish a new primary school in Muswellbrook, *The Richard Gill National Music Academy – Muswellbrook*. The National Music Academy (NMA) will deliver a first of its kind, educational experience based on the central philosophy of music and physical education-based education for year K through 6.

The new school will be housed in Muswellbrook Shire Council Administrative Centre building at 157 Maitland Road, Muswellbrook. To realize this vision, the client wishes to lodge a State Significant Development (SSD) Application with NSW State seeking consent to the following:

1. Change of use of the existing building from **Public administration building** (Council administrative centre) to **Educational establishment** (a school within the meaning of the standard LEP); and
2. Alterations and additions to the internal spaces of the building.

The proposed works will be undertaken entirely within the footprint of the existing building; as such, minimal external alterations or additions would be made to the existing building.

1.2 THE PROPONENT

HDB Town Planning and Design (HDB) has been engaged by *Richard Gill National Music Academy Ltd* to prepare and submit an application for Secretary's Environmental Assessment Requirements (SEARs), along with this preliminary environmental assessment for the proposed school.

Richard Gill National Music Academy Ltd is an independent board formed under the guidance of the late *Richard Gill AO* to oversee the establishment, and the operation, of the school.

The NMA is envisaged to be an independent demonstration school addressing the need for specialised contemporary music teacher training. The school will aspire to become a model for the establishment of similar schools across regional Australia. It will draw music education students for placement across the nation.

The project unites multiple visions for creating a unique educational centre for music teachers with specifically tailored curriculum, contemporary teaching methods, and modern facilities. The school will be a place where graduate students can obtain their teaching practicum, while at the same time educating young children across the Upper Hunter. The primary objective of the NMA will be to produce the best music teachers while educating regional students with innovative, creative, and STEM-based curricula.

The proposal has already received endorsements from both the Muswellbrook Shire Council and the Upper Hunter Conservatorium of Music, which is also partnering with the proponent for the successful delivery of the school.

The proposal is also consistent with Council's strategy to promote Muswellbrook as a centre for education, which would provide an opportunity for regional students to take part in a unique school, as well as provide specialist teacher training for music educators.

1.3 THE PURPOSE OF THIS DOCUMENT

As identified under *Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011*, development for the purpose of a **new school** (regardless of the capital investment value) is considered State Significant Development within the meaning of *Clause 4.36 of the Environmental Planning Assessment Act 1979 (EPA Act)*.

As such, the proponent is required to:

- i. Request the Planning Secretary's Environmental Assessment Requirements (SEARs) for the proposed development by preparing and submitting an application for SEARs; and
- ii. Prepare and submit an Environmental Impact Statement (EIS) for the proposal in accordance with the SEARs.

This document has, therefore, been prepared to facilitate the SEARs application process regarding the proposal. The document provides the following information in accordance with past circulars and guidelines issued by the Department of Planning:

- Introduction;
- Site Description;
- Legislation Review;
- Preliminary Environmental Assessment; and
- Conclusion

1.4 JUSTIFICATION OF THE PROJECT

The proposal is consistent with the Council's Community Strategic Plan 2017/27 which seeks to provide greater access to education, and knowledge and creative economy. A new specialised school would also support the Council's vision to promote Muswellbrook as a Regional Centre. The uniqueness of the school's envisaged education philosophy and its association with the renowned *Richard Gill* brand is expected to be a key driver of student enrolments in the Muswellbrook area.

The subject site and the existing building have the capacity to accommodate the proposal. With some internal alterations and additions, the existing building is

considered wholly suitable for the proposed school. The existing infrastructure and services can also be readily used for the future use of the school.

2.0 SITE DETAILS

2.1 LOCATION

Address:	Lot 2 DP 1118310, 157 Maitland Street
Local Government:	Muswellbrook
Locality:	Muswellbrook
Area:	5.19ha
Zone:	R1 General Residential

Figure 1 shows the location of the subject site.



Figure 1: Location map

Source: Open Street Maps Accessed October 2019

2.2 EXISTING SITE

The site is an irregular shaped parcel of land adjoining the New England Highway at the eastern gateway of Muswellbrook, located approximately 2.5 km from the CBD.

Muswellbrook Shire Council Administrative Building and Muswellbrook Home and Community Care Centre currently occupy the property, along with separate access lanes and dedicated parking areas, whilst the southern half of the site is an open space with scattered trees. The Council building is located approximately 100 m from the northern property boundary, whilst the community centre fronts the highway. The surrounding land from the east through to the west consists of residential properties.



Figure 2: Aerial photo of the site

Source: Google maps

2.3 ACCESS AND TRAFFIC

Primary access to the site is provided via an access lane off New England Highway, which links with the dedicated parking areas adjoining the existing buildings. Parking is presently provided in the form of are several at grade parking areas in the area around the existing building.

The nearest public bus-stop is available on Bimbadeen Street, approximately 450 m walking distance from the site.

2.4 SURROUNDING LAND USE

Apart from the subject site, the land south of New England Highway predominantly consists of low-density residential uses, whilst the Maitland Street corridor to the north-west contains some commercial and retail premises. The immediate area to the north of the Highway contains the Muswellbrook Golf Course.

2.5 TOPOGRAPHY, VEGETATION AND HYDROLOGY

The site generally slopes from the south at RL180 towards the highway, which is at RL154. Possibly due to the previous regrading, the central area occupied by the Council building remains as a flat landscape.

Surrounding this central area there are several gullies that have been directed by a series of concrete drains towards the small pond next to the Council building.

It is noted however, the NSW Six mapping identifies a creek-line that traverses the property from beyond the south property boundary to the sound western western property boundary. There is, however, no visible waterway to indicate the presence of a watercourse; nor has one been identified by the site survey plan

Several remnant patches of vegetation are scattered throughout the site. The site appears to have been regularly maintained with no mid-storey; as such, it is not associated with any ecological significance (refer to **Figure 3** below).

2.6 FAUNA

The site's long and continuous use as Muswellbrook Council premises, and the sparse vegetation cover indicate low habitat value.

2.7 ARCHAEOLOGICAL AND HERITAGE

A preliminary search of the Aboriginal Heritage Information Management System (AHIMS) did not reveal any previously recorded sites or places on the development site.

The site does not contain any listed items of European Heritage significance.

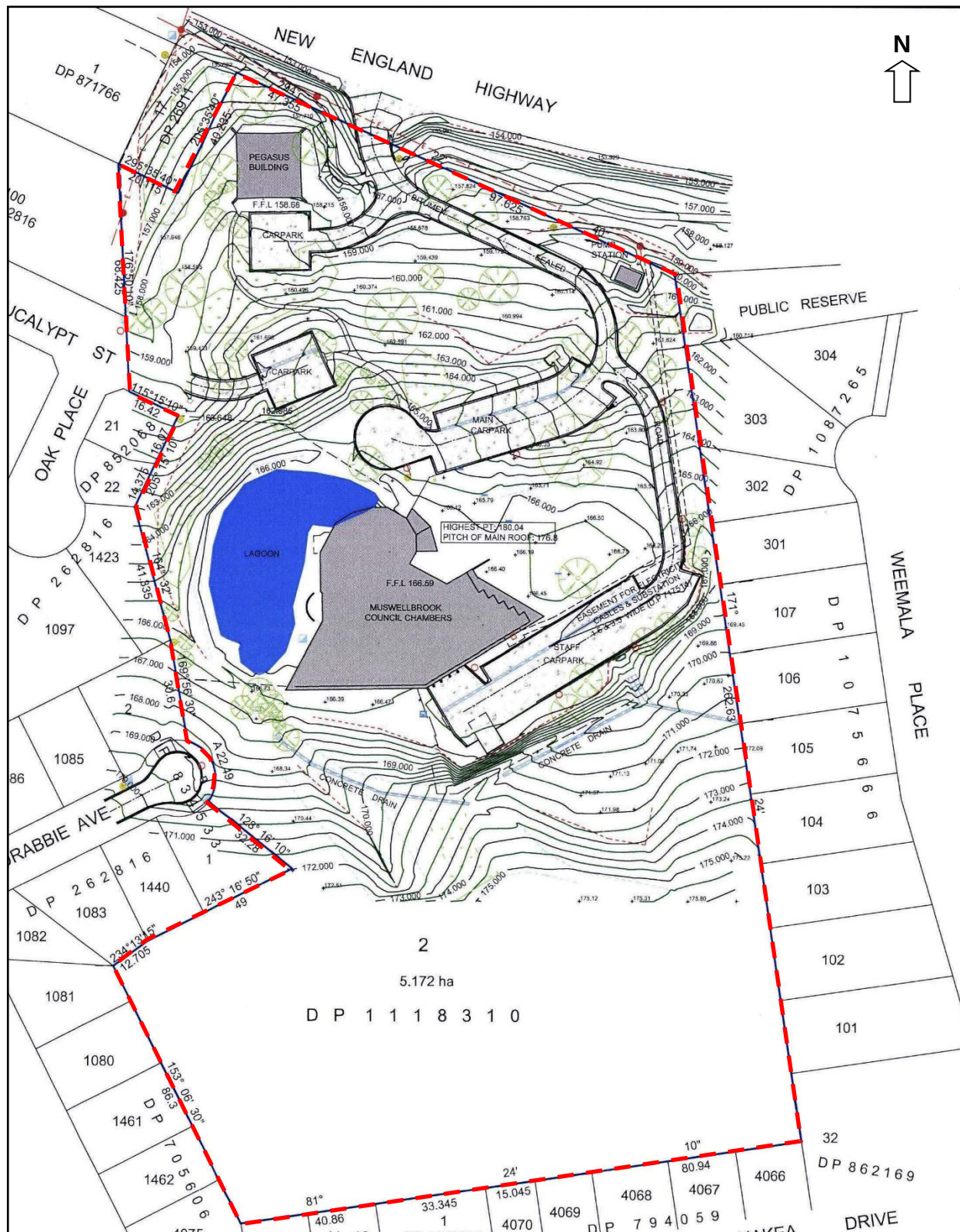


Figure 3: Site survey
Source: Boardman Peasley Pty Ltd

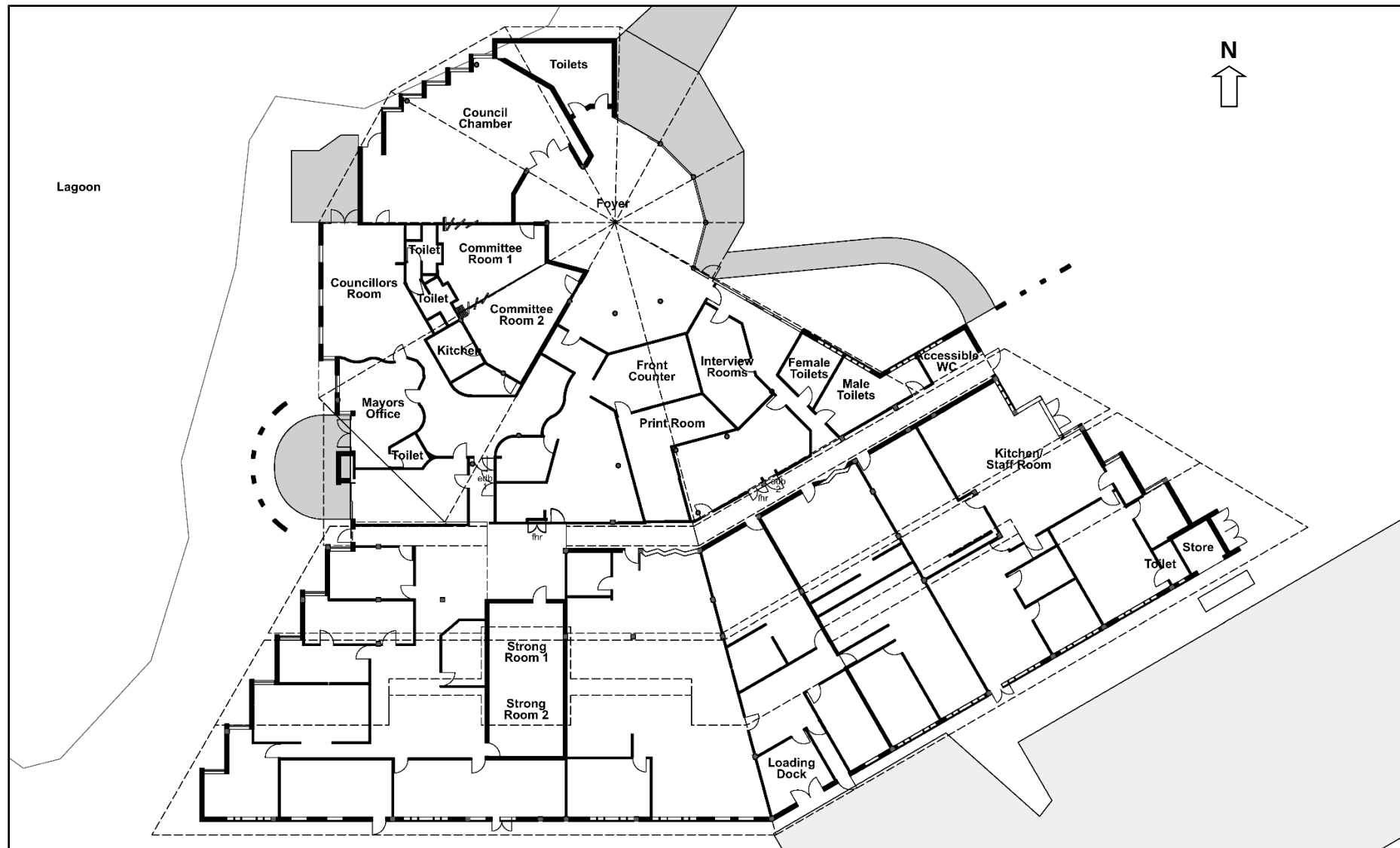


Figure 4: Existing floor plan - Council Administrative Centre

Source: Stanton Dahl Architects

3.0 PROPOSED DEVELOPMENT

The Richard Gill National Music Academy is proposed as a K-6 school that would accommodate approximately 165 students with 15 staff, including teachers and support staff. With an initial intake of approximately 25 K / K1 students, it is envisaged to have subsequent intakes each year up to grade 6.

The proposal will be established with the direction of a Board to oversee the development of the school, funding, risk, and all regulatory and legal requirements. This board will be informed by a strong cohort of education specialists and advisors.

It is proposed to establish the school at the existing Council administration building with no changes to its footprint or external walls. The existing internal spaces will be converted into the various uses of the proposed school, with some minor alterations and additions to the internal walls and partitions (refer to **Figure 5**).

Subject to future requirements, it is also proposed to use the existing access roads and parking areas for the school.

3.1 CHANGE OF USE

The proposed development requires changing the use of the building from its current use of **Public administration building** to an **Education establishment**.

Muswellbrook LEP defines these uses as stated below:

1. **Public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a Council or an organisation established for public purposes, and includes a courthouse or a police station.;
2. **Education 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.

3.2 ALTERATIONS AND ADDITIONS

As shown by **Figure 5** below, the proposed works include setting up the facilities to accommodate the first intake. The areas nominated for 'future use' will undergo further alterations and additions, subject to subsequent applications. It is, however, understood that minimal works will be undertaken on the external walls of the existing building.

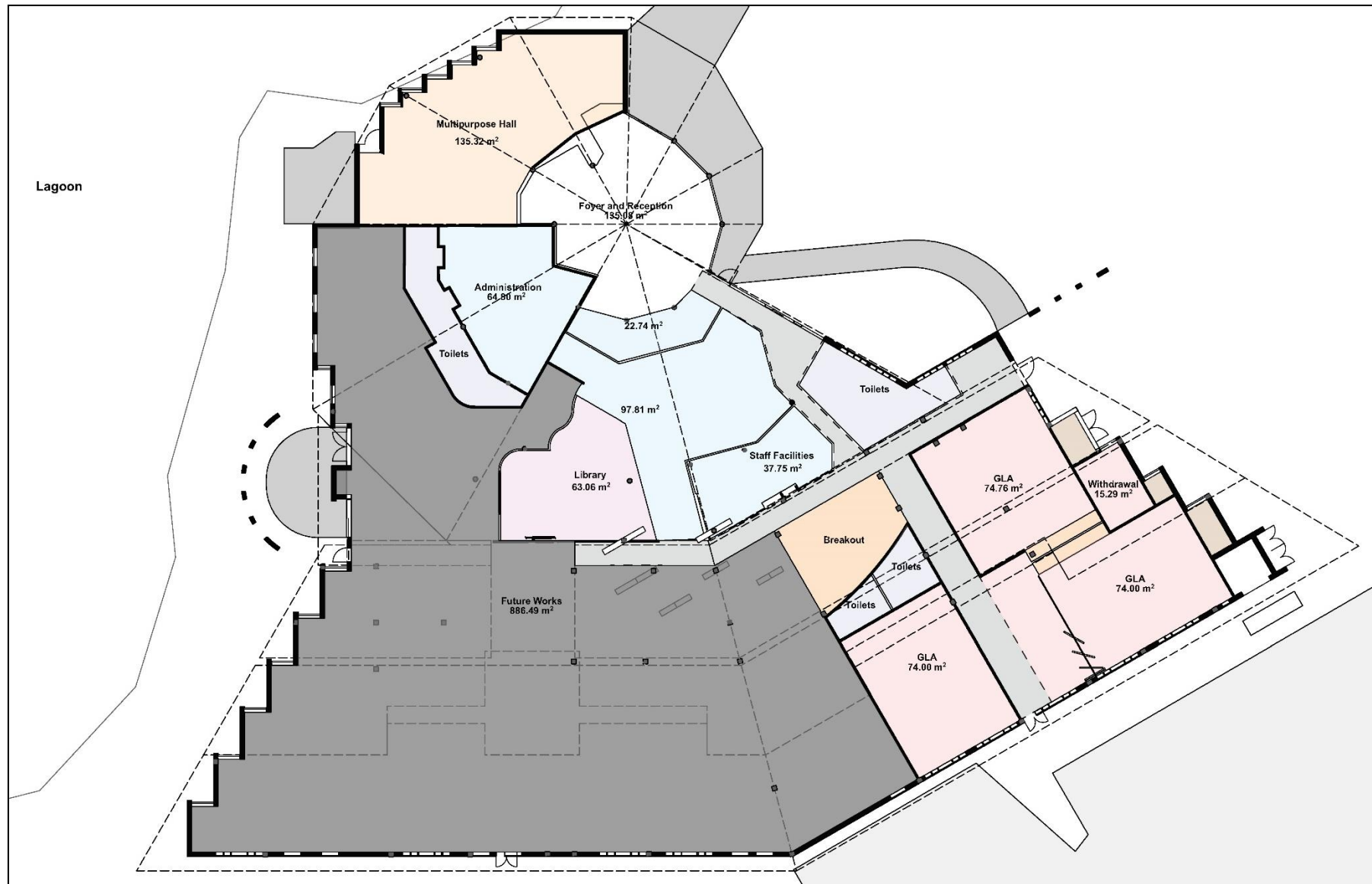


Figure 5: Proposed alterations & additions

Source: Stanton Dahl Architects

3.3 HOURS OF OPERATION

For this SSD application purpose, the operational hours will generally be Monday to Friday between 8.00 am to 6.00 pm.

3.4 STAFFING

It is proposed to have seven (7) full-time teaching positions with allocations up to three (3) additional specialised teachers and five (5) supporting staff.

3.5 PERMISSIBILITY

The proposal is a permissible development over the subject site in accordance with the *State Environmental Planning Policy (Educational establishments & childcare facilities) 2017*. The site is zoned R1 General Residential, which is a prescribed zone under clause 33 of this SEPP. As such, the SSD application seeking approval for the proposed development will be made pursuant to this SEPP.

The proposal, therefore, would also be required to demonstrate compliance with the design quality standards specified under *Schedule 4* of this SEPP.

It is noted that the development of an educational establishment is also permissible under the current zoning of the subject site, R1 General Residential, pursuant to Muswellbrook Local Environmental Plan 2009.

4.0 PLANNING CONTROLS

4.1 COMMONWEALTH LEGISLATION

No Commonwealth legislation is applicable for the proposal.

4.2 NEW SOUTH WALES LEGISLATION

4.2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (the Act) provides the planning framework for land use planning and development assessment within New South Wales.

The Act seeks to (amongst other aspects):

- Promote the orderly and economic use and development of land;
- Promote good design and amenity of the built environment;
- Promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants; and
- Provide increased opportunity for community participation in environmental planning and assessment.

Part 4 of the Act sets out the assessment requirements for development applications. The proposal will be submitted under Part 4 for assessment and approval.

Sec. 4.36 (2) of the act states that:

A State environmental planning policy may declare any development, or any class or description of development, to be State significant development; and

Sec. 4.39 (a) the act states that:

Environmental impact statements to accompany development applications in respect of State significant development; ...

Comment:

Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 identifies development for the purpose of a new school (regardless of the capital investment value) is State Significant Development.

The proposal is considered an appropriate outcome for the site as it:

- Promotes an orderly physical development and good design by adaptive re-use of an existing building with minor alterations and additions; and
- Deliver significant socio-economic benefit to the local community, and the people in the broader Hunter Region, by promoting economic use and development of the land.

As such, this document is prepared as the first and foremost step in addressing the application requirements for an SSD. The SEARs obtained in the process will inform and guide the preparation of an Environmental Impact Statement.

4.3 STRATEGIC PLANNING DOCUMENT

4.3.1 THE HUNTER REGIONAL PLAN 2036

The Hunter Regional Plan provides an overarching framework to guide the development and investment in the Hunter Region to 2036. This document provides consolidated strategic planning considerations for the 11 Local Government Areas in the region. The Plan reflects upon Muswellbrook's role as a regionally significant centre in driving the economy of the Upper Hunter Region. There is also an emphasis placed on strengthening Muswellbrook's role as a centre for educational excellence.

Comment:

The proposal is considered a sound response to the vision for Muswellbrook to become a Regional Centre for educational excellence. The uniqueness of the proposed school would be a substantial addition to Muswellbrook's existing education sector and a key attraction for music education in the Hunter Region. The proposal would, therefore, be consistent with this plan.

4.3.2 DRAFT LOCAL STRATEGIC PLANNING STATEMENT (2018-2038)

Based on the findings of Muswellbrook Community Strategic Plan 2017-2027 and Muswellbrook LEP 2009 Review Discussion Paper, the Muswellbrook Draft Strategic Planning Statement (2018-2038) identifies key land use planning and policy outcomes for the LGA. Whilst the economy of the LGA is expected to continue its heavy reliance on coal mining and power generation, there is a strong emphasis on diversifying Muswellbrook's economic performance on other sectors such as education, thoroughbred, viticulture and dairy industries etc. The statement identifies the Upper Hunter Conservatorium of Music as a key stakeholder in the shire's education sector which services the broader Hunter Region.

Comment:

As noted previously, the proposal is consistent with the identified emphasis on developing Muswellbrook's role as a centre for education. It has also been welcomed and endorsed by both the Council and the Upper Hunter Conservatorium of Music.

4.4 ENVIRONMENTAL PLANNING INSTRUMENTS

4.4.1 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The State and Regional Development SEPP sets out development considered to be of State Significant Development (SSD) due to its size, economic value, or potential impacts that a development may have. *Schedule 1* of the SEPP identifies classes of development which are SSD.

Comment:

Regardless of the capital investment value, all developments for the purpose of establishing new schools are considered State Significant Development; as such, the proposal requires the preparation of an application for a State Significant Development.

4.4.2 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATION ESTABLISHMENTS AND CHILDCARE FACILITIES) 2017

The objective of this SEPP is to provide a simplified and streamlined approval process for education establishments, with consistent development design considerations.

Pursuant to *Clause 35* of this SEPP, development for the purpose of a school may be carried out by any person, with development consent, on land in a prescribed zone.

Comment:

The site is zoned R1 General Residential which is a prescribed zone for schools under this SEPP. As such the proposal requires development consent.

The EIS will be prepared and submitted pursuant to this SEPP and its relevant provisions.

4.4.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The objective of the ISEPP is to facilitate the effective delivery of infrastructure across NSW. Pursuant to *Clause 104* the development is a traffic generating development and requires concurrence from the RMS.

Comment:

The primary access to the subject site is within 90 m from a classified road (New England Highway) and it is anticipated that the development would generate over 50 motor vehicle trips per hour. As such, the application requires concurrence from Roads & Maritime Services.

The EIS will be informed by a Traffic Impact Assessment that would assess the traffic-related issues, in both the existing and post-development scenarios.

4.4.4 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

Muswellbrook Local Environmental Plan 2009 is the principal planning document relating to the Muswellbrook Local Government Area. Under this plan, the subject site is zoned R1 General Residential.

Comment:

The site is zoned R1 General Residential and education establishments are permissible with consent (refer to **Figure 7**).

The proposal will be required to consider, and address, all the requirements of the Muswellbrook Local Environmental Plan 2009 as they apply to the development.

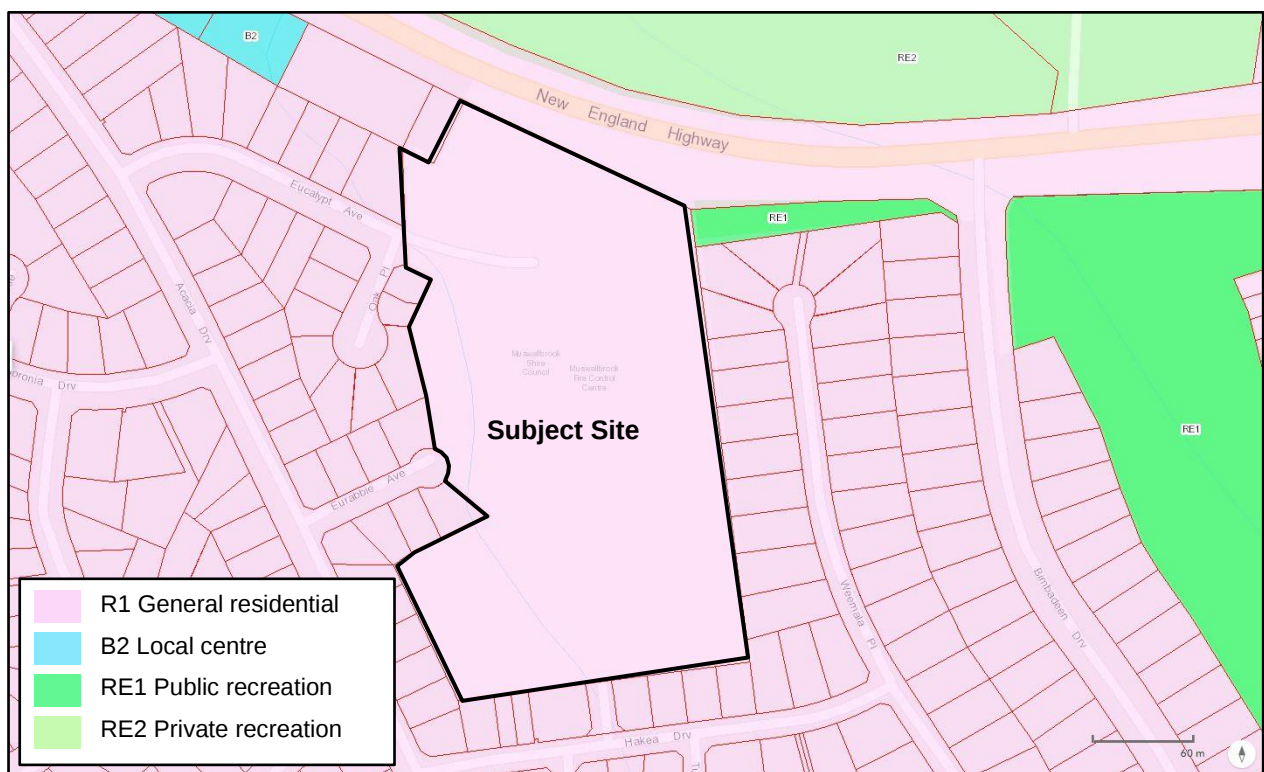


Figure 6: Zoning map

Source: DoPE

5.0 PRELIMINARY ENVIRONMENTAL RISK ANALYSIS

A Preliminary Environmental Risk Analysis (PERA) has been undertaken to assist in the identification of key issues which the subsequent assessment is likely to need to consider or has the potential to impact on the subject site or the surrounding area.

The analysis has been undertaken, having regard to the proposal and likely environmental, socio-cultural and economic aspects of the site. This has been undertaken as a desktop exercise focusing on historic studies, relevant legislative review and the preliminary constraints analysis.

The PERA will form the basis of the subsequent Environmental Impact Statement. In undertaking the PERA the following issues must be considered:

- Stakeholder Consultation;
- Site Contamination;
- Archaeology and Heritage;
- Biodiversity / Ecological significance;
- Stormwater and Water;
- Transport, Access and Parking;
- Accessibility (for people with a disability);
- Crime Prevention Through Environmental Design (CPTED);
- Noise and Vibration; and
- Socio-economic impacts.

5.1 STAKEHOLDER CONSULTATION

The proponent proposes to undertake stakeholder and community consultation and adopt consultation processes in accordance with the SEARs issued in preparation of the EIS.

Based on the PERA it is envisaged that the proponent will need to consult with the following stakeholders:

- NSW Department of Education;
- Roads and Maritime Services;
- Transport for NSW;
- Office of Local Government;
- Muswellbrook Shire Council;
- Muswellbrook Police; and
- Surrounding landowners and residents that may be impacted by the proposal.

5.2 TRAFFIC, TRANSPORT AND PARKING

The property has direct access from the New England Highway which is a classified road (state). It is anticipated the proposed school will continue to be serviced via this existing access, which will be used by future staff, parents and students attending the school daily.

This would require providing safe entry and exit of vehicles, on-site parking, and drop-off points for all users of the site.

Additionally, considerations would also be required regarding the provision for, and facilitation of, other transportation modes such as public buses and cycling within the site; along with safe and convenient pedestrian access to the site.

The site design and the EIS, will be informed by a Traffic Impact Assessment addressing, and providing suitable mitigating measures for, the following impacts:

- Potential changes to traffic volumes entering / exiting the site and New England Highway, and relevant road safety requirements;
- Traffic impacts of the proposed development on the surrounding road network and intersections;
- Accessibility to public transport and active transportation i.e. walking and cycling; and
- Loading and servicing arrangements.

5.3 NOISE AND VIBRATION

The subject site adjoins a large number of residential properties. Given the music-focus of the proposed school, it is anticipated the proposal would have some level of noise or acoustic impacts over these properties during the daytime. The construction phase involving the proposed alterations / additions would also have some level of temporary noise impacts.

To assess and estimate the potential acoustic impacts bourn by both the construction phase and the operation of the school, and to identify the level of acoustic impacts over the adjoining properties, it is proposed to undertake and include an Acoustic Assessment in the EIS.

5.4 ACCESSIBILITY

The proposal is designed to cater for a variety of users; students, parents, guests and teachers, some of who may have special access needs. The post-development site and the building must be able to facilitate these requirements.

The existing building is a single storey. Provided the site and the building are open to the public it is understood that currently there are suitable measures in place to facilitate these access requirements. The EIS will, however, include an Accessibility Study to ensure equitable access is provided.

5.5 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

During the operation hours, the school and the subject site will mostly be used by students between 5 – 11 years.

The proposed school will be established within the existing building, which is centrally located on a large property, having multiple access points from the adjoining residential properties. Currently, there are no fencing or other measures to control access into and from the site.

The site design should achieve safety by design requirements, such as maintaining natural surveillance, security lighting and appropriate landscaping. The site design and EIS will be informed by a CPTED assessment.

5.6 SOCIO-ECONOMIC IMPACTS

As mentioned, the proposed school is expected to be a key stakeholder in Muswellbrook's local economy and be an attraction to potential students / musicians and teachers from the Hunter Region and beyond. It would also be a major addition to the existing education sector that would have a significant social and economic benefit to the community of Muswellbrook.

The proposal is likely to generate employment throughout the planning, construction and operation phases of the project; which will have both direct and indirect long-term socio-economic benefits. As such, the EIS will include a Socio-Economic Impact Assessment.

5.7 SITE CONTAMINATION

The site has long been occupied for its current use. As such it is anticipated the site has minimal contamination issues. To confirm this, it is proposed to undertake a Phase-1 contamination assessment as a part of preparing the EIS.

5.8 ARCHAEOLOGY AND HERITAGE

The preliminary desktop assessment identified no archaeological sites within the subject property, or the surrounding areas. No Aboriginal or European heritage items exist in the vicinity of the subject site. As such, it is anticipated that a Heritage Assessment is not required for the purpose of preparing an EIS.

5.9 BIODIVERSITY / ECOLOGICAL ASSESSMENT

As mentioned, the subject property has long remained as a managed land with maintained understorey and scattered garden trees. The property is surrounded by a large residential / built-up area and there is no vegetation or ecological links. As such, it is considered that an Ecological Assessment is not required for the preparation of an EIS.

5.10 FLOOD OR STORMWATER MANAGEMENT

There are some stormwater management works in place to direct, and manage, stormwater flows over the subject site. Subject to a detailed assessment of the proposed development, the EIS will be informed by a Concept Stormwater Design to adequately service the post-development scenario.

6.0 CONCLUSION

The SEARs application and associated preliminary environmental assessment have been prepared with due regard to the available information and understanding of the conditions of the site.

Further investigations will be undertaken in the preparation of the EIS in response to the comments received from the Department of Planning and Environment, and the issued SEARs.

APPENDIX A

ARCHITECTURAL DRAWING SET