



muswellbrook shire council

ORDINARY COUNCIL MEETING

SUPPLEMENTARY BUSINESS PAPER

14 FEBRUARY, 2017

MISSION:

**"To do what is best for our community through leadership,
excellent service and encouragement of sustainable development"**

Order of Business

ITEM	SUBJECT	PAGE NO
10	ENVIRONMENTAL SERVICES	3
10.6	MUSWELLBROOK TOWN CENTRE STRATEGY	3
10.7	NSW PLANNING REFORMS – ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017	79
18	ADJOURNMENT INTO CLOSED COUNCIL	87
19.5	SMALL SITES ENERGY CONTRACT <i>Item 19.9 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.6	FUTURE FUND ACQUISITIONS <i>Item 19.10 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.7	REVISED ORGANISATION STRUCTURE <i>Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

10 ENVIRONMENTAL SERVICES

10.6 MUSWELLBROOK TOWN CENTRE STRATEGY

Attachments:	A. Submission Assessment B. Draft Muswellbrook Town Centre Strategy (December 2016)
Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Pathum Gunasekara - Strategic Planner
Community Plan Issue:	<i>Plan liveable and sustainable urban areas</i>
Community Plan Goal:	<i>Sustainable planning, design and regulation support community needs</i>
Community Plan Strategy:	<i>Plan for development that balances the needs of the community and allows for managed growth</i>

PURPOSE

The purpose of the report is to advise Council of the outcomes of public exhibition of the Draft Muswellbrook Town Centre Strategy and recommend Council to endorse the updated Strategy.

OFFICER'S RECOMMENDATION

That the Draft Muswellbrook Town Centre Strategy (dated December 2016) be endorsed.

Moved: _____ Seconded: _____

BACKGROUND

At its ordinary meeting on 11 October 2016, Council considered a report in relation to the Draft Muswellbrook Town Centre Strategy and resolved that:

- (a). *The Draft Muswellbrook Town Centre Strategy be exhibited for a minimum period of 28 days.*
- (b). *A report be submitted to Council following the public exhibition.*

A further report was submitted to Council on 21 December 2016. In noting the report, Council resolved that:

- (c). *The endorsement of the Draft Muswellbrook Town Centre Strategy be deferred to the Ordinary Council Meeting to be held in February, 2017 to allow further consideration of submission that have been received.*
- (d). *The proposed changes to local planning instruments recommended in the Strategy be considered into current LEP and DCP review process to proceed.*
- (e). *The actions identified in Muswellbrook Town Centre Strategy be considered in preparing Council's Integrated Planning & Reporting Framework, in particularly Delivery Plan and Operational Plan.*

CONSULTATION

The Draft Muswellbrook Town Centre Strategy was placed on public exhibition from 14 October 2016 to 16 November 2016. Public notices were placed in the local newspapers (Muswellbrook Chronicle and Hunter Valley News) and on Council's website, with key stakeholders including Muswellbrook Chamber

of Commerce and Industry, relevant public authorities and landowners within the study area were notified directly. The Draft Strategy was available for inspection at Council's Administration Centre and Muswellbrook and Denman libraries. In addition, a community meeting was held on 2 November 2016 where details of the Draft Strategy was presented and discussed.

During the public exhibition period, Council received a total of seven (9) submissions comprising:

- (1). Muswellbrook Chamber of Commerce and Industry Inc.
- (2). Gus Mather, Pirtek Muswellbrook
- (3). Jonathan Collins, Wellness Chiropractic
- (4). Martin Cousins, Central Arcade
- (5). Octavius Chaffey Pty Ltd on behalf of Shamrock Hotel
- (6). Kelly Hall
- (7). Sebastian Sadgrove
- (8). Vanovactuon Architects on behalf of A & N Skagias
- (9). NSW Planning & Environment

Submission Assessment

As a part of the commission, the consultant (*dwp-suters*) reviewed all submissions received and subsequently amendments have been made to the draft Strategy where appropriate, in response to the issues and concerns raised in submissions. The issues and concerns raised in the submissions received are summarised and addressed in *Appendix A* to the report. A copy of all submissions is also provided separately for information of the Council.

The updated draft Muswellbrook Town Centre Strategy is attached as *Appendix B* to this report for Councillors' consideration.

DISCUSSION

Muswellbrook Town is identified as a 'Strategic Centre' in the Hunter Regional Plan 2036 (HRP). Finalization and implementation of the Muswellbrook Town Centre Strategy to guide future development in Muswellbrook CBD was identified in the HRP 2036 as a key priority for Muswellbrook.

The Muswellbrook Town Centre Strategy is consistent with Action 23.1 of HRP which seeks to concentrate growth in a strategic centre to support economic and population growth and a mix of land uses. In addition, the Strategy also supports the implementation of the HRP 2036 through achieving outcomes of Action 23.2 to develop precinct plans for centres to take an integrated approach to transport, open space, urban form and liveable neighbourhoods, and investigate the capacity of centres to accommodate additional housing supply and diversity without compromising employment growth.

The Strategy has the potential to create significant beneficial changes to the town centre, but it needs to be recognised that many of these changes will occur over a long period of time (10-20 years). Other changes can happen immediately. A key outcome of this Strategy is to stimulate the private development market. Council has been and remains committed to supporting further development and reactivation of this essential area of Muswellbrook. This Strategy is setting key development principles and actions.

CONCLUSION

Therefore, it is recommended that:

- (a). The Muswellbrook Town Centre Strategy (dated December 2016) be endorsed.

SOCIAL IMPLICATIONS

This Strategy has the potential to reinforce Council's recent investments in the Town Centre to ensure that the Town Centre continues to serve the role of being the key centre of retail, business, educational and social activity in the local area.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

This Strategy will result in an amendment to Muswellbrook LEP 2009 and DCP, and will provide many strategic actions for Council to consider in future Delivery Programs and Operational Plans.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

The Strategy was identified in the Strategic Planning Programme 2016/2017 endorsed by Council as a key priority project. Future actions arising from this Strategy can be considered for resourcing in next year's Operational Plan and budget.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

dwp suters

Muswellbrook Town Centre Strategy - Submission Assessment

dwp suters

Submissions Received	Issues and Concerns Raised	Response
Gus Mather Pirtek Muswellbrook	1.1 Muswellbrook business community was not adequately consulted during the design process.	The draft Muswellbrook Town Centre Strategy (MTCS) was placed on public exhibition from 14 October 2016 to 16 November 2016. Public Notices were placed in the local newspapers (Muswellbrook Chronicle and Hunter Valley News) and on Council's website, with key stakeholders including Muswellbrook Chamber of Commerce and Industry, relevant state government agencies and landowners within the study area were notified directly. The draft MTCS was available for inspection at Councils Administration Centre and Muswellbrook and Denman Libraries. A community information session was held on 2 November 2016 to encourage community, landowners and business owners to formally make submissions in response to the draft MTCS.
	1.2 At no time was the whole Muswellbrook business community advised by formal process.	
	1.3 The public meeting held on the 02.11.2016 provided little information on the draft plan.	
	1.4 Concerned that land owners in the affected area were not formally notified, and provided with a copy of the draft plan.	
	1.5 Concerned over the lack of the establishment of a community consultation group inclusive of members of the general community, the Chamber of Commerce, business owners and representatives, PCYC, Arts and Cultural representatives.	
	1.6 Concerned that the current demand/requirements for parking have not been met in the draft plan. Concerned that the suggestion of a multi-level parking station may impede resident views west of the railway line.	The MTCS presents a strategic response only, and is not derivative of a masterplan or detailed design. The strategy identifies the benefits of longer range views to the west as outlined in 'Constraints and Opportunities' on page 15. However, given the topographic conditions, likely height of proposed car parking structure and restricted height of built form, existing and intended, would all influence view sharing outcomes. Further refinement in DCP provisions shall address this.
	1.7 A strategy for the purchase of land associated with the development of the main street has not been established. Concerns surround the opportunity for business owners to purchase land for wide access.	MTCS nominates options for potential vehicular and pedestrian access through sites. Specific requirements for wide access may become a future DCP requirement imposed upon land parcels. However this could not be enforced unless a new development proposed. Further consultation with affected landowners will be undertaken as part of the implementation.
	1.8 The draft plan should address an open community area in the south end of the main street not just to the north. Suggestion made that this could be achieved through the purchase of the Newsagency and the Lifeline building sites.	Simpson Park at the Southern end of Bridge Street fulfils public open space outcomes for the southern end of the subject area. An over-abundance of co-located open space dilutes development and as a result mitigates activation potential for the precinct and is not supported by strategic principles outlined in the MTCS. As mentioned in point 1.7, the development guidelines for nominated land parcels shall be subject to future DCP provisions.
Jonathon Collins Wellness Chiropractic	2.1 Noted that in the draft Strategy section "Enhance Accessibility" pg42, the proposed pedestrian network includes a pathway on the subject property - corner of Market and William Streets; and requested that the pathway be removed from the draft strategy plan as permission has not been given to council to use any part of the property for a public pathway.	The MTCS presents a strategic response only. As mentioned in points 1.7 and 1.8, specific requirements for allocation of public access may become a DCP requirement. The pedestrian network map has been amended to remove inconsistencies in the exhibited draft MTCS.
Sebastian Sadgrove	3.1 Very positive response to the masterplan overall, specifically to the established connections to a Marketplace and increased pedestrian access.	Noted.
	3.2 Suggestion to upgrade existing retail centre including signage and parking.	Specific design outcomes and commercial decisions for individual sites are beyond the scope of the MTCS.
	3.3 Reinstatement Clock Tower to main Street at Campbell's Corner	As per 3.2
	3.4 Muswellbrook showground to be rezoned to attract new retail.	This is outside of the project scope. However some commentary on the relative zonings beyond the study area made in section 8.1 of the MTCS which identify a mix of uses that compliment those that are proposed for the town centre.
	3.5 Enquiry on future plans for the Ten Pin Bowling Centre.	As per 3.2
Paul McGin Octavius Chaffley Pty Ltd (Shamrock Hotel)	4.1 Concerned over proposal to rezone the land occupied by the Shamrock Hotel to Medium Density Residential and noted that this concept is inconsistent with Principle 8.1, paragraph 2 of the Principles (pg48). Suggestion made to zone the entire block between Sowerby Street, Brook Street, William Street and Bridge Street as 'Mixed Use' to comply with recommended principle 8.1 par 2 "move B2 Local Centre to B4." Proposition to align the proposed zoning boundary with the Hotels Eastern boundary and proposed pedestrian footpath.	The concept outlined in the MTCS is not inconsistent as it relates to the variety of land use outcomes more broadly within the town centre and aligns with the principle of creating opportunities for mixed use outcomes along the main street axis between the railway station and along Bridge Street. In considering the heritage significance, locational aspects and adjoining land uses, the final MTCS has been amended to expand the proposed Mixed Use zone to include Shamrock Hotel.
	4.2 Argued for the allocation of 'Mixed Use' zoning to the site of the Shamrock Hotel, yet believes that the stipulated 15m height limit is still too low. Further, requested the height limit for zoning category 'Mixed Use' to be increased to allow for higher density commercial development to take place.	The zoning that has been requested for the aforementioned site has been considered with respect to the above and in line with geometry of the road network and surrounding built environment. The MTCS currently proposes a height increase of 176% from 8.5m to 15 metres, allowing for greater density than is currently capable of achieving. With the proposed changes to the zoning, 15m height limit is applicable to the site.
	4.3 Suggested that the thoroughfare from William Street and Bridge Street has the potential to form an interesting promenade from the Art Gallery to the Heritage Police Station to the Hotel Waterfront as proposed on pg. 42 of the draft masterplan. Suggested that zoning this portion of land as 'Mixed Use' would encourage the use of proposed pedestrian network by increasing foot traffic to the waterfront and recreation parks from William Street.	The pedestrian network as proposed by the MTCS allows for greater permeability for residents. However, the intent of the strategy is to consolidate bulk foot traffic along the main street for activation purposes.



Muswellbrook Town Centre Strategy - Submission Assessment

Submissions Received	Issues and Concerns Raised	Response
	<p>4.4 Noted the inconsistencies in zoning allocation within the MTCS (Key Use Outcomes). Page 30, 36 and 42 of this report show the Shamrock Hotel within a proposed 'Mixed Use' area. Therefore notes the inconsistencies between these diagrams and those then shown on pages 48 and 49 which exclude the property from this 'Mixed-Use' zone. Supported the zoning allocation shown on pages 30, 36 and 42.</p>	The diagramming on pages 30, 36 and 42 are for the purposes of broadly ascribing general outcomes for individual precincts. Pages 48 and 49 are reflective of the purpose and outcomes recommended. The recommended outcomes have been amended to reflect key land use outcomes stated in the draft strategy.
	<p>4.5 Suggested to include both the Shamrock Hotel and the Police Station in the 'Active Street Frontages' precinct on pg25 of the report and argued that due to the presence of the prison system in Muswellbrook, this street frontage should be acknowledged as 'active.'</p>	The strategy promotes the consolidated activation of the main street - Bridge Street. Acknowledging peripheral activation nodes would detract from the objective of concentration bulk foot traffic along Bridge Street.
	<p>4.6 Notes the proposed pedestrian footpath through the Shamrock Hotel's private land from William to Brook Street. Does not encourage private access, however supports that the proposed access on the eastern side of the Hotel would be an appropriate boundary between 'Mixed use' and 'Medium Residential' zones.</p>	As mentioned in point 1.7, The MTCS presents a strategic response only. Specific requirements for allocation of public access may become a future DCP requirement.
	<p>4.7 Expressed concerns in regards to resumption of land for public access purposes.</p>	As per 4.5, The resumption of land for public access purposes would be determined by a negotiation between the land owner and council, or alternatively as outlined above, could be a development control that requires pedestrian access through the site.
	<p>4.8 Requested that the hotel and its environment be, in accordance with Principle 8.1 par 2, retained in Mixed Use Zone. (previously having been in B2).</p>	As covered in points 4.1-4.5 the modification of the zoning as proposed in the MTCS has its foundation in urban design principles of consolidation of activation along main spines. However, in considering the heritage significance, locational aspects and adjoining land uses, the final MTCS has been amended to expand the proposed Mixed Use zone to include Shamrock Hotel.
	<p>4.9 Expressed concern in regards to integrating hotel facilities into a current aged care/medium density residential zone.</p>	The final MTCS has been amended to expand the proposed Mixed Use zone to include Shamrock Hotel.
Kelly Hall	<p>5.1 Expressed concerns for the non-mention of accessible facilities such as disabled car spaces with the draft masterplan. Concern is expressed that these facilities will not comply with Australian Standards as many of the existing designated accessible car spaces within the township are not compliant.</p>	All future works that would come as a result of the MTCS and indeed any future associated development applications, irrespective of this strategy are required by law to comply with the Building Code of Australia, Australian Standards and are bound by the Disability Discrimination Act, 2005. Page 42 of the MTCS outlines strategies for Enhanced Accessibility. Requirement for enhanced accessibility is prioritised as a Key Strategic Direction and has informed other major aspects of the great urban strategy for Muswellbrook. Pg. 43 has been amended to include directions/actions related to accessibility.
	<p>5.2 suggested that access for wheelchairs, mobility scooters, walking frames and prams be considered in the design of the proposed pedestrian overpasses and that the gradient of every path is a 'smooth transition for all.</p>	The MTCS is intended as a strategic response establishing a land use strategy to ensure key urban design principles are incorporated into future development. Detailed design outcomes are omitted at this stage. The DCP is to outline provisions for equitable access as required by the Building Code of Australia and the Disability Discrimination Act, 1992.
Vanovac Tuon Architects on behalf of A&N Skagias, owners of 77-85 Bridge Street	<p>6.1 Note: The Vanovac Tuon Architects has submitted a detailed architectural concept design strategy and accompanying report outlining intent to develop the site 77-85 Bridge Street. The concept design expands on the ideas, directions and objectives of the draft MTCS. Vanovac Tuon Architects suggested a number of amendments to planning instruments and DCP controls outlined below in points 6.5-6.8.</p>	Noted
	<p>6.2 The submission acknowledges that the MTCS aims to further develop Muswellbrook Town Centre as the regional centre for the Upper Hunter with a clear intent to preserve and enhance the local heritage assets while encouraging the construction of new enhanced facilities.</p>	Noted
	<p>6.3 With regards to 77-85 Bridge Street; This site is a key component in Muswellbrook's commercial and retail core and provides a critically important pedestrian and visual link between Bridge Street and the existing Marketplace Shopping Centre at the rear. The importance of this site has been recognized in Council's 'Muswellbrook Town Centre Strategy' and in response to the Draft Strategy, the owners of the site have commissioned Vanovac Tuon Architects to prepare a conceptual design response to the site's significant opportunities.</p>	Noted
	<p>6.4 The Vanovac Tuon Architects concept design expands on the ideas, directions and objectives of the draft MTCS. Key objectives are as follows; to act as a catalyst, maximizing commercial opportunities on all relevant lands surrounding 77-85 Bridge Street; to provide a conceptual and architectural framework to assist Council and all adjacent owners and stakeholders to define the optimum development strategy for precinct; to create a significant landmark in the centre of Bridge Street that would concentrate active and high-value retail activities; to demonstrate how other adjacent private and public lands, including Council carpark and the public domain, could benefit from a comprehensive redevelopment of this site; to enhance functional and visual links between Bridge Street, Marketplace shopping centre as well as the future Civic Precinct on the opposite side of Bridge Street; to demonstrate a site-specific design solution that properly illustrates the achievable Height of Building and Floor Space Ratio, for future consideration by Council; and to provide a framework for constructive future discussions and negotiations with owners of adjacent properties and with Council.</p>	Noted



Muswellbrook Town Centre Strategy - Submission Assessment

Submissions Received	Issues and Concerns Raised	Response
	<p>6.5 Review and amend the range of permissible and prohibited uses in the central third of Bridge Street to ensure that those uses which generate maximum activity and pedestrian concentrations are attracted to and located near the future Civic Precinct. This will filter out unsuitable uses and continue to encourage, facilitate and develop the desired future character of the place.</p> <p>6.6 Increase the permissible Height of Buildings in at least the central 1/3 of Bridge Street from 12 metres to 15 metres. Not all properties would be able to take advantage of third additional height but some smaller properties in key locations, such as the subject site, appear to be able to be redeveloped economically beyond the existing 12 metre height control.</p> <p>6.7 Increase the permissible FSR from 2.0 to 2.5 to allow for future design flexibility and for sloping topography. The effects of this control differ on different sized and shaped sites and on sloping topography. Unreasonably low FSR can be a significant disincentive for redevelopment of small, irregular and difficult sites.</p> <p>6.8 Review Heritage conservation controls to ensure all significant buildings are identified and protected. Consider a range of appropriate development incentives and bonuses to ensure that owners of heritage properties are not unreasonably disadvantaged.</p>	<p>Alterations of land use outcomes are permitted by proposed zonings. This concept is in line with, and in support of, the Key Strategic Directions outlined in Section 7 of the MTCS. Strategies for key land use outcomes and enhanced Public Facilities and Services are outlined within section 7 of the MTCS.</p> <p>Strategy identifies potential uplift in height of buildings. These are outlined in Section 7 and 8.2 of the MTCS which outlines a strategy for Planning Policy Height of Buildings.</p> <p>As outlined in Section 8.3 of the MTCS, studies to confirm FSR potential on select sites highlight the adequacy of existing 2.1 FSR. DCP guidelines relating to building footprint, setback, height and car parking requirements establish strategies for the achievability of the existing FSR.</p> <p>Section 8.4.3 recommends the inclusion of heritage controls in the Town Centre DCP and Section 9, Muswellbrook Town Centre Strategy Action Table, section 3, 'Improved Heritage Conservation' outlines various mechanisms to incentivise development of heritage buildings such as bonus FSR or reduced parking requirements.</p>
Martin Cousins Director, Central Arcade	<p>7.1 Comments, Council should be commended for the work done to date on Town Centre improvements, and for giving further detailed consideration to the development of the town centre and strongly supports several major elements of the strategy, with additional comments outlined below in points 7.2-7.13</p> <p>7.2 Increase Councils presence in the Town Centre, not just in the form of a performing arts centre and/or conference centre. These facilities would have low utilisation and/or out of business hours occupancy, so would not create regular business-hours traffic in the town centre. Council should consider re-location of the administration offices to the town centre as a priority. This would increase pedestrian traffic during business hours and remove some surplus underutilised and poorly presented buildings from the town centre.</p> <p>7.3 Suggested to create a better connection between the Marketplace and Bridge street and the connection of the Marketplace to Brook Street.</p> <p>7.4 Suggested the formalising of public car parking and provision of additional along the railway line north from Brook Street.</p> <p>7.5 Encouraged the protection and reuse of heritage structures and sight lines into the future.</p> <p>7.6 The number of empty shops and offices, both old and new, suggest that there is a surplus of commercial real estate in the town centre. Council should be careful about adding to the building stock. Where possible, Council should look to remove surplus shop/office building stock from the Town Centre.</p> <p>7.7 The character of Bridge Street between Brook and William Streets, with its smaller shopfronts, is quite different to bridge street north of Hill Street, with its mix of larger buildings and legacy residential dwellings. The strategy should consider these areas differently.</p> <p>7.8 Pg. 48 of the draft MTCS stipulates that, being part of a B2 zoning, that 'vehicle repair stations, bulky goods and other industrial typologies should be prevented from locating North of Hill Street. Questioned what demand there will be for other uses of this land. Similarly, pg80 precincts 3 and 4 - questions the number of suitable alternatives if bulky goods are restricted.</p> <p>7.9 The strategy assumes (pg. 20, 57) unspecified growth of Muswellbrook's residential population and retail/commercial sector. The rate of growth and resulting demand for Town Centre residential, retail and commercial space should be considered as well the developments permitted by council in other areas of Muswellbrook. As both will affect demand for town centre land.</p> <p>7.10 Does not support the increase in development height limits within the Town Centre.</p> <p>7.11 Time restrictions should be removed from public off-street parking and believed these are a disincentive to shoppers accessing the retail precinct.</p>	<p>Noted.</p> <p>Noted.</p> <p>Section 9.2 of the MTCS outlines strategies for improved urban design in the Town Centre. These are inclusive of 'strengthen and significantly improve connection from Marketplace to/from Bridge Street'.</p> <p>Section 9.5 of the MTCS outlines strategies for improved traffic infrastructure and parking. This is inclusive of 'continually monitor parking needs for the centre and provide additional facilities as identified'.</p> <p>Noted.</p> <p>Creation of new commercial and mixed-use opportunity allows for decanting and subsequent redevelopment of existing building stock. As recommended in the MTCS, permitting shop-top housing outcomes potentially increase value of existing commercial stock. This is further outlined in Section 9 of the MTCS.</p> <p>This is primarily an issue for further resolution under the DCP. However the MTCS identifies setbacks, building heights, separation, as well as heritage and distinctive issues for consideration.</p> <p>The MTCS scope is confined to the study area. However, the showground precinct zoning caters for bulky goods and other retail uses that are inconsistent with a main street within a town centre. Amenity potential and proximity to proposed higher density residential would necessitate this outcome and similarly support a uplift in commercial opportunities. Refer to Section 9.1 of the MTCS.</p> <p>The rate of growth could be supported by initiatives as outlined in Section 9.1 of the MTCS. Increase in population and growth not limited to town centre.</p> <p>Noted. Building height limits have been increased by 2 metres from 13m to 15m within the town centre to render a consistency to the proposed FSR achievability and construction type.</p> <p>Not considered a Key Strategic Outcome pertaining to the scope of the MTCS. This matter will be considered as part of a future review of Parking Study 2010. A review of Parking Study 2010 has been added to the future action table.</p>



Muswellbrook Town Centre Strategy - Submission Assessment

Submissions Received	Issues and Concerns Raised	Response
	<p>7.12 Does not consider the proposed vehicular bypass as being beneficial for Muswellbrook and proposes the a re-examination of the proposed vehicular route via Hunter Terrace as this would potentially increase through traffic to the town centre. Further, suggested that council should consider this route as a possibility.</p> <p>7.13 Suggested the establishment of a more prominent Tourist Information Centre in the Town Centre. Suggested the QCell building would be ideal for this as ample parking is available adjacent.</p>	<p>This issue is outside the scope of the MTCS. However, the removal of heavy traffic along the main street will promote the establishment of a pedestrian friendly network, improving amenity and increasing foot traffic to commercial precincts.</p> <p>MTCS identifies a potential area suitable for a Tourist Information Centre. This is shown on pg.15 of the MTCS and defined as the 'Tourism and Transport' precinct.</p>
Muswellbrook Chamber of Commerce & Industry Inc. (MCCI)	<p>8.1 Comments: The MCCI commends council for its initiative in preparing the draft strategy which sets progressive guidelines for the future development of our town centre. MCCI thanks council for the public meetings and discussions that have been held and looks forward to the opportunity to further discuss the submission. The major elements of the strategy are strongly supported by the MCCI and the business community generally. It is understood that this is a long-term strategy which will be subject to the various development control plans and other planning instruments over time.</p> <p>8.2 The strategy is consistent with the intent of the CBD Strategic Plan with the objective of bringing retail, entertainment, community interaction and tourism back into the town centre. This is strongly supported by the chamber.</p> <p>8.3 The relocation of the Council Administration Centre to the CBD is welcomed as it will increase pedestrian traffic and improve connections with shops, financial institutions and professional services which are well-established in the CBD. It will also bring the council workforce into close contact with the day to day business in the CBD.</p> <p>8.4 The proposed link between the Muswellbrook Marketplace and Bridge Street is welcomed, and it is hoped that, after many years of failed attempts, this can be achieved. The connectivity between this shopping mall and the main street is very important in unifying the whole CBD precinct. MCCI has noted that the other stated purpose for the link is to connect with the proposed Civic Square. In previous plans suggested a Plaza area in Brook Street with linkages to the marketplace. There needs to be more clarity about these two linkages and their complimentary or conflicting purposes.</p> <p>8.5 Proposed B2 zoned precincts and medium density residential areas are generally agreed with by the chamber. MCCI makes suggestion to modify the zoning regulation to allow bulky goods outlets, vehicle repair and service stations.</p> <p>8.6 Increased retail space in the CBD seems incongruous with the current surplus of space and numerous unoccupied premises. Council should be careful about allowing new developments that could potentially attract retailers and other tenants away from existing premises and compound the problem.</p> <p>8.7 The proposed gateway and parking elements of the strategy are welcomed and generally supported. MCCI encourages the provision of free parking, and suggests that off-street parking should not be subject to time restrictions.</p> <p>8.8 MCCI suggests that the proposed Muswellbrook town by-pass mixing with increased CBD residents, community events, increased pedestrian traffic and alfresco dining could cause issues. MCCI also acknowledged that the strategy is unclear on when the bypass will be built and how CBD development will be staged in concert with it. MCCI suggests that the council and business needs clarity from the RMS and Federal Government about the design, and construction program of the bypass.</p> <p>8.9 States 'The Strategy talks about expected growth without any supporting data to quantify it. It is presumed that the improvements in the amenity, commercial activity & liveability in the CBD will result in greater than expected population growth. If we assume that the LGA of Muswellbrook is currently expecting annual population growth of 2%, then the question is - how much more will the Town Centre Strategy developments add? It is important to clarify whether the Strategy is intended to increase population growth or simply to sustain it. This part of a bigger picture, in which the population's dependence on mining is expected transition to a greater dependence on other business sectors like retail, services, tourism, agriculture, education, etc.</p> <p>8.10 The strategy should further investigate the relationship between population growth, business growth and available space with reference to the above point.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The MTCS identifies the significance of linking the Marketplace around Bridge Street to a civic hub. Detailed outcomes and masterplan are not part of the current scope. However, the MTCS indicates current council's position on Muswellbrook Town Centre.</p> <p>Refer to 7.8.</p> <p>Refer to response 7.8 outlining the zoning allocation of the Showground precinct designated to functions inconsistent with that of a Main Street. Point 10 of Section 9, 'MTCS Action Table' outlines strategies for enhanced economic activity which address the concerns in question.</p> <p>Noted. The MTCS Action Table has been amended to identify Parking Study 2010 review as a future action.</p> <p>Noted. This is outside current project scope. Council will follow up and share any information available on this with MCCI, where appropriate.</p> <p>Refer to section 7.8 and 7.9 of the MTCS. Commentary and anecdotal evidences an over-abundance of existing commercial/retail building stock. However, the MTCS if adopted, can permit for greater growth than current planning instruments indicate. Planning policies are subject to modification over their lifetime in order to meet any future unexpected growth.</p> <p>Further advice could be sought from a demographer or equivalent. Council may wish to engage and expert to comment on these particular population, rate of growth etc. This also may form part of a future retail strategy of the Shire.</p>



Submissions Received	Issues and Concerns Raised	Response
	<p>8.11 The proposed building height of 15m appears to be acceptable as long as heritage conservation aspects are preserved and visual impacts are responsibly managed. Fears of a 'high rise explosion' have been expressed but the chamber expects that good development control plans and market forces will address this.</p>	Section 8.4.3 outlines recommendations for the conservation of existing heritage features.
	<p>8.12 MCCI is pleased to see that council invites the Chambers involvement in the MTCS Action Table. The Chamber stands ready to partner with council in the areas nominated, including: Enhancement of existing residential units in the town centre, development of marketing packages for promoting the retention of existing business and the development of new business, encouraging private investment in the town centre, developing programs to upgrade and utilise existing building stock.</p>	Noted.
	<p>8.13 Indicated that MCCI have made our best efforts to reflect the views of Chamber members, CBD property owners and business operators, with limited time and resources. MCCI are aware of the submission by Martin Cousins, owner of the Central Arcade, and encourage council to consider seriously his suggestions and recommendations. The Central Arcade is an historic and pivotal property in the CBD and its preservation and enhancement is critical to the success of the MTCS.</p>	Noted. The issues and concerns raised by Martin Cousins, owner of the Central Arcade, have been addressed in 7.3-7.13.
	<p>8.14 MCCI expressed that there needs to be a balance between public and private ownership of commercial property. Therefore suggesting that the strategy should make specific reference these proportions of ownership. MCCI also expresses concern that the Town Centre could become a publicly owned precinct in which there is little or no incentive or capacity for private investment.</p>	Refer to Section 9, point 10 of the MTCS - outlining strategies for Enhanced Economic Strategies. This policy is inclusive of 'encouraging an increase in private investment activity in the town centre'.
NSW Planning & Environment Hunter and Central Coast Regional Office	<p>9.1 The 'Key Land Use Outcomes' recommended on page 31 of the draft Town Centre Strategy, including outcomes to increase residential density, student and aged housing in the town centre, are generally supported. Outcomes to increase housing in the town centre should also ensure that this additional housing supply does not compromise employment growth.</p>	The MTCS recommends a broad mix of permitted uses including medium density residential, mixed use and commercial which allows for a variety of development outcomes that address this comment.
	<p>9.2 Muswellbrook is identified as a Strategic Centre in the Hunter Regional Plan 2036. Strategic centres are centres which will support a broad range of population and/or economic activities over the next 20 years. The draft Town Centre Strategy is consistent with Action 23.1 in that it seeks to concentrate growth in a strategic centre to support economic and population growth and a mix of land uses.</p>	Finalization and implementation of the MTCS to guide future development in Muswellbrook CBD was identified in the HRP 2036 as a key priority for Muswellbrook Town. Therefore, consideration should be given to support the future directions/actions identified in the HRP 2036. The MTCS has amended to reflect the Hunter Regional Plan 2036 Action 23.1.
	<p>9.3 The draft Town Centre Strategy also supports the implementation of the Hunter Regional Plan 2036 through achieving outcomes of Action 23.2 to 'develop precinct plans for centres to take an integrated approach to transport, open space, urban form and liveable neighbourhoods, and investigate the capacity of centres to accommodate additional housing supply and diversity without compromising employment growth.'</p>	Noted. The MTCS has amended to reflect the Hunter Regional Plan 2036 Action 23.2.
	<p>9.4 Outcomes to restrict bulky goods in the town centre are acknowledged as a way to potentially maintain visual amenity and heritage values. However economic implications should also be considered, including the effect that restricting bulky goods may have on the economy of town centre. Appropriate DCP controls such as visual amenity, heritage curtilage, appropriate design, and bulk and scale may be a more effective way to ensure the character of the town centre is maintained.</p>	Addressed previously in point 7.8. The MTCS acknowledges specific requirements for bulky goods in designated precincts (showground precinct). This strategy reflects the objectives outlined in the Key land Use Outcomes in the MTCS Action Table, Pg. 62.
	<p>9.5 Should Council prepare a planning proposal to implement the recommendations in section 8 of the draft MTCS, further justification may need to be given to the exact mechanisms to achieve some of the recommendations. For example, recommendations to: -rezone all land outside the town centre and two blocks within the town centre from R1 General Residential to R2 Low Density Residential Zone; -introduce the R3 Medium Density Residential Zone for 3 blocks; The proposed changes may result in diverse housing options being restricted throughout a large part of Muswellbrook. It is considered that such outcomes to control density can effectively be achieved through the proposed amendments to building heights, FSR, and relevant DCP controls, rather than through the proposed introduction of two zones and changes to the land use table.</p>	Housing diversity is a key intent of the MTCS. Proposed LEP changes shall support and enable housing diversity in building stock to take place through amendments to building heights, FSR and relevant DCP control. In addition, pg. 46 has been amended to reflect the following outcomes: -outside the town centre study area (west of railway line, shown dashed), it is suggested to investigate potential opportunities to permit medium density residential development close proximity to town centre. -the current R1 General Residential zoning permits the development of multi-dwelling housing and residential flat buildings outside the town centre. Therefore it is suggested that there be future review of permissibility of uses in the R1 General Residential zone to ensure the town centre will be intensified as the population of Muswellbrook grows by restricting multi-dwelling housing and residential flat buildings outside the town centre.



Muswellbrook Town Centre Strategy - Submission Assessment

Submissions Received	Issues and Concerns Raised	Response
	<p>9.6 Give further consideration to the <i>Section 117 Direction 1.1 Business and industrial zones</i>, with regards to introducing B3 and B4 zoning.</p> <p>9.7 Council is supported in its work to finalise Muswellbrook Town Centre Strategy as it provides a comprehensive strategy for Muswellbrook Town Centre. We encourage council to have early discussions with the Department regarding any future preparation of planning proposal to give effect to the recommendations of this Strategy.</p>	<p>The MTCS has amended to incorporate the objectives of S117 Direction 1.1 Business and Industrial Zones as follows:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <p>Noted</p>



architecture + interior design



architecture + interior design

Muswellbrook Town Centre Strategy



dwpsuters
16 Telford Street
Newcastle NSW 2300
T +61 4926 5222

For further information, please contact:
Angus Rose, Senior Associate
E a.rose@dwpsuters.com
M +61 411258130
www.dwpsuters.com

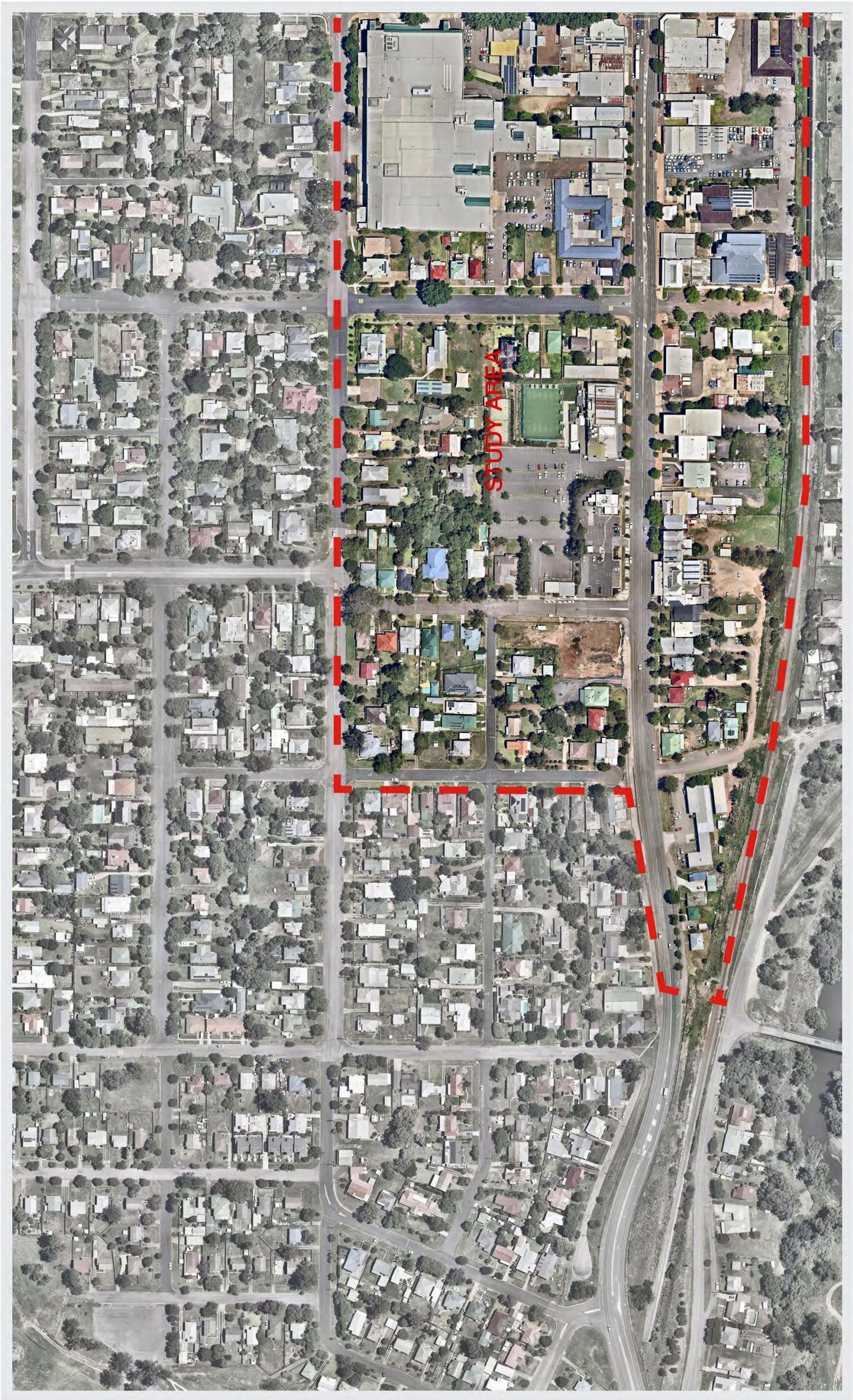
Document Control						
File name 203445_A_e02_MuswellbrookStrategyPlan.indd						
Issue	Description	Date	Adm	Chk	Auth	
A	Preliminary Draft	16.05.2016	AR	AR	AR	
B	Draft	23.05.2016	AR	AR	AR	
C	Final Draft	08.06.2016	AR	AR	AR	
D	Revised Final Draft	27.06.2016	AR	AR	AR	
E	Revised Final Draft	15.08.2016	AR	AR	AR	
F	Revised Final Draft	30.09.2016	JH	AR	AR	
G	Revised Final Draft	16.12.2016	MSW	AR	AR	
dwp Australia Pty Ltd Registered Business Name dwplstrs ABN 37 169 328 018						
David Rose Nominated Architect NSW ARB 4882						



architecture + interior design

Contents

1. Preface	7
2. Vision Statement	9
3. Context	11
4. Community Consultation	13
5. Council Aspirations	14
6. Existing Policy Review & Analysis	17
7. Key Strategic Directions	29
8. Recommendations	47
9. Muswellbrook Town Centre Strategy Action Table	61
10. References	65





1. Preface

The Muswellbrook Town Centre Strategy aims to continue to see the Muswellbrook Town Centre develop as the Regional Centre for the Upper Hunter. The purpose of this work is to establish a landuse strategy to ensure key urban design principles are incorporated into the future development opportunities within Muswellbrook Town Centre.

Muswellbrook is a shire in transition. Notwithstanding a historic strong reliance on mining, and a relationship with the industry that will continue many years into the future, a strategy for driving an increasingly diverse economy is initiated through the recognition of the desires for the town centre, as envisioned by its various stakeholders.

This report is the product of a program of works which commenced with consultation with the community to determine how the town centre is currently performing as a piece of social infrastructure, and how it might be improved. Further investigation into the key urban design principles required to enable those aspirations for the town centre has been undertaken, which includes identifying opportunities for key developments that will reinforce sustainable growth of the "heart of the shire" and establish Muswellbrook as the "capital of the Upper Hunter".

The Muswellbrook Town Centre Strategy recognises the project as a unique opportunity within the shire, establishing a high quality mixed-use development of regional benefit. It proposes to maintain the existing qualities of the area, including both the natural elements and heritage structures, endeavouring to create a vibrant and diverse active public domain that is rich with the social, economic and environmental experiences. It will promote a community that celebrates past, current and future contexts and one that contributes robustly and positively to the development of Muswellbrook and its town centre.

Muswellbrook Town is identified as a 'Strategic Centre' in the Hunter Regional Plan 2036 (HRP). The Muswellbrook Town Centre Strategy is consistent with Action 23.1 in that it seeks to concentrate growth in a strategic centre to support economic and population growth and a mix of land uses.

The MTCS also supports the implementation of the HRP 2036 through achieving outcomes of Action 23.2 to develop precinct plans for centres to take an integrated approach to transport, open space, urban form and liveable neighbourhoods, and investigate the capacity of centres to accommodate additional housing supply and diversity without compromising employment growth.



Muswellbrook. Artwork by Max Watters

2. Vision Statement

Muswellbrook Town Centre will grow and continue to develop as a multi-use centre with quality retail, commercial, civic, cultural, entertainment, education and community activity to be the heart and soul of Muswellbrook and Upper Hunter communities. It will have well preserved heritage, modern new additions and delightful public spaces and facilities; a great place to be any day or night.

Key to ensuring Muswellbrook Town Centre is the heart and soul of the community, is the establishment of conditions that will encourage a diverse occupancy that can actively and passively innervate the precinct around the clock.

The town centre is the focal point of economic activity in terms of retail and commercial operations, and through ongoing investments in tertiary education, cultural and tourism attractions, a broader base for social interaction and growth is evolving. Town centres are meeting places, they are where people come to interpret the history, culture and engage in community activity. Muswellbrook's Town Centre aspires to be the 'postcard image' for tourists and embody the essence of what makes Muswellbrook great.

The town centre contains many historic and substantial sandstone buildings, worthy of ongoing conservation and adaptive reuse. The future town centre recongises its history and champions how heritage can continue to contribute to Muswellbrook's special sense of place.

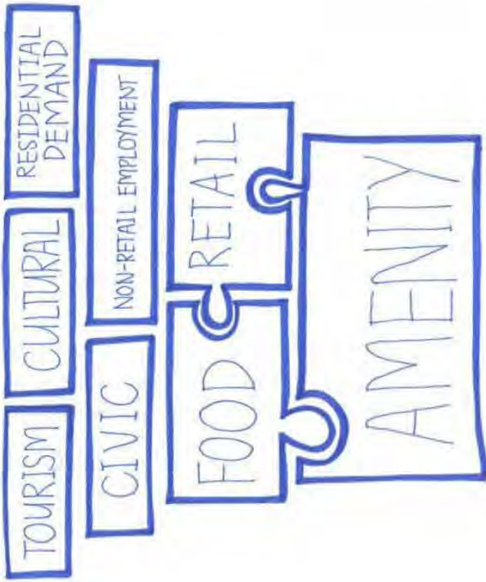
Civic festivals and celebrations; from public ceremonies like Anzac Day to public gatherings for markets and festivals, activate the town centre and encourage broad engagement of the entire community. In combination with this social aspect, public art and monuments can focus attention to significant historical and cultural points of interest collected from the public's shared experience.

Council has been investing in tertiary education opportunities in the town centre, including the development of a Tertiary Education Centre and the relocation of the Upper Hunter Conservatorium of Music headquarters within the Campbell's Corner building. This shift into a sector that offers employment opportunities also promotes healthy population mass in the town centre and encourages the retention of a younger demographic. Increased footfall and residency, and a considered approach to engage the complete cross section of age groups and demographics will make the town centre representative of the whole community.

With growth and maturity of a town centre, comes responsibility to ensure sustainability measures can be implemented to enable a prosperous future. Tangible demonstration of commitment to environmental sustainability is necessary to ingrain passive design and management of the local ecosystems within the shire's psyche. Preservation and improvement of the established green infrastructure, promotion of energy efficient measures, low carbon emissions and interaction with significant local natural assets can become the means by which the town centre outwardly represents this commitment.

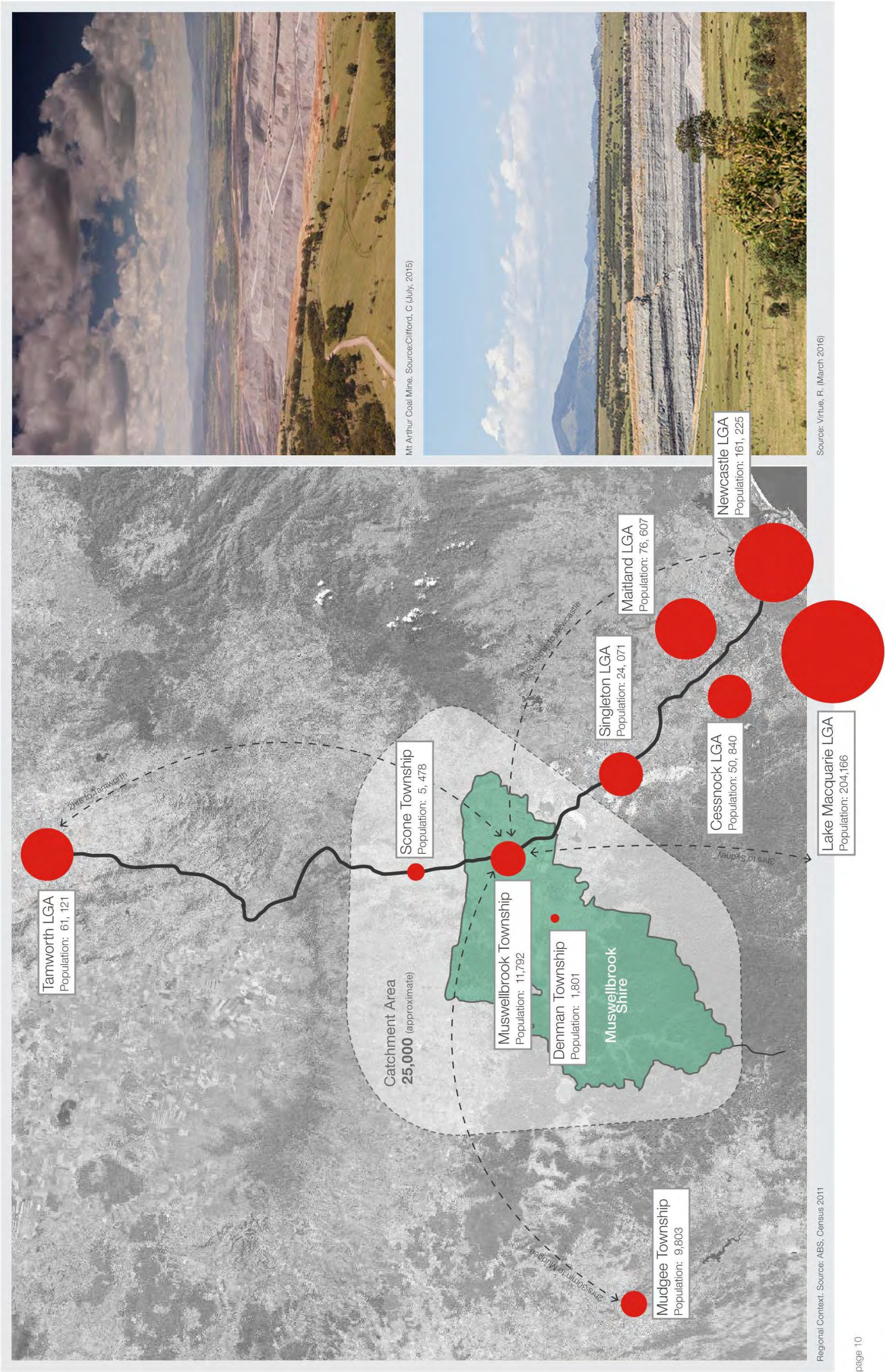
Sustainable growth is also supported by density of population and co-location of diverse activities. In an endeavour to increase the activity within the town centre, stimulation of development of medium density housing, ranging from student housing to small scale apartment developments and aged care, connected to the civic and retail/commercial activities through a series of high-quality public spaces is critical to the success of the town centre.

Improvement, growth and community engagement are the legs upon which the revitalisation of Muswellbrook Town Centre stand, and a considered holistic approach to their development will ensure the town centre is a source of pride for the Shire and Upper Hunter region.



The Building Blocks of a Town Centre

Source: Draft Muswellbrook Town Centre : Urban Design Framework by JBA (2014)





3. Context

Muswellbrook is strategically and geographically situated in the centre of the Upper Hunter sub-region and serves as the principal administrative centre for government and non-government services.

Today

Muswellbrook local government area has been experiencing steady economic growth during the last two decades, due to significant developments in the coal, energy, equine and wine industries. In this context, Muswellbrook has developed a unique role and delivers services to diversified communities across the Shire. The future of the Muswellbrook Town Centre will be significantly influenced by the proposed Muswellbrook bypass which will considerably reduce heavy vehicle traffic through the town centre. Though no program for the construction of the bypass has been announced save for a commitment from government that construction will commence by 2019, this strategy is a focal point in creating a more pedestrian friendly Town Centre, allowing for vast improvement of traffic movement through the shire's heart, while providing potential for an improved and active street edge.

A well-functioning Central Business District (CBD) is vital to the wellbeing and identity of the Muswellbrook town centre. Recent retail growth has tended to shift from the town centre to the southern growth area of Muswellbrook. This increased sprawl of shops has reduced the vitality of the traditional main street within the Town Centre.

The Upper Hunter sub-region has made, and will continue to make, a rich and proud contribution to Australian life through primary production, literature and the arts. It is the principal home of the southern hemisphere's thoroughbred rearing farms and the birthplace of the iconic Australian Blue Heeler Cattle Dog. It contributes significantly to the broader Hunter's proud and long identity as a centre of viticulture, wine-making, coal mining and energy generation. The writer Donald Horne was raised in Muswellbrook and the Upper Hunter has a long connection with many other authors, musicians and artists. The Upper Hunter also contributes to the broader Hunter's heritage feel including the liberal use of sandstone as a construction material in the early settlement period.

Muswellbrook's Town Centre is primed for renewal and adaptive re-use and it is Council's desire that the urban renewal of Muswellbrook's Town Centre and civic precinct should be developed in a way which reinforces the broader Upper Hunter's identity, builds a strong and vibrant Regional Centre feel and arrests the deterioration of the precinct's occupancy by building on the precinct's comparative advantages.

Muswellbrook has every reason to be optimistic about its future. Historically, it has been economically reliant, to a very significant extent, on the thermal coal industry – an industry facing substantial headwinds in both the shorter and longer terms.

The Shire's predominant thermal coal mines, Mt Arthur, Mangoola and Bengalla, however, are relatively new and efficient operations, each operating within the first quartile of cost relative to global competitors, and will enjoy long futures even within a challenging demand setting. Furthermore, the as yet undeveloped Mt Pleasant mine – widely regarded as the last high quality thermal coal asset in the Hunter region – is almost certain to commence construction in 2016. That means that Muswellbrook has a very long time in which to transition.

Muswellbrook is centrally located within the Hunter Valley approximately half way between Newcastle and Tamworth. The town is of relatively modest size in comparison to Singleton,

Cessnock and Maitland. The approximate catchment area for Muswellbrook is in the order of 25,000 people.

Transition and Diversification is underway

Nonetheless, transition and diversification is already at full speed. Some years ago the Hunter Research Foundation identified aged care, education, intensive agriculture, innovative and complex manufacturing, tourism and eco-tourism as being areas of focus in the diversification of the Hunter economy. Muswellbrook is well placed to take advantage in each of these economic directions as further described below.

Council's investment in education – the Sam Adams residential student college, The Upper Hunter Conservatorium of Music, the Upper Hunter Tertiary Education Centre – together with private investment in approved and proposed preschool and child care developments, are working towards securing Muswellbrook as a centre of educational excellence to drive the upskilling of local residents and to drive further diversification in the local economy. A strategic consideration is already in place with the introduction of the new Tertiary Education Centre building near the library, increasing the Town Centre's population and re-invigorating the city hub.

Aged care development is supported by the commencement of a large aged care and retirement living development, the redevelopment of Muswellbrook Hospital together with the continued expansion of Integrated Living's Muswellbrook headquarters and services and expansions of facilities in both Denman and Scone.

Tourism and the visitor economy continues to enjoy rapid growth with the construction of a new fifty four room 4.5 star hotel, the multi-million dollar refurbishment of Hollydene Estate Cellar Door and Restaurant, the construction of a new cinema complex at the Workers' Club and the development of the tourism product to include a number of new industry members including boutique liqueurs, cured meats, cheeses, and camel milk products. Quest Apartments have an approved development in Muswellbrook's Town Centre and Council's anticipates a redevelopment and expansion of the Race Club site to incorporate an exhibition centre managed by the Upper Hunter Show Committee.

Council anticipates strong retail investment – including the expansion of Muswellbrook Fair, the redevelopment of Muswellbrook Marketplace, the development of the Muswellbrook Showground for bulky goods and as an auto industry hub, all of which will potentially unlock additional spending in commercial development.

There is considerable interest in the growth and development of intensive agriculture with an approved wholesale meat warehouse and distribution centre in Muswellbrook expected to commence construction in 2016 together with the development of a 600+ employee agricultural processing industry.

Advantages of Muswellbrook

Industry in Muswellbrook Shire includes agriculture, viticulture, equine, and power generation to name a few. Muswellbrook Shire is the main centre for New South Wales' power generation capacity. The leading employment sector however, is coal mining which

accounts for approximately 30% of employment. It has become the major centre of Upper Hunter coal mining, with the largest concentration of open cut mining operations and major expansion of mining approvals over the last few years while maintaining the second highest rate of coal extraction in New South Wales. A close contender with the mining sector sees the second largest employment rate within government jobs. The Muswellbrook working population of over 9400 people account for close to 4% of the working people in the Hunter Region.

Infrastructure

Muswellbrook has good road connection to the east (New England Highway), south-east (Bylong Valley Way), southwest (Golden Highway) and northwest (New England Highway) making it the regional focus of the Upper Hunter area. The Golden Highway is developing as a major freight route between the central west and the Port of Newcastle. It is also the junction of rail corridors to the northeast (passenger and freight) and southwest (freight).

The Shire currently accommodates the Liddell and Bayswater Power Stations operated by AGL which are capable of supplying 40% of the State's energy requirements. AGL has announced that these stations will both be closed by 2035.

The power stations use a very large amount of water (approx. 70,000ML/pa), supplied from Glenbawn Dam via Hunter River releases. The water supply is very large and secure. The ultimate closure of the power stations will potentially make available this very large water supply for industrial, agricultural, or environmental purposes.

The large economic investments that will come from these many opportunities will be ultimately underpinned by substantial public infrastructure including a new Recycle Sewage Water Treatment Plant and the construction of the New England Highway Muswellbrook Bypass earmarked for commencement of construction by 2019.

High streets are challenged but the Town Centre retains comparative advantages

Council is under no illusion that "high streets" across more economically developed countries are challenged by competition with private malls, typically offering substantial undercover parking, critical mass, convenience and other comparative advantages, together with growth in internet and mobile shopping. Muswellbrook's Town Centre is too important to face transition un-aided by a well-planned commitment to its future. There are many comparative advantages that the town centre retains and Council wants to build on that firm foundation.

The comparative advantages the town centre retains are its place making, heritage, identity, openness and ambience – including its leafy outdoor setting. It also benefits from a critical mass of civic, cultural, entertainment and education services and infrastructure, together with professional offices and services. These are not small comparative advantages and it is Council's view that further civic, cultural, entertainment and education facilities and services, together with professional offices and services will benefit from relative proximity to that existing critical mass. Additionally, high value-add retail, liveability focused retail, tourism infrastructure and services, and other symbiotic mixed developments will ensure Muswellbrook continues to develop as a significant Regional Centre.



Aspirations:

- Performing arts centre
- Town hall & theatre
- Public art projects
- Activation of town centre / historic site
- Showcase younger generations to stay
- Cede address + wine bar
- Housing / food markets & T.C.
- Ice, skate parking
- Building comfort - shelter / shade + bikes
- University / arts / culture
- Town - regional museum
- Retail museum + living history
- Capital campaign
- Virtual museum / school educational
- Diversity of employment opportunities
- Digital connectivity + renewal program
- Greater public ownership
- Public transport

INHIBITORS:

- Struggling to transition from coal mining community
- Lack of community engagement
- Access to river
- Lack of amenity parking
- Shift works + community work force
- Uncertainty re: bypass
- Hours of operation + business
- Too close to Newcastle
- Not enough people living in town
- No working

DISLIKES:

- Lack of integration with hotel place + warehouse
- Lack of P.O.s / a good amenity
- Town square / food market
- Lack of permeability / connectivity
- Lack of long-term parking adjacent to river
- Parking
- Accessible visitor life centre
- Pump points for RVs / car
- Night time safety - poorly lit
- Alley way / lack of light the activation
- Unattractive vacant space
- Lack of connection with other town centre
- Lack of public art
- Unattractive infrastructure
- Pigeons + birds
- Lack of council physical presence in centre
- Graffiti

LIKES:

- HERITAGE PRESERVATION
- Public
- Church premises
- Trees / landscaping
- Warehouse + flat
- Walkability - tourism
- Medical centre / hospital
- Consolidation of banks (bank corner)
- Road infrastructure + parking
- Unshared buildings
- Educational facilities
- Recent infrastructure
- Capacity for shop top housing
- Sporting facilities



4. Community Consultation

Engaging with the community at an early stage of the project allows for a transparent sharing of ideas and issues that matter to all stakeholders. It is through consultation that the public informs and collaborates in the strategic planning process.

Muswellbrook Shire Council undertook a preliminary community consultation session on the 12th of April 2016 with the express purpose to give local stakeholders the opportunity to have meaningful input at the inception of the strategy planning process. The public meeting was made up of two parts: firstly, for council to explain the background and purpose of the plan, and; secondly to take comments from the floor in the format of a forum, and to record the findings. Stakeholders were asked to comment on four key topics:

- 1. What do you like about Muswellbrook Town Centre now?
- 2. What do you not like about Muswellbrook Town Centre now?
- 3. What do you aspire Muswellbrook Town Centre to be in the future?
- 4. What impediments do you think exist now that would prevent those aspirations from becoming a reality?

What became evident during the thorough and robust dialogue was that the community agreed that the town centre has many characteristics worth strengthening and some that would benefit from a holistic rethink. Whereas there were some concerns around the likely construction program for the proposed bypass, it was commonly regarded that Muswellbrook's town centre would necessarily become a more active place for recreation, commerce and living, offering a diversity of outlets for the myriad users in the future.

The following dot-points outline the responses to each of the posited questions.

Likes:

- Heritage Preservation
- River
- Church Precincts – Leafy + Sightlines to Steeples
- Trees And Landscaping
- Compact + Flat
- Walkability – Tourism (Link to Infrastructure)
- Medical Centre / Hospital Renovation
- Consolidation Of Banks / Bank Workers
- Road Infrastructure / Rail = Good Access (Link to Tourism)
- Cultural Buildings / Exhibitions
- Educational Facilities
- Recent Infrastructure / Footpath Upgrades
- Capacity for Shoptop Housing
- Sporting Facilities

Dislikes:

- Lack of Intergration between Marketplace and Main Street
- Lack of Public Open Space in Good Amenity – Town Square – Avoid Noise from Rail corridor
- Lack of Long Vehicle Parking – Caravans Etc. Adjacent to Visitor Information Centre
- Parking in General
- Accessible Visitor Info Centre
- Dump Points for Rv's Required
- Night Time Safety – Poorly Lit / Alleyways/ Lack of Night Time Activation
- Unattractive Vacant Lots
- Lack of Connection With Other Town Centres. Blke / Walkways Etc, Cycle Lane Required In Centre
- Lack of Public Art
- Untidy and Unclean Facades
- Pigeons and Bats
- Lack of Council's Physical Presence in Centre
- Graffiti

Aspirations:

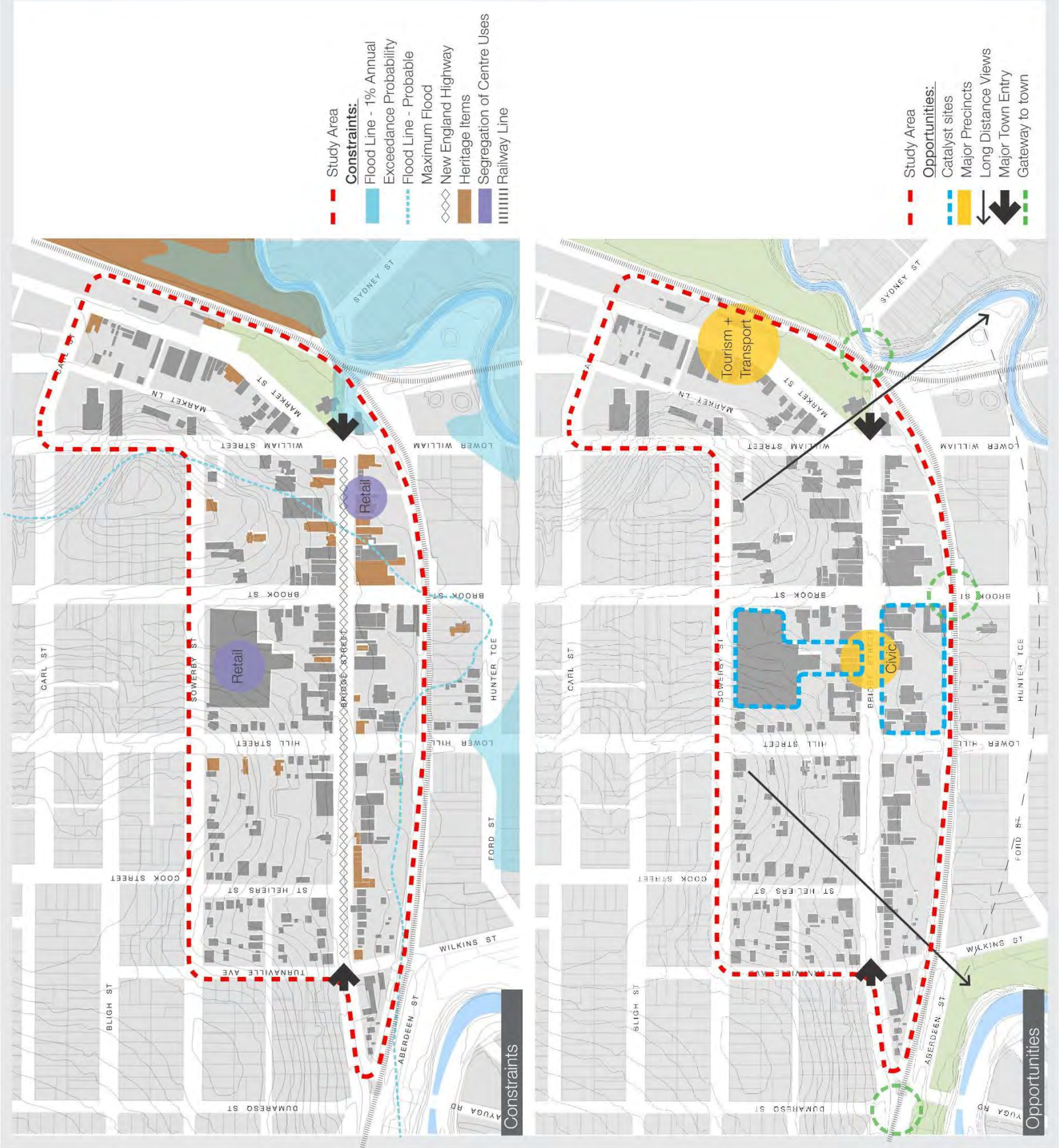
- Performing Arts Centre
- Town Hall + Conference Facilities
- Civic Hub
- Council Administration Centre
- Public Art / Murals – Local Context + Donation of Property to Paint Etc.
- Activation of Laneways / Useable/ Safe
- Green Space Park
- Encourage Younger Generations to Stay
- Café Culture + Wine Bars
- Housing / Aged Housing in Town Centre
- Improve Parking
- Walking Comfort / Shelter / Shade + Bikes
- Uniquely Muswellbrook – Cohesive Landscape Plan
- Tourism – Regional Museum
- Rail Museum + Mining History
- Capture Caravans
- Vibrant Commercial, Retail, Educational Precincts
- Diversity of Employment Opportunities
- Digital Connective + Renew Program
- Greater Public Amenities
- Public Transport

Inhibitors:

- Struggling to Transition from Coal Reliant Economy
- Lack of Community Engagement
- Access To River
- Lack of Area available for Parking
- Shift Work + Community Workforce
- Uncertainty Regarding Bypass
- Hours of Operation:Businesses
- Too Close to Newcastle
- Not Enough People Living in Town
- No Amenity

architecture + interior design

<h2>5. Council Aspirations</h2> <h3>Muswellbrook Shire Council’s own opinions and aspirations for the town centre are remarkably in-step with the community:</h3>	<ul style="list-style-type: none">Public presence will be enhanced by public monuments and art strategically placed around the city. In this manner, the city will be connected through a series of nodes ready for public congregation. Special consideration needs to be given to lighting to ensure a high quality and safe urban environment for expanded activity into night time hours.Heritage conservation and interpretation<ul style="list-style-type: none">The town centre and its view corridors contain a number of significant pieces of high quality European heritage, including St Albans Anglican Church (the only Australian Church designed by noted architect Sir George Gilbert Scott), which was built under the supervision of John Horbury Hunt and Edmund Blackett in 1864-69, Loxton House (1847), Weidmann Cottage (circa 1940s), Campbells Corner (circa 1870s), St James Catholic Church (1912), and the Upper Hunter Parish Trinity Uniting Church (1913). The protection and refurbishment of the items, the re-establishment of generous curtilages around the items’ settings, and the enhancement or re-establishment of view corridors is a priority.Interpretive signing and monuments appropriately explaining and recognising the various key elements of Muswellbrook’s built, industrial and human history is also a priority including Muswellbrook’s aboriginal history and interaction with early European history – a focus of which should be particularly developed at the key transport entry point to the town centre – the Railway Station and bus interchange and adjoining Simpson Park and Regional Art Gallery.The priorities of this theme reinforce Muswellbrook’s history and early establishment as a centre for public and non-public administration. It enhances the comparative advantage the town centre retains in place-making, identity, ambience, culture and interest.Public Facilities and services<ul style="list-style-type: none">Muswellbrook has made significant investment into public facilities and services based on its CBD Strategic Plan 2009. Distinctive towns have well-resourced and comprehensive facilities including seating, signage, spaces, water fountains, toilets, and information services.Council has been keen to establish a Visitor Information Centre that might help interpret local history and economic activity such as mining, power, viticulture and agriculture, as well as providing tourist information services.Council is keen to ensure a calibre of high quality in the character and feel of the town centre, which is significantly influenced by public facilities and services.Traffic, parking and connections<ul style="list-style-type: none">Council has a Traffic Study and 2 Parking Studies that have informed on-going development of the public infrastructure in the centre. Ideas have been documented for post by-pass detailing when significant traffic volume and size reductions will occur in traffic in the centre.The current CBD Masterplan documents will inform this issue in this Town Centre Strategy.The development of a Regional Transport Hub at the Railway Station and a bus and taxi hub in the town centre are both priorities. These priorities are critical to improving efficient and safe transport in Muswellbrook. Similarly, improving cycleway and pedestrian corridors, consolidating and formalising car parking lots are also priorities. A sense of arrival and journey should be supported by interpretive signing, well designed public squares and spaces, appropriate well-spaced (so as not to compete with one another for interest) monuments and public art should pepper the journey from transport hubs and nodes to destinations within the Town Centre.
<ul style="list-style-type: none">Role and function<ul style="list-style-type: none">The role and function of Muswellbrook as the regional centre for the Upper Hunter is one that needs constant enhancement. The State Government presence could be enhanced by development of a modern central facility to replace the many small and less than adequate current facilities. There are opportunities for further professional services, civic, cultural, entertainment and education services to ensure the town continues to service local and regional needs.Muswellbrook’s Town Centre has a comparative advantage derived from the close proximity of a critical mass of these facilities and services and additional such services will advance that comparative advantage. It also helps establish a ‘capital feel’ and acts in aid of other objectives such as introducing additional medium density residential developments into the Town Centre.Urban Design and public art<ul style="list-style-type: none">The layout of the township of Muswellbrook lends itself to a campus style grouping of buildings for civic, cultural and entertainment or educational purposes. This better permits the introduction, in a flexible way, of additional or replacement civic, cultural, entertainment or educational services as the demand for those services changes over time. It also allows the introduction of generous public squares and spaces, contributes to the openness of the Town Centre, permits more generous curtilages around heritage items and opens up opportunities to widen or embellish heritage view corridors. It encourages human congregation and a sense of place and identity.Council has documented and actively encouraged adaptive reuse of the many heritage buildings in the Centre. The special quality of this building fabric has been enhanced by high quality public infrastructure. Much of the more recent development is not special, and some improvements can be made to help provide more focus on the sandstone heritage fabric by increasing the curtilage around these buildings: by setting new development back on a controlled building line.Major redevelopment of the Muswellbrook Marketplace mall development is proposed this year, and Council will work closely with the owners to ensure an improved connection between this development and the rest of the Centre.Muswellbrook has developed an open ambience, making good use of its connections to the highway, railway and close proximity to Muscle Creek. More will be done in relation to its proximity to the Hunter River.Council is keen to encourage increased vitality of activity and interaction between all landuses. Council will examine opportunities with building heights, and are keen to add vitality to the centre by encouraging “downtown” housing and additional medium density housing around the centre. The right scale of new development will be critical to establish.	<ul style="list-style-type: none">Residential development<ul style="list-style-type: none">Medium density residential developments act in support of the civic, cultural, entertainment and educational services proposed for concentration in the Town Centre. Medium density residential developments also act in support of the types of mixed development Council anticipates will benefit from the comparative advantages the town centre retains – such as cafes and other liveability focused retail and activities. Council also accepts that its controls insofar as building heights are concerned should be reviewed to support a greater critical mass of residential living in the Town Centre. Particularly, the development of medium density residential aged-care is a priority because of the additional benefits of permitting people to ‘age in place’ by close access to transport and other key services.Community events and activities<ul style="list-style-type: none">The town centre needs to continue to provide opportunities for community events and activities, and in this regard consideration has been given to creation of a major town square and/or an additional public park that might include a play space for small children. The public square will provide a focal point for the Muswellbrook community to gather especially during sporting and cultural events. Of importance to its success is the scale and location of the square in relation to good public amenity, creating a safe environment, for all to enjoy. This is further examined and expanded on within Precinct 1 studies.Retail Aspiration<ul style="list-style-type: none">The unintended retail sprawl throughout the city has weakened the vibrancy within the city centre. Council aims to consolidate retail outlets within the city centre, increasing pedestrian traffic and vibrancy within the heart.Waterfront connections<ul style="list-style-type: none">Historically, towns and villages have developed in Australia around waterways, as a logical place to support human populations. The Hunter River and its tributary Muscle Creek (after which the town is named) are the principal waterways of Muswellbrook. Many towns in the Hunter region are appropriately re-establishing or attempting to re-establish links with their principal waterways. Council has a priority on this activity because of the place-making, identity, liveability and environmental outcomes those priorities unlock. It also acts in aid of priorities to introduce medium density residential developments into the Town Centre.Of particular importance, is the environmental restoration of Muscle Creek and the Karoola Wetlands at the Hunter River confluence and projects which enhance the accessibility of the waterways from the town centre for the purposes of passive recreation.Accessibility<ul style="list-style-type: none">Council is keen to ensure good accessibility for all people both to and around the centre. Particular attention needs to be given to bicycle and pedestrian facilities.Safety<ul style="list-style-type: none">Design outcomes need to consider the public safety of all users of the centre during all hours of use, especially during early evening hours in winter.Sustainability<ul style="list-style-type: none">Special consideration needs to be given to promote environmental sustainability outcomes such as energy efficiency in natural public areas such as Muscle Creek.



Constraints

In undertaking a review of the existing policies, this diagram outlines the study area's constraints in achieving the community and council aspirations. Noise sources, and disjointed building programs as highlighted in the adjacent diagram are among some of the constraints which require addressing in order to achieve a more cohesive town centre.

Opportunities

The adjacent diagram shows a number of opportunities within the study area. These should be considered holistically in order to inform a cohesive design strategy. Key catalyst sites are identified in order to propel development, with an emphasis on connections throughout the town centre.



Image Source: Muswellbrook Town Centre; Urban Design Framework, JBA, 24th September, 2014



6. Existing Policy Overview

Muswellbrook Shire Council has developed a number of policies intended to provide a framework for the development of the town centre. These policies inform the development of a strategy that will enable the plan for broader revitalisation to come to fruition.

The policy context

Discrete studies and policies read in isolation are limited in their ability to convey the complete strategic aspirations of a town, or provide a holistic vision that can deliver on particular outcomes. The variety of policies and studies that Muswellbrook Shire Council has prepared or commissioned since 1995 exhaustively outline a vision for the town centre and are in part currently being realised, particularly in reference to the public domain manual. However, it is pertinent to note that the current Development Control Plan (DCP 2009) and Local Environment Plan (LEP 2009) do not draw on these policies to recommend planning outcomes for the town centre specifically.

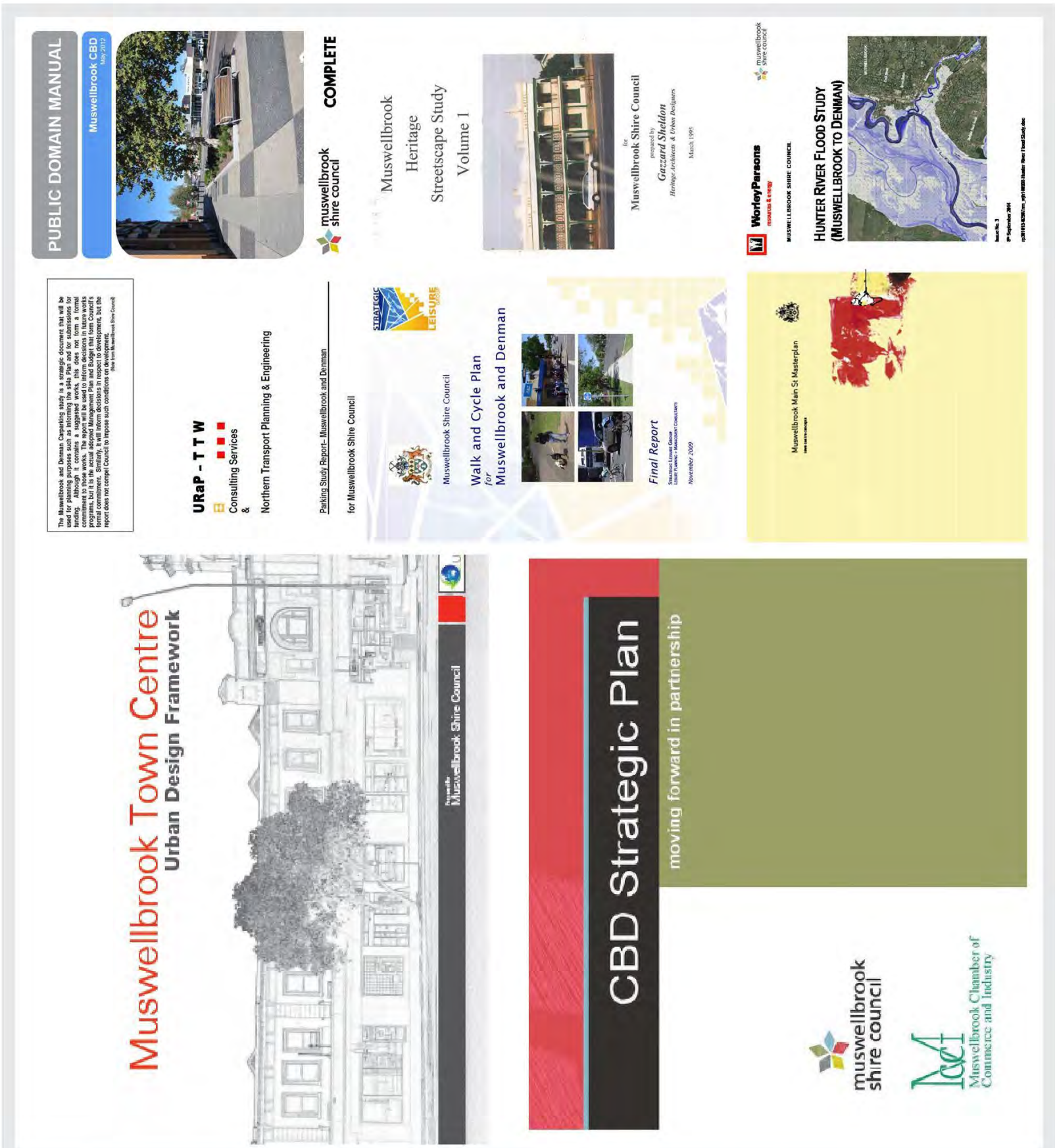
The Draft Urban Design Framework as prepared by JBA in 2014 provides a concise design approach for the study area as nominated within this commission, and is predominately consistent with the key principles as outlined above. The current planning instruments against which all future developments in the town centre will be assessed are, however, reasonably generic and do not indicate 'permitted outcomes' that would see the broader strategic vision of the town centre realised.

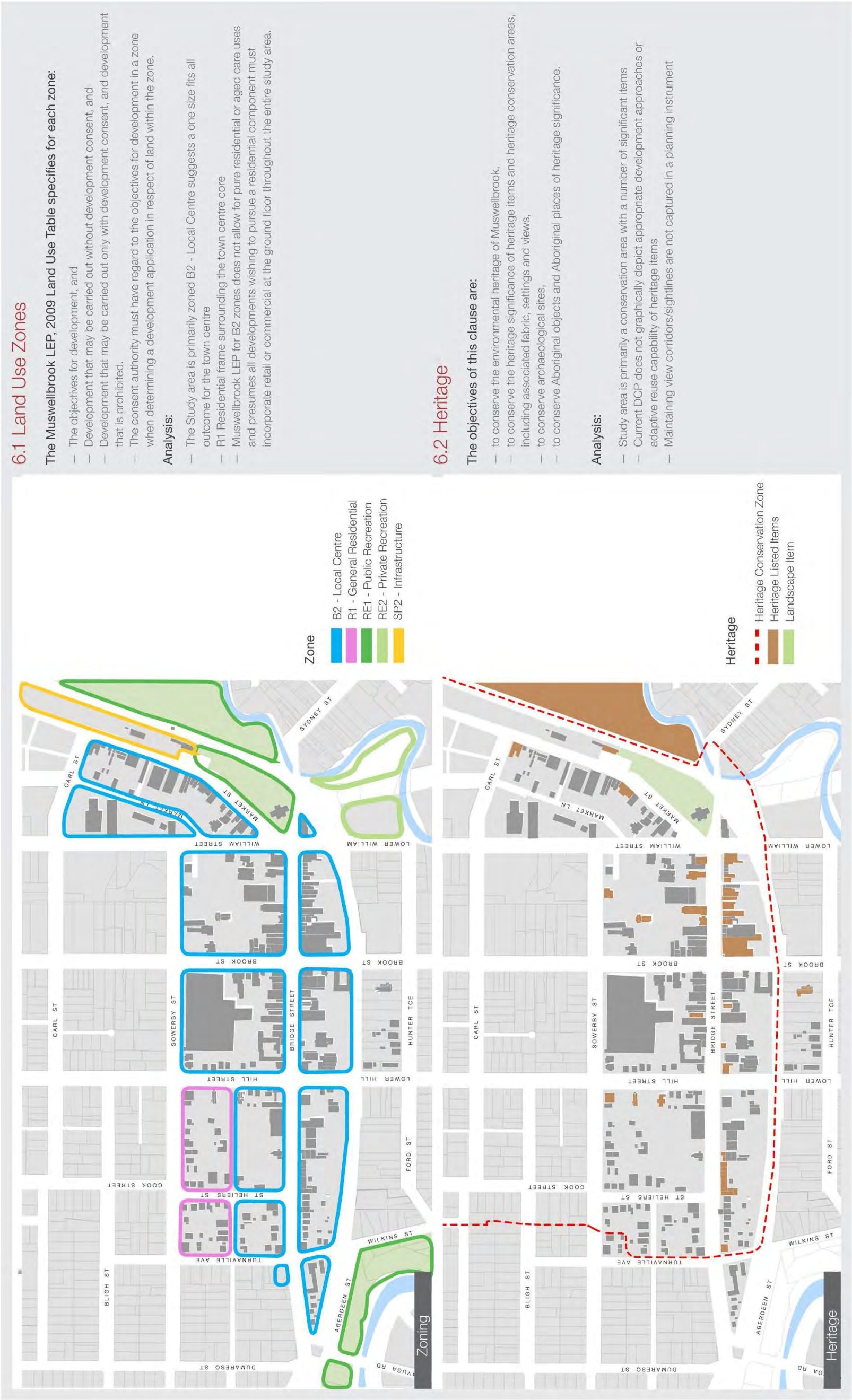
The following pages graphically represent the current planning controls that dictate permitted outcomes within the subject area.

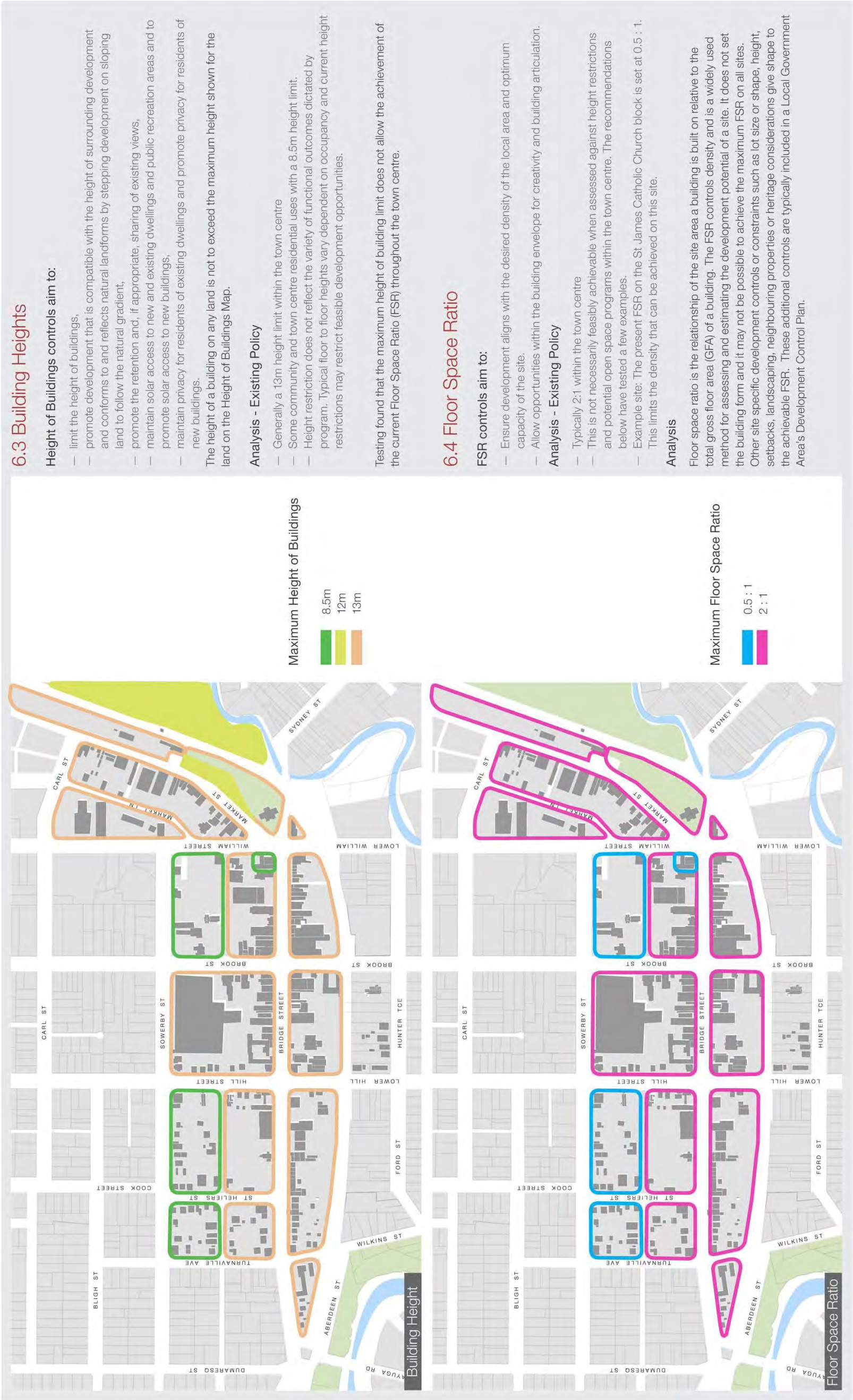
The existing planning instruments were reviewed in order to inform the Muswellbrook Town Centre Strategy. The Strategy investigates amending the existing controls in order to realise the desirable vision of the Muswellbrook Shire Council and the aspirations of the community. The recommended amendments are tabled at the end of this report.

Key findings from the analysis of the existing studies and policies are presented as both opportunities and constraints diagrams.

architecture + interior design







<h2>6.5 DCP Controls</h2> <p>The purpose of the Development Control Plan (DCP) is to support the requirements of the Muswellbrook Local Environmental Plan (LEP) 2009 by providing explanation, objectives, controls and detail. The following section aims to improve environmental performance, design and amenity of developments within the town centre of Muswellbrook by recommending the implementation of a Town Centre DCP.</p> <h3>Analysis of existing town centre and DCP controls</h3> <p>Current development within the town centre falls under Section 9 – Local Centre Development and Section 15 Heritage Conservation of the Muswellbrook Shire DCP. The current Local Centre Development section provides controls and performance criteria on the ‘Built Form’ and ‘Urban Landscape’.</p> <p>Section 9 - Local Centre Development of the DCP in its current state does not reflect a set of performance criteria and controls in alignment with the recommended changes to LEP zoning, height and FSR within the town centre.</p> <p>Section 15 - Heritage Conservation of the DCP is a comprehensive set of controls that aim to ensure that the qualities that give heritage items their significance are maintained. Muswellbrook Shire has a number of buildings of heritage value, dating as far back as the early 19th century. These buildings display a range of architectural features which are representative of building styles from many periods. Section 15 of the DCP recognises that such buildings and features are worth preserving because they help to define the special character of both the Shire and its heritage conservation areas.</p> <p>Most changes to built heritage items will involve alterations and additions. Muswellbrook’s vitality and enduring success relies on many factors including the growth of its residential population and retail / commercial sector. Council recognises that the best way to protect and enjoy our heritage structures into the future, is to give them new uses. This requires early analysis, innovative planning and well considered design.</p> <p>To facilitate this growth within the town centre some planning constraints have been reviewed and in later sections, additional heritage controls / performance criteria recommended, in particular setbacks and permissible alterations and additions. This is intended to encourage new development and align with the recommended changes to the LEP.</p> <p>In summary, the existing controls are a set of blanket controls and are not place specific to the Muswellbrook town centre. To align with the proposed changes to the LEP, the desire for growth and to ensure environmental performance, design and amenity are maintained a number of recommendations are made for inclusion in the Town Centre DCP. It should also be noted that the Muswellbrook DCP is a text based document, consideration should be given to the inclusion of diagrams that illustrate performance criteria and controls.</p>	<h2>6.5.1 DCP Built Form Controls</h2> <ul style="list-style-type: none">• Street Wall Heights <p>The height of a building that addresses the street from the ground floor up to the first building setback is referred to as street wall height. Street wall height is used to ensure a consistent building scale in streets that have heritage items, infill development and a number of building uses.</p> <p>Analysis</p> <p>The current Muswellbrook Shire DCP does not nominate street wall heights.</p> <p>In its existing condition Bridge Street comprises of predominantly two storey buildings a number of which are heritage items.</p> <ul style="list-style-type: none">• Building Setbacks <p>A building setback is the distance between the building and the street boundary, a neighbouring site or any other place needing separation. Privacy, wind mitigation, access to sunlight, outlook, view sharing and ventilation can all be enhanced by building setback provisions.</p> <p>In a town centre it is desirable to locate the frontages of lower levels on the street boundary to give a strong edge definition and active frontage to the street.</p> <p>Analysis</p> <p>The current Muswellbrook Shire DCP nominates building setbacks within Section 9 – Local Centre Development. It sets the following controls:</p> <p>The existing DCP controls allow new buildings to be set back from the street edge if the neighboring building does so, this does not allow for a strong continuous active frontage. As Muswellbrook is an area undergoing change it is not appropriate to use an average setback to align with adjoining buildings. There is great variety of street setbacks within the study area. Applying an average setback will result in an undulating street edge and undesirable large setbacks. In general larger buildings and building to Bridge Street (between William and Brook) are sited closer to the street and individual residential houses have a much more generous setback. Therefore a new pattern needs to be established as a planning policy as the area develops and changes.</p> <p>Existing buildings along Bridge Street predominantly have a 0m setback. Planning policy should retain the 0m setback of existing buildings to Bridge Street and require new buildings to build to the boundary. Open space curtilage to the majority of heritage buildings along Bridge Street is required to be assessed on a case by case basis in order to strike a balance between curtilage, while still maintaining an active street frontage.</p>	<h2>Recommended Principles</h2> <p>Muswellbrook ‘town centre specific’ controls within Muswellbrook’s DCP are analysed in the following section. Town centre specific controls are of particular importance to ensure environmental performance, design and amenity of developments are maintained as density increases.</p> <h3>6.5.1 Built Form Controls</h3> <p>which include:</p> <ul style="list-style-type: none">— Street wall height— Building setbacks— Building separation— Building depth and bulk— Building exteriors— New streets and laneways <h3>6.5.2 Public Domain Controls</h3> <p>which include:</p> <ul style="list-style-type: none">— Access network— Views and vistas— Active street frontages— Addressing the Street— Public artwork— Solar access to public places <h3>6.5.3 Town centre heritage Controls</h3> <p>to ensure:</p> <ul style="list-style-type: none">— developments on heritage sites are aligned to its heritage values— developments adjacent to heritage sites are sympathetic to the heritage values of sites / buildings— heritage values do not limit the growth and development opportunities within the town centre
--	--	---



• Building Separation

The separation of two or more buildings on the one site is called building separation. Building separation ensures privacy, access to sunlight, outlook, view sharing and ventilation between neighbouring buildings.

Analysis

Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not nominate building separation for commercial buildings. Building separation for residential development is covered via controls within Section 6 – Residential Development.

The recommended changes to the LEP building height limits will allow building's up to 4 storeys along Bridge Street and the surrounding blocks within the study area. Larger sites within the study area are prime for medium density residential and commercial development where building separation will be required to allow amenity and ventilation to floor plates.

• Building Depth and Bulk

The size of a building floor plate controls building bulk, depth and urban form. Controlling floor plate size is important for ensuring privacy, access to sunlight, outlook, view sharing and ventilation between neighbouring buildings.

Analysis

Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not nominate controls on building depth and bulk. At present there are only a few buildings within the Muswellbrook Town Centre with large floor plates (RSL, Marketplace). However, the recommended LEP changes to zoning, building height and floor space ratio will permit buildings of greater bulk and depth in order to promote increased residential and commercial activity in a compact, lively town core.

Setting a maximum size of floor plates will be important to ensure new buildings achieve good internal amenity and the building bulk and depth relate to the desired urban form and existing streetscape of the Muswellbrook Town Centre as this desired growth and increased density occurs.

• Building Exteriors

The design of building exteriors can aid in creating visually interesting and unified streetscapes and can help unify developments of different sizes, uses and styles. Architectural detailing, colours, materials and finishes have the potential to reference the history and culture of a precinct and shape the urban domain and future character of an area.

Analysis

Section 9 – Local Centre Development within 9.1.1 Building Design stipulate the following controls that relate to building exteriors:

(i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area)

(ii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.

(iii) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.

However, Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not provide specific performance criteria and controls for building exteriors. As Muswellbrook is an area undergoing change it is not appropriate to simply relate to and reference adjoining buildings. Catalyst projects and anticipated new developments form part of the strategy to promote increased residential and commercial activity in a compact, lively town core.

Controls pertaining to the future desired character of the precinct are required to be developed to allow and encourage new buildings to be high quality and diverse in nature, creating visual richness within the town centre whilst respecting heritage and the existing streetscape.

• The Design of Parking Structures, New Streets and Laneways

On site parking includes on grade (surface), underground (basement) and above ground (including multi-storey) facilities. Underground / semi-underground and multi-storey parking can minimise the visual impact of car parks and can be a more efficient use of space within a town centre. A well designed parking structure is an opportunity to introduce innovative design within the town centre.

Analysis

The traffic and parking access controls for the town centre are covered by Section 16 – Car Parking and Access of the Muswellbrook Shire DCP. The section contains provisions that ensure adequate street parking is provided within the Muswellbrook Shire to meet the demand created by development, providing parking rates required for specific land uses.

The 2010 Parking Study of the Muswellbrook Town Centre revealed:

- There is an appropriate level of parking supply within the study area
- The Council's DCP parking rates seems appropriate for different land uses within the area
- Certain precincts within the study area experience a higher parking demand (per survey findings) which could be alleviated by introduction of:
 - Time restrictions and parking management
 - Parking enforcement
 - Establishment of better public access
- Off street parking areas could be better utilised if better lighting and walking access are introduced
- Review of parking management within the Market Place Shopping Centre could improve parking situation within the area considering the use of the site by staff, public and time management for shoppers.
- Opportunities to introduce angle parking e.g. Brook Street, William Street

Although the study found there is an appropriate level of parking within the town centre the community consultation undertaken by council on the 12th of April 2016 revealed a general dislike / shortage of the existing parking within the town centre.

The existing disjointed parking lots around the central town centre (as shown in the adjacent diagram) limits demand where it is most required, as well as inhibits public enjoyment of the centre. The parking study conducted in 2010 reveals some 350 council owned off street parking spaces which at the time, largely serviced the needs of the centre.

As the town centre increases in residential and commercial density, consolidated parking structures should be considered as on grade and multistorey facilities to encourage centre visitors and workers to stay through long term parking options. This could be positioned adjacent to the rail corridor to provide a noise buffer and short, accessible, safe pedestrian connections to Bridge Street as highlighted in the Traffic Parking and Connections diagram.

Further to this, city blocks adjacent to the rail line between William St and Turanaville Ave should be considered for future car parking demand as required.





architecture + interior design

6.5.2 DCP Public Domain Controls

- Access network

Streets and laneways can be used to provide safe pedestrian, cycle and vehicular access throughout the town centre. The structure of this network determines how successful movement is throughout Muswellbrook. Pedestrian activity can be encouraged by developing connected, legible and fine-grained street and lane networks. Safe, attractive and connected networks promote active transport and more activity within the town centre is linked to higher retail spending.

Analysis

Council commissioned consultants to prepare the Walk & Cycle Plan for Muswellbrook & Denman in 2009 off the back of population growth and change, new residential subdivisions, and a growing awareness of active and healthy living. Given their size and existing pathway coverage, Muswellbrook is generally well suited to walking and cycling. The study intended to provide council with a 'strategic framework' from which more detailed investigations could occur including the preparation of design standards. The strategy aims to build on the existing facilities to significantly enhance pedestrian and cycle movement, through:

- Upgrading and extending off-road pathways.
- Targeted development of formal on-road bikeways along key corridors to facilitate continuous, convenient and safer travel for experienced commuter cyclists.
- Minimising barriers to pedestrian and cycle movement.
- Improving the legibility of pathways and trails located in parkland.
- Strategic integration of pathways and bikeways with future residential subdivision, rather than retrofitting facilities at a later stage for higher cost.
- Provision of recreation and fitness trails to support more healthy and active lifestyles.

The Walk and Cycle Plan provides a number of strategies and recommendations including proposed Walk and Cycle Network Maps. Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not incorporate these recommendations and design standards. Additional controls pertaining to the future desired character of the precinct are required to ensure the vision and recommendations of the Walk and Cycle Plan can be achieved within the Muswellbrook Town Centre.

A Public Domain Manual has also been commissioned by council in response to the Muswellbrook CBD Strategic Plan. The purpose of the manual is to provide urban design guidelines and information to assist designers, developers and council in the construction of public domain works. Additional controls within the town centre DCP can ensure the continued 'roll out' of these public domain upgrades that have demonstrated to be a positive addition to the Muswellbrook Town Centre.

- Addressing the Street

Addressing the street relates to all developments that are not captured by the 'Active Street Frontages' plan or where a continuous active frontage cannot be achieved. A building that addresses the street positively contributes to the safety and quality of the public domain. A buildings street address defines the street edge and can regulate how accessible and functional a building is.

Analysis

As stated above Section 9 – Local Centre Development within 9.1.1 Building Design stipulates controls that relate to the desire to attain safe, lively and active frontages. Also within Section 9, section 9.1.4 Accessibility ensures that equitable access is provided to all new developments.

Despite the above controls Muswellbrook has a relatively weak edge condition as highlighted in the Level of Activity diagram. The existing Muswellbrook Town Centre is also relatively low density with majority of the housing within the study area being standalone, low density residential.

As the town centre increases in residential and commercial density there will be a shift away from single storey low density to medium density residential. To ensure the increased density within the town centre makes a positive contribution to the public domain, controls pertaining to the future desired character of the precinct are required to ensure all new developments address the street in a positive manner. This in turn will increase the liveliness and walkability of the town centre.

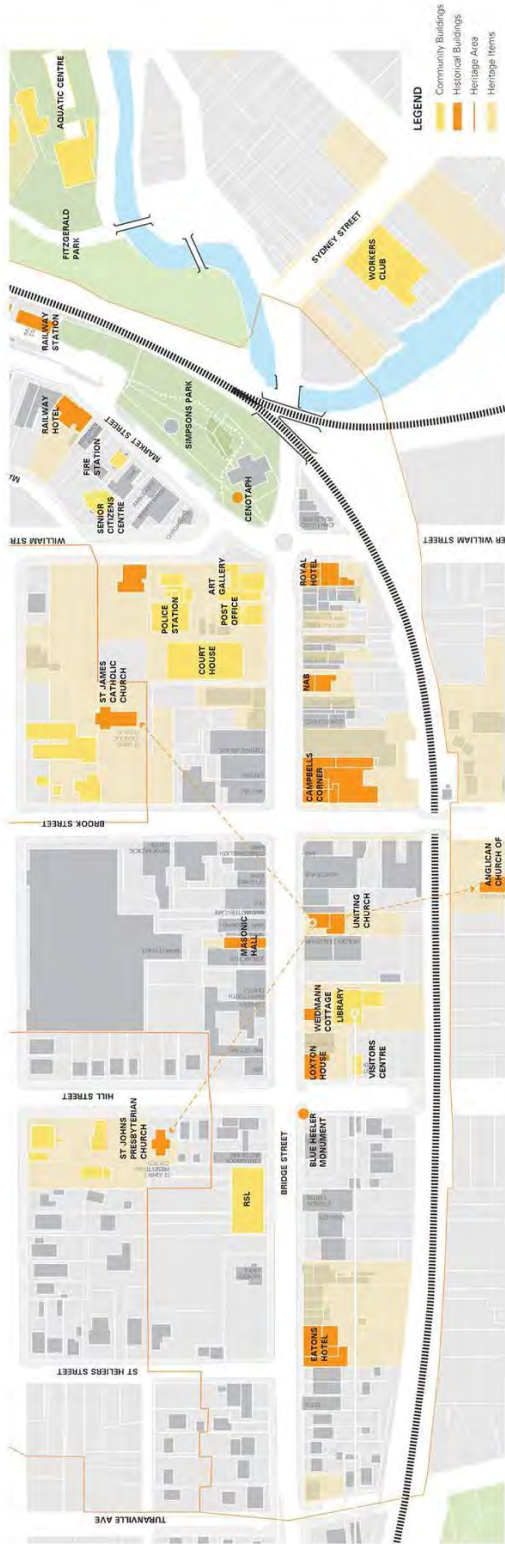
Views and vistas

Preserving significant views is crucial for retaining the unique character of the Muswellbrook Town Centre and place-making. Significant views include views from public places towards specific landmarks, areas of natural beauty or heritage items.

Analysis

Four historically significant churches are located within the Muswellbrook Town Centre with the church spires visible from several locations in town. In addition to this a large number of heritage items along Bridge Street contribute to the historical character of the main street. Views to these significant buildings can set up a framework for locating nodal points and place-making within the town centre as highlighted in the adjacent Civic and Heritage diagram.

Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not provide controls and performance criteria to protect and enhance significant views within the town centre. The recommended LEP changes to zoning, building height and floor space ratio will permit buildings of greater bulk and depth in order to promote increased residential and commercial activity in a compact, lively town core. As Muswellbrook undergoes this change of greater density and height it is not appropriate to simply rely on developers of individual sites to respect important views and vistas.



Civic and Heritage Source: Draft Muswellbrook Town Centre : Urban Design Framework by JBA (2014)

Active Street Frontages

Interesting and safe pedestrian environments are attained in part by active street frontages. Shops, offices, studios, cafes and community facilities provide the most active street fronts.

Analysis

Section 9 – Local Centre Development within 9.1.1 Building Design stipulates the following controls that relate to the desire to attain active frontages:

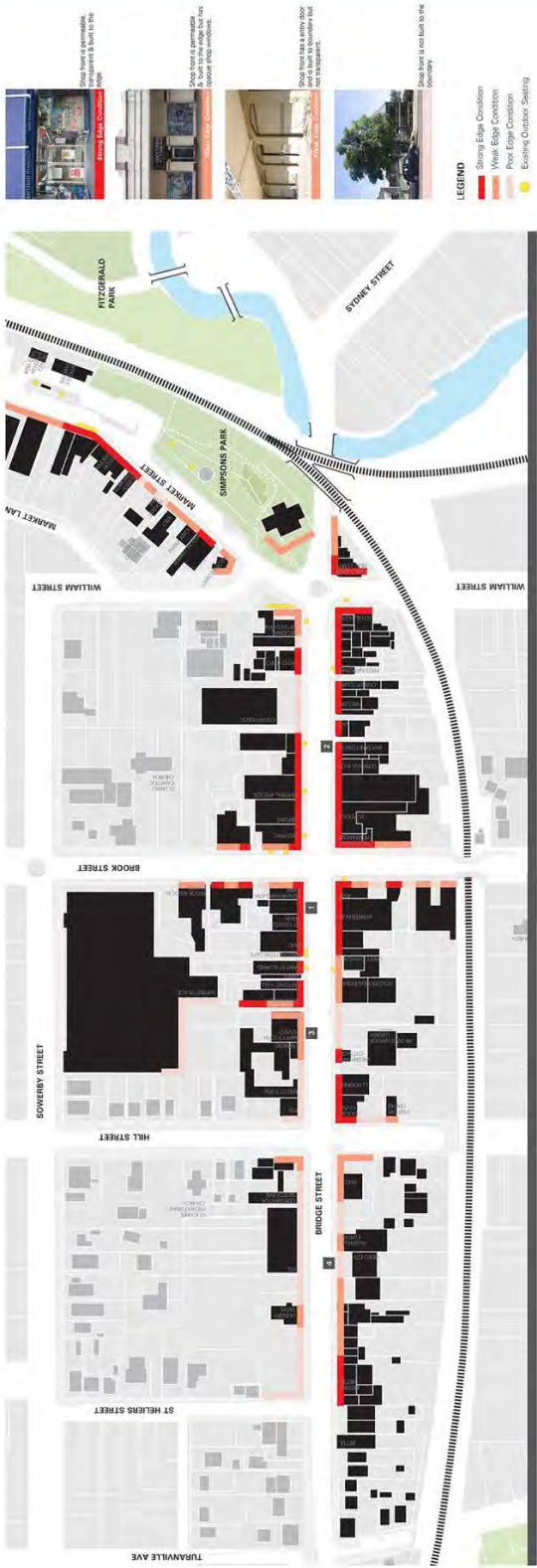
(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.

(vi) Buildings should provide for ‘activated street frontages’ by incorporating active uses at street level including cafes and other retail activities.

(vii) Blank building facades to streets or public places are to be avoided.

(ix) Building designs should allow for passive surveillance of public places and streets.

Despite the above controls Muswellbrook has a relatively weak edge condition as highlighted in the adjacent Level of Activity diagram. Controls pertaining to the future desired character of the precinct are required to be developed to ensure new developments within the town centre add to the vitality and liveliness of the street.



<ul style="list-style-type: none">Public artwork <p>Public Art is a defining quality of stimulating and successful town centres. Public artwork can be integrated into the town centre fabric in a number of ways, such as carpark screening, stormwater treatment and water collection.</p> <p>Analysis</p> <p>Muswellbrook Shire Council has a Public Art Policy and Procedure (2011). Despite this the Muswellbrook Shire DCP does not make mention of public art. Community consultation undertaken by council on the 12th of April 2016 revealed a desire for more monuments and public art within the town centre.</p> <p>As the town centre increases in residential and commercial density there is an opportunity to capitalise on new developments by introducing controls and performance criteria on new developments to contribute to and or provide public artwork.</p>	<h3>6.5.3 Town Centre Heritage Controls</h3> <p>Controls on heritage sites should ensure buildings are sympathetic to heritage values, and or sympathetic to heritage building on adjacent sites., taking into consideration use, curtilage, and sightlines. Muswellbrook is rich in high calibre heritage buildings that should be well preserved and celebrated.</p> <ul style="list-style-type: none">Setbacks – Building exteriors respond to adjoining buildings <p>Upper level additions can be effective ways of maintaining heritage items whilst encouraging new uses and increasing desired density. Proposals for dominant or inappropriate upper level additions might be considered unacceptable, regardless of whether adjacent buildings are originally two storeys or more.</p> <p>Existing infill developments adjacent to heritage buildings currently have varying setbacks. Consistent setbacks providing curtilage to heritage items should be considered on a case by case basis, however, street activation should not be overlooked.</p> <ul style="list-style-type: none">Encourage new uses for heritage items <p>In the Muswellbrook town centre, there are surviving areas of strip shopping, as well as some isolated and individual stores.</p> <p>The success of modern retail business is subject to notions of convenience, trends and fashion. The “shopping experience”, that is, facilitating the potential for a mix of activities so that shopping is destination with a distinct character, is considered important. Shopping becomes more than just the purchase, should be enjoyable and memorable. Protecting the heritage significance and character of Bridge Street and the surrounding town centre can contribute to that potential.</p> <p>Retailers / commercial tenants typically require larger floor plates than what the heritage character of Bridge Street can offer which leads to bland and sometime windowless forms not in keeping with the existing fine grained nature and can lead to conflicting interests between retailers, developers and conservators.</p> <ul style="list-style-type: none">Infill development enhances and conserves cultural significance of heritage items and their settings <p>Infill development within the Muswellbrook Town Centre must respond to the design and built form of existing adjacent heritage items to achieve a unified relationship between new and old in the streetscape.</p> <ul style="list-style-type: none">Alterations and additions to respond to appropriate heritage fabric <p>Alterations and additions to enable a building to continue in use or for a new more viable use must respond to and consider scale, materials, location and streetscape within the heritage conservation area of the Muswellbrook town centre.</p> <p>Existing setbacks from the street or side boundaries along Bridge Street are often much less than current DCP requirements for new developments. Concessions to those controls should be negotiated for each proposal, with respect to the existing site, existing building and the impact on the neighbours and street, for consistency in the precinct.</p>
--	---

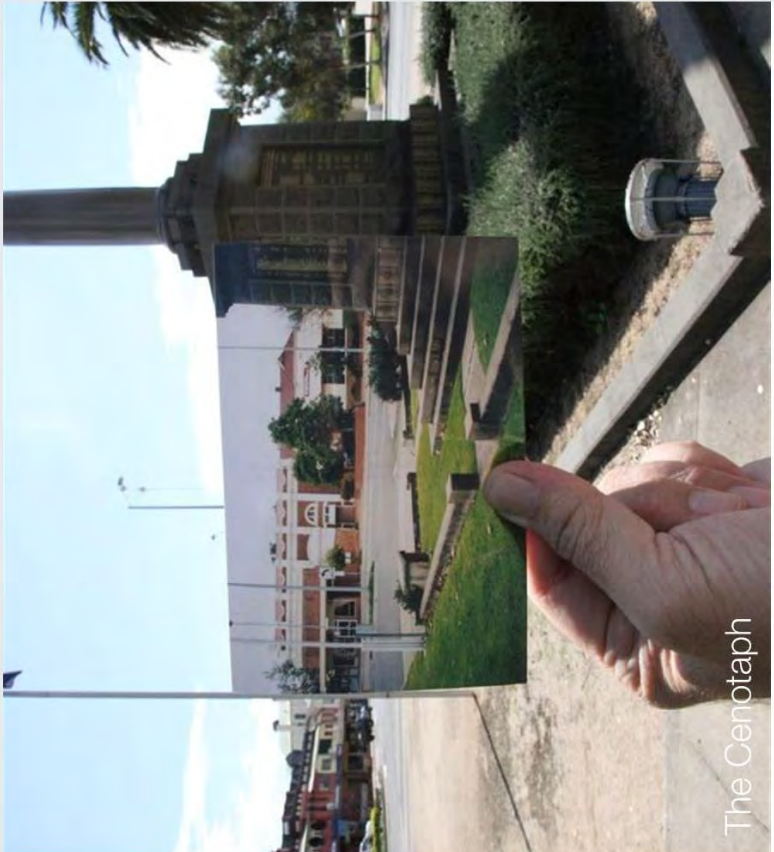


architecture + interior design



Adjacent Images show iconic vistas throughout Muswellbrook with historic photo overlay.

Source: ABC Open; Series 2, Muswellbrook. Retrieved from www.open.abc.net.au







7. Key Strategic Directions

The consolidated aspirations of the community and council indicate a number of commonly agreed objectives forming the basis of a successful strategy that is subsequently prepared for Muswellbrook Town Centre. Taking cues from the community consultation, as well as Council’s aspirations and the previous studies of the Muswellbrook Town Centre, we establish a series of Key Strategic Directions that capture the essence of the ideals that the town centre aspires to embody but is flexible enough to enable a variety of outcomes.

The following Key Principles are critical in terms of preserving the unique character of the town centre whilst affording the potential for growth and improvement within a framework that offers greater certainty for development:

- **Key Land Use Principles**

Establishment of clearly defined permitted uses in precincts that give distinct outcomes can offer the ability to target development opportunities, with restrictions on height that align with the realities of building serviceability.

- **Improved Urban Design**

Creation of driving principles that ensure the town centre offers amenity through public and shared private spaces, enabling passive and active enjoyment of the built environment.

- **Improved Heritage Conservation**

Permitting a targeted approach to heritage conservation and interpretation that complements a maturing town centre through a series of sensible and flexible outcomes.

- **Enhanced Public Facilities and Services**

Ensuring the Town Centre provides for public services and places that give a richness to the local experience

- **Improved Traffic Infrastructure and Parking**

Creation of a town centre wide approach to the provision of parking and the management of traffic flows, permitting the unlocking of growth potential and a sympathetic approach to high quality urban design and the car.

- **Enhanced Waterfront Connection**

Establishing clear linkages between the town centre and its immediately adjacent water frontages, enabling natural recreational spaces to be connected to the main street.

- **Enhanced Accessibility and Improved Public Safety**

Improving the legibility of laneways and subsidiary connections through the town centre, and the establishment of safe, clean, and universally accessible pathways town centre wide. Providing equitable access for all.

- **Improved Environmental Sustainability & Amenity**

Establishment of a series of guiding principles that can enable Muswellbrook Town Centre to meet the environmental challenges of today and the future through the application of design principles and considered installations.

- **Enhanced Public Art**

Establishment of a series of guiding principles that enable the creation and installation of Public Art throughout the Muswellbrook Town Centre.

- **Enhanced Economic Environment**

Creation of a vibrant town centre that offers certainty of outcome to investors and occupiers alike, allowing for the unlocking of growth potential.





architecture + interior design

Key Land Use Outcomes

- a**

Increase Residential Density

Muswellbrook has a low level of density and mixed use density in the town centre at present. Establishing a strategy for residential density and growth within the study area is more advantageous for the Muswellbrook Town Centre's economic, retail and social performance than locating similar growth on the fringes of an urban area.
- b**

Increase Aged Housing in Town

Most personal and professional services available to the wider Muswellbrook residents, are accessible within the Town Centre. On that foundation the city blocks within the study area would appear suited to supporting an aging population.
- c**

Town Centre with a Strong Civic Heart

Provide a multifunctional Civic Square to encourage community congregation able to accommodate cultural events, performance spaces , and screening events - providing a sense of place and identity to the township of Muswellbrook.
- d**

Student Housing in the Town Centre

Muswellbrook needs to become more varied and lively and invite more students to live in the Town Centre. This in turn is a generator for more activity in the town centre day and night. There exists the potential to draw students into town and connect to the presence of the University and Tafe.
- e**

Increased Employment Opportunities

In principle improvement in the urban environment, public realm and promotion of activities that add more pedestrian traffic to the town is anticipated to stimulate employment in the private sector through increased demand for commercial tenancies. Increased density and diversity are key to increasing pedestrian traffic.
- f**

Shop-top Housing

Residential activity could occur within the existing fine-grained, compact nature of Bridge Street. This density could occur in the form of infill sites and shop-top housing to yield capacity whilst recognising any constraints imposed by heritage.
- g**

Make Strong Connections to the Natural Environment

This should be a priority due to the place-making, identity, livability and environmental out-comes which connection to the Waterfront unlocks.
- h**

Restrict Bulky goods

Large industrial buildings currently occupy land within the Town Centre. Establishing a strategy for residential density and growth on this land is advantageous for the Town Centre's economic, retail and social performance. Bulky goods sites that greatly limit increased density and reduce amenity could be restricted in order to achieve this.
- i**

Retain and Attract Government Agencies and New Businesses

Locate Council Offices in town. Restrict residential development from Civic block. Provide all government services in the one area (Council buildings adjacent to State Government buildings used to block noise from the railway line).





Improved Urban Design

Improved Urban Design

- a

Civic Square / Town Centre with a Strong Civic Heart

The most suitable civic open space typology for Muswellbrook is the town square. Other typologies such as corner squares at intersections can feel spatially weak as they are difficult to activate without built edges. Night-time safety and activation, prospect, sun access, shade and shelter, a combination of soft and hard landscape and play spaces are all desirable outcomes at which the success of a town square could be measured.

A Civic Square can provide a sense of place and identity to the township of Muswellbrook; lively all year round with seasonal events and activities such as Christmas celebrations, market days, and an outdoor giant screen for moonlight cinema/ sporting events, celebrations and concerts / performances.
- b

Public Murals + Art

Council to continue to introduce proactive policies such as “5 new sculptures in 5 years”. Monuments and public art should pepper the journey from transport hubs and nodes to destinations within the Town Centre.
- c

Connection of Marketplace to Bridge Street

The Marketplace Mall does not have a functional or visual relationship with the town centre. The internalised retail-only shopping centre is the primary place of pedestrian flows within the study area. The consequence of this is a loss of retail purpose for the street based retail of Bridge Street and an overall underperforming retail sector. The success of retail is essential to ensuring a vibrant and active public realm. A vibrant, active and lively public realm is an instigator of diversity and intensity of retail use. The performance of retail therefore has an important place in the town centres economic future for both the Marketplace and Bridge Street.

Therefore, a strong focus should be placed on exploiting the retail strength of the Marketplace by improving its connection to Bridge Street. The mall entry is a major pedestrian destination and should contribute to the activity and liveliness of the main street. Improved connection should ensure all ability access, active commercial frontages, high quality design and weather protection as minimum outcomes against which connection to the Marketplace might be measured. Major redevelopment of the Muswellbrook Marketplace mall development is proposed this year, and Council will work closely with the owners to ensure an improved connection between this development and the rest of the Town Centre.
- d

Continue Public Domain Upgrade

A Public Domain Manual has been commissioned by council in response to the Muswellbrook CBD Strategic Plan. The first 5 stages of this plan have already been actioned with the 6th stage in progress.
- e

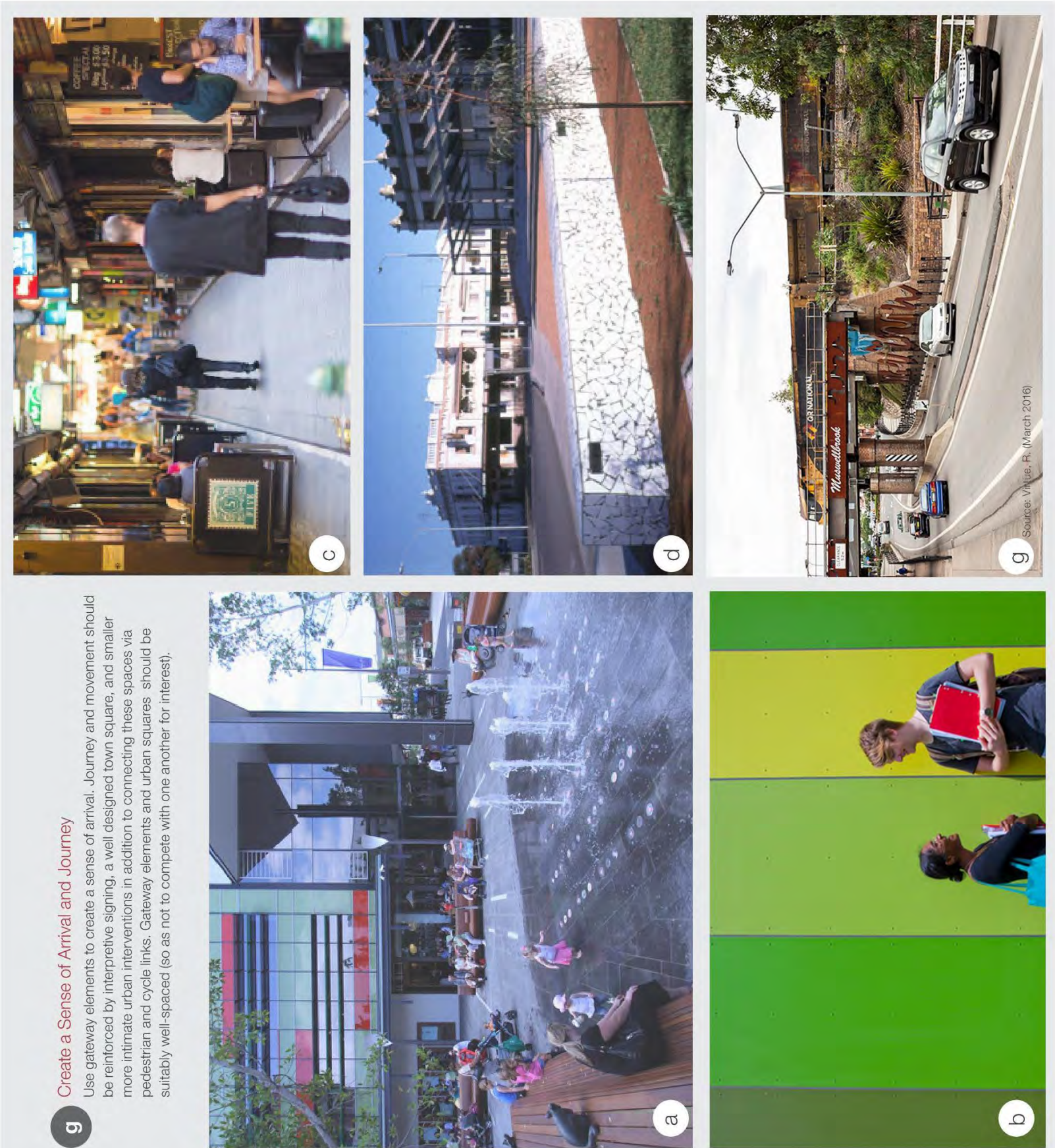
Increase Street Tree Planting

Consider increasing the scope and upgrading the ‘Muswellbrook Main St Masterplan’ to include side streets.
- f

Build on the Strong Built Edge to Bridge Street

Muswellbrook has a limited quantity of ‘active edge’ (ground level shop fronts) north of Brook Street engaging with the public. Introduction of ground level retail and hospitality edges will increase pedestrian traffic and vibrancy.

architecture + interior design





Improved Heritage Conservation

Improved Heritage Conservation

a

Rail Museum + Mining History

The introduction of a Rail Museum which also captures Muswellbrook's Mining History will provide a point of interest for visiting tourists to the region and place emphasis on Muswellbrook's vital role within the region.

9

Provide Curtilage to Heritage Buildings

Within the town centre there are a number of heritage items of state and local significance that reflect the town's history and culture. Retaining and restoring heritage is key to revitalising Muswellbrook.

Curtilage to commercial buildings in the town centre is unsuitable and should not be enforced unless warranted by a historical precedent. The future town centre DCP should ensure density and future growth can occur in the town centre in conjunction with the retention of heritage listed items.

Encourage Adaptive Re-Use

Promote the adaptive re-use of buildings within the Town Centre. Infill development should be used to enhance the cultural significance of buildings.

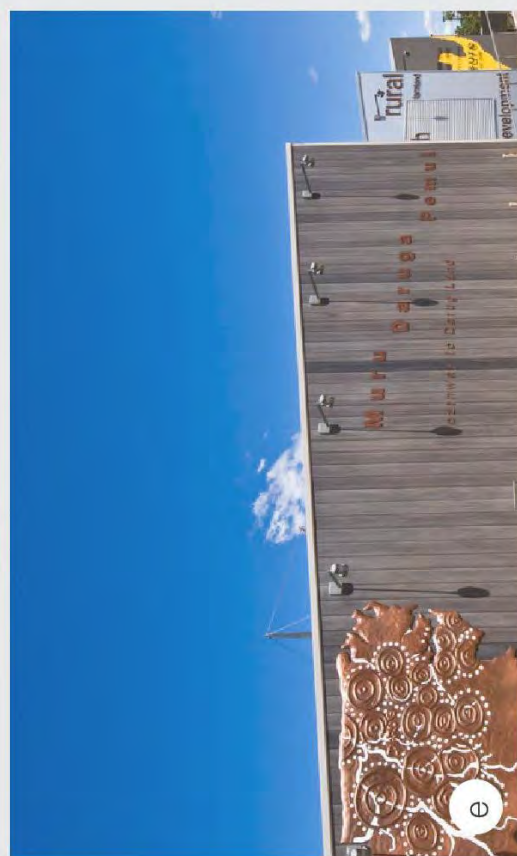
p

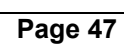
Maintain View Corridors

View corridors to Steeples, buildings of civic significance, and heritage buildings should be maintained across the centre.

Monuments, Artwork and Signage

Monuments, Artwork and Signage to be incorporated into the urban fabric to explain and recognise the various elements of Muswellbrook's built, industrial and social history.







architecture + interior design

Enhanced Public Facilities and Services

The Town Centre Masterplan will be developed incrementally over the next 10-15 years, depending upon market forces and local demand for the proposed development parcels. A schedule of priority zones have been determined to ensure that the Masterplan delivers maximum public benefit at the early stages of implementation. The adjacent diagram highlights these priority zones.

Zone 1

Whilst the public domain areas will be incrementally developed over time, the strategy has identified the main priority public domain Zone 1 as being the key to stimulating the necessary momentum to sustain development over the coming years. The first priority (Zone 1) contains the development of :

- a

Performing Arts Centre

Continued engagement and revitalisation of the Campbell's Corner block to link into a performing arts centre / conference centre in the proposed civic block.
- b

Town Hall + Conference Facilities Catalyst council project on Library block

The existing Library forecourt is a pleasant place, however it needs stronger 'edges' (eg new development on Holden site) with active daytime uses (eg Weidmann Cottage as cafe) to give people a reason to use it.
- c

A Vibrant Commercial, Retail, Educational Precinct

Proposed Anchor to draw foot traffic North along Bridge Street which shall be prioritised and budgeted for implementation over the next 5 years. These elements of the Masterplan which are essential to the success of the project must be developed first to stimulate and support other development.
- d

Zone 2

Zone 2 could see the private development of the Commercial and Transport Interchange, Museum and Visitor Accommodation. Through the development of this zone the necessary commercial interest will be provided to drive the project as a tourist attraction and shall offer a range of community benefits.

Zone 3

Zone 3 could see the development of the residential components. High, medium and low density residential areas shall be developed by private investors, in addition to possible public development in the form of student housing / affordable housing in the Town Centre. This Zone will encompass:

- e

Student Housing

This strategy should allow and promote the integration of aged care facilities, student housing and affordable housing in recommended blocks to enable and promote a wider range of residential development. Consider endorsing a residential catalyst / demonstration project to unlock the market. Partnership could occur to offset the risk (affordable housing, student accommodation, ageing in place) and unlock the market.
- f

Aged care
- g

Seniors housing
- h

The expansion of Health and medical facilities



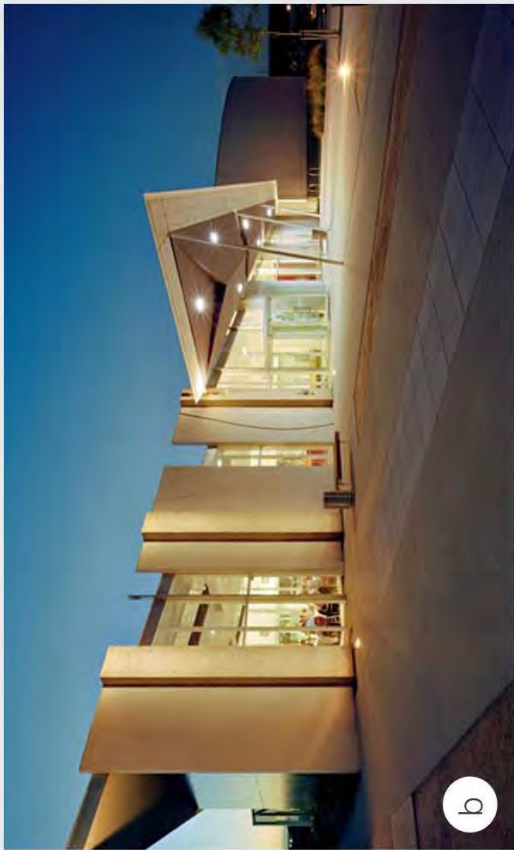
a



b



g

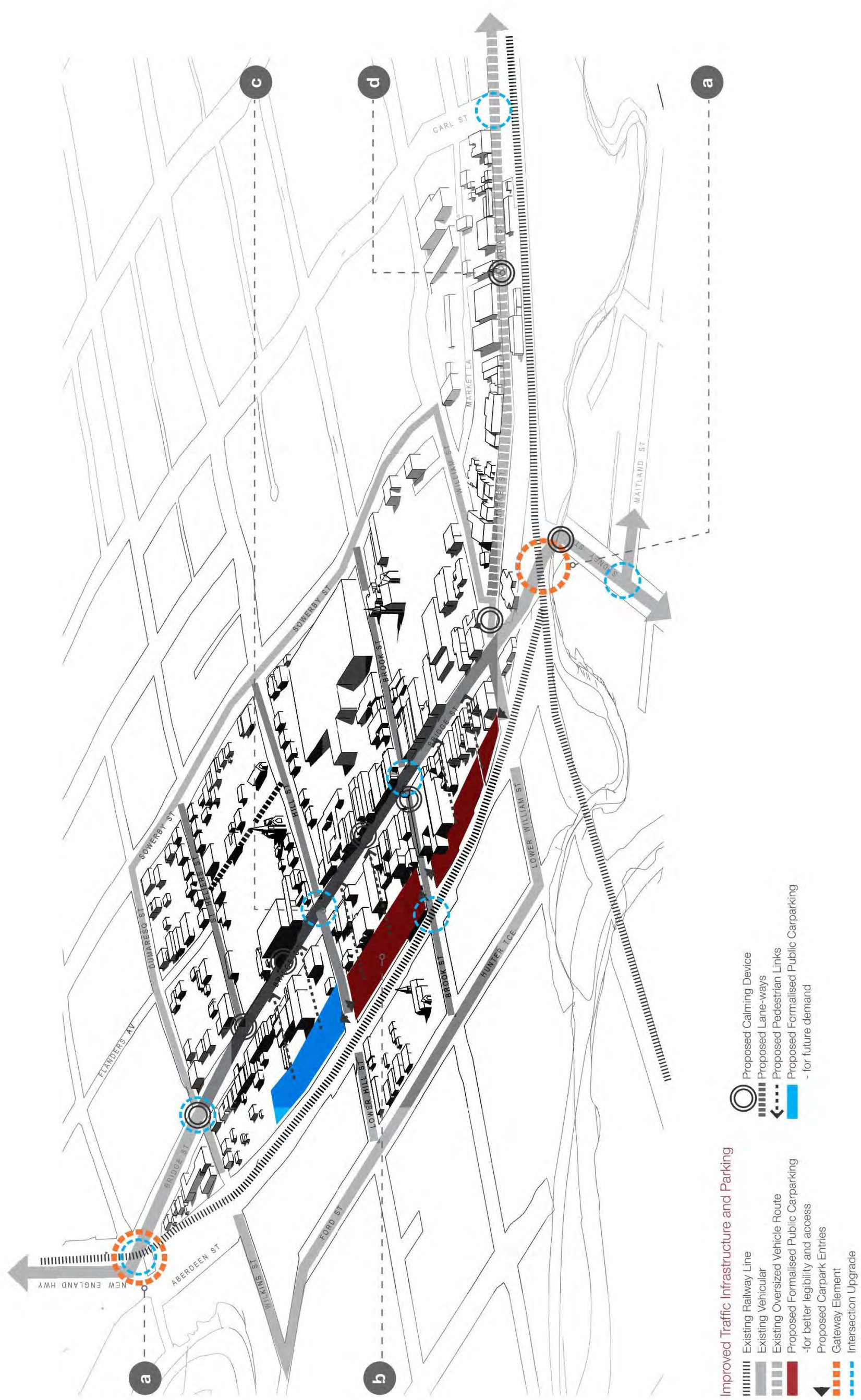


b



e

The public ownership of key sites is an important mechanism for encouraging the desired environmental, built form, community and economic outcomes for the Muswellbrook Town Centre.



Improved Traffic Infrastructure and Carparking



architecture + interior design

Improved Traffic Infrastructure and Parking

- a

Gateway Element

Improve sense of arrival and journey through the town. Parking should be linked to public spaces and squares in ways that draw people to the high street so as to not compete with each other.
- b

Rationalised Parking

The existing disjointed parking lots around the central business district limits demand where it is most required, as well as inhibits public enjoyment of the centre. The parking study conducted in 2010 reveals some 350 council owned off street parking spaces which at the time, largely serviced the needs of the centre.

As the town centre increases in residential and commercial density, consolidated parking structures should be considered encouraging centre visitors and workers to stay through long term parking options. This could be positioned adjacent to the rail corridor to provide a noise buffer and short, accessible, safe pedestrian connections to Bridge Street as highlighted in the Traffic Parking and Connections diagram.

Further to this, city blocks adjacent to the rail line between Hill and St Heliers Streets should be considered for future car parking demand as required.

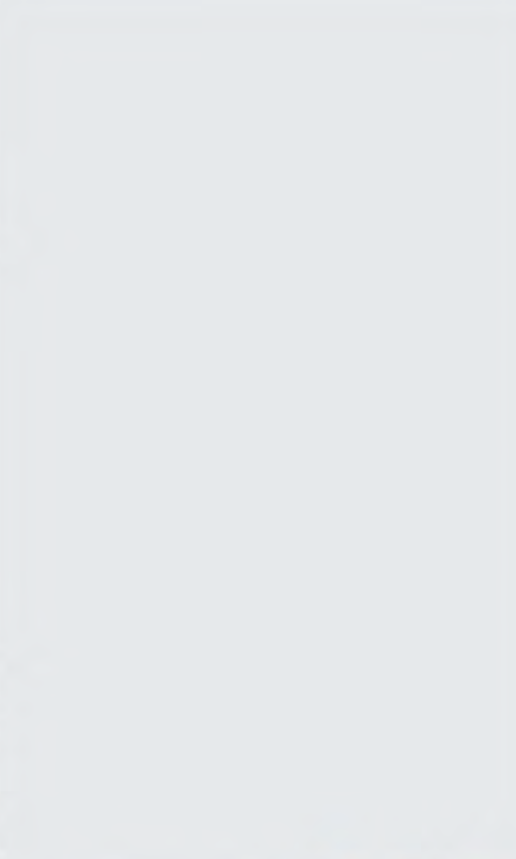
New Streets and Laneways will be required to improve service and parking access to the proposed consolidated car parking, including pedestrian links.
- c

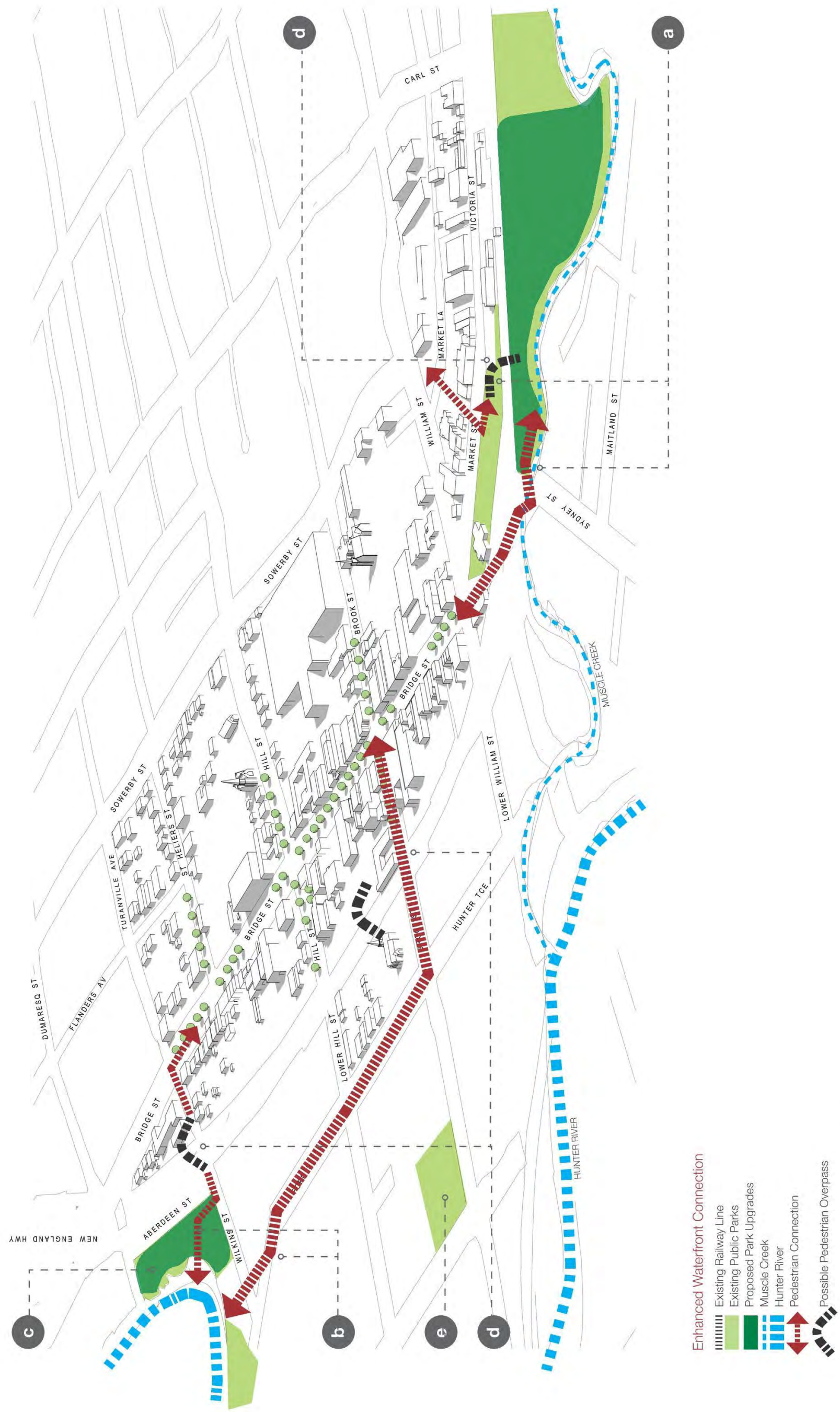
Intersection Upgrades & Calming Devices

Intersection upgrades, and an increased allowance for pedestrianisation from The Marketplace across Bridge Street to Precinct 1 should be of priority. Traffic calming devices including speed humps, signage and varied surface treatment are to be provided as part of the road infrastructure once the by-pass is in place. The slowing down of traffic through this portion of the city block will encourage a stronger visual connection to a new civic heart.
- d

Tourist Parking Station

Currently, visitors driving to and through Muswellbrook are not offered a dedicated area to park. This may discourage tourists to stay and enjoy all that Muswellbrook has to offer. Creating a dedicated parking station and facilities for caravans, mobile homes, motor bikes, and bicycles as well as for tourists generally, has been suggested by the parking study conducted in 2010 as a great catalyst in inviting tourists to stop and consume locally. Choosing an appropriate site of close proximity to the town centre and civic square will further enliven Precinct 1.





Enhanced Waterfront Connection



architecture + interior design

Enhanced Waterfront Connection

- a Improve Connection to Muscle Creek**
Explore town centre landscape concepts that extend beyond the current scope to show connections to Muscle Creek connecting to the town network
- b Provide Connection to Hunter River**
Investigate the use of the river for recreational activities, such as rowing, swimming, canoeing, fishing and boat activity. Consultation with relevant authorities and the community will be essential in determining these strategies.
- c Upgrades to Karoola Wetlands**
Invest in the upgrade of Karoola Wetlands to allow the town centre to connect to the Hunter River.
- d Pedestrian Links over Railway Line**
Council to consider funding Pedestrian overpasses as catalyst projects for improving and promoting pedestrian connection to the Town Centre.
- e Connection of the fragmented Green Network**
Consider prioritising connections of the fragmented green networks to provide more meaningful places of congregation



Council has identified a priority on this activity because of the place-making, identity, livability and environmental outcomes connection to the waterfront unlocks. It also compliments councils priority to introduce medium density residential developments into the Town Centre.





Enhanced Accessibility

Enhanced Accessibility

a Provide Better Pedestrian Access to Major Retail in Muswellbrook Marketplace

Focus pedestrian activity to and from Marketplace mall onto Bridge Street with a clear pedestrian link to mall 'front door'

b Improved Bicycle Connections and Facilities

Upgrade connections and bicycle facilities within the town centre as per the 'Walk and Cycle Plan for Muswellbrook and Denman'. Provide accessible and safe bicycle parking facilities, and consider a 'Bike Share' system and promote cycling for visitors; with clear signage to civic heart and distances to places of significance

Improved Walk-ability - connected pedestrian network

The future vision for Bridge Street is a place of high amenity with a quieter and safer pedestrian experience. The success of retail is essential to ensuring safe, vibrant and active public realms. A vibrant, active and lively public realm is an instigator of diversity and intensity of retail use. The performance of retail therefore has an important place in the Town Centres economic future as well as in creating safe connected pedestrian networks.

Within the proposed Town Centre DCP inclusions of performance criteria could ensure the public domain of the town centre is connected. Controls may include:

- the formation of an access network plan / map
 - the nomination of Active Street Edges
- Continue to add amenity for pedestrians by the ongoing roll out of public domain upgrades as per the 'Public Domain Manual 2012'

Draw Foot Traffic North along Bridge Street

Review and amend the LEP to restrict bulky goods (ie Holden Centre) from occupying land better suited to civic and retail uses and retaining fine grained nature of the town centre. This in turn will prevent inappropriate retail expansion from occurring outside the city centre.

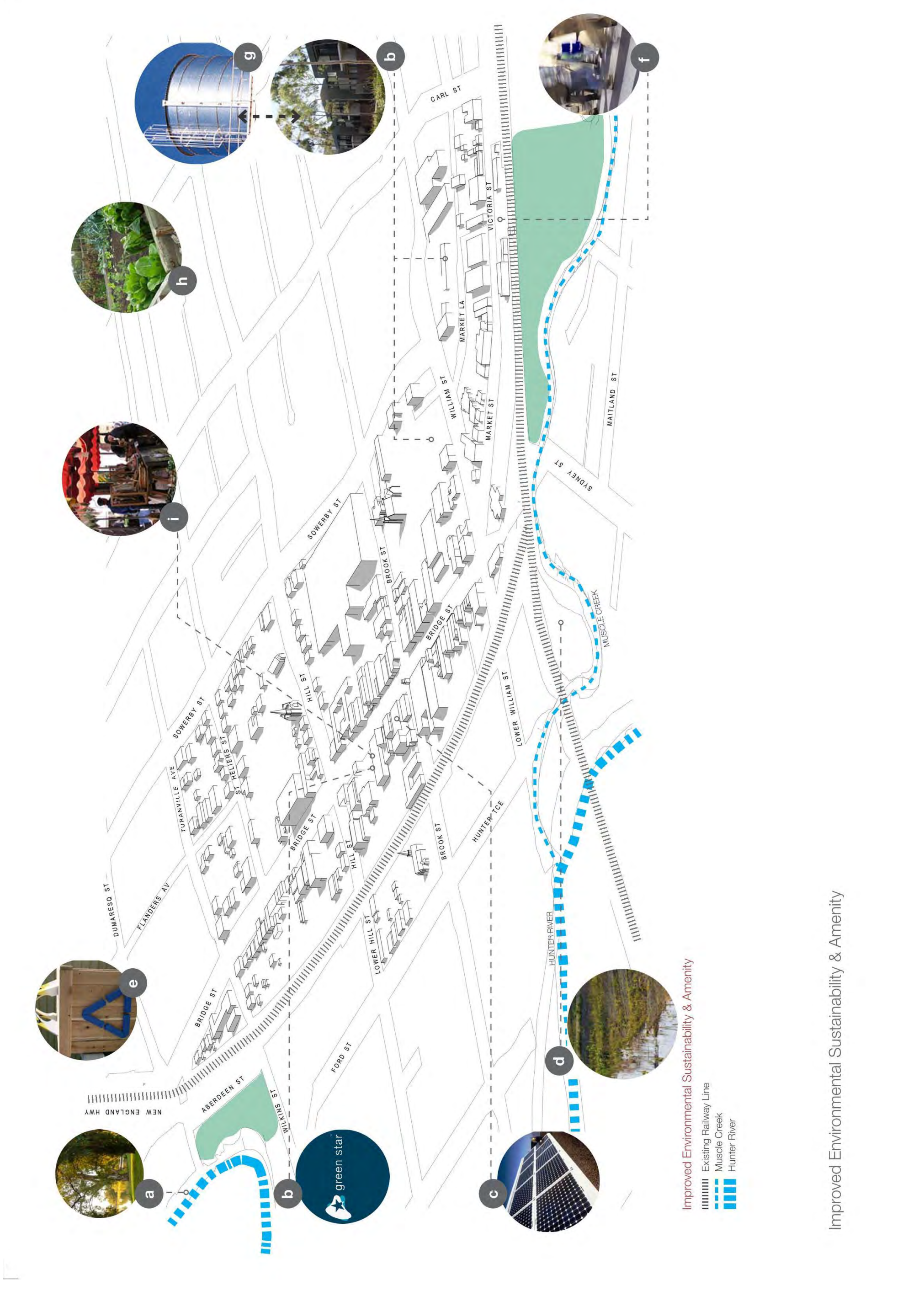
Retain the Compact Flat Nature of the Forum

The Town Centre DCP is to allow existing and new buildings to meet a higher density whilst maintaining the fine grained scale of the town centre in order to maintain and propel the pedestrian and accessible nature of the city.

Provision of Equitable Access

The Town Centre DCP is to enforce the establishment of equitable access as required by the Building Code of Australia and the Disability Discrimination Act 1992.





Improved Environmental Sustainability & Amenity



architecture + interior design

Improved Environmental Sustainability & Amenity

Preparing a Town Centre Housing Strategy should not be undertaken in isolation. This strategy should be developed in conjunction with long term sustainable efforts in order to preserve a high quality outcome enjoyed by the public, and enduring for longer.

Such efforts should include:

- a Retention of Native Vegetation
- b Energy Efficient Standards to be Applied to Buildings
- c Renewable Energy Sources
- d Stormwater Treatment and Filtration within the town centre
- e On-site separation of recyclables
- f Transport Hub + Retention of rail line for passenger rail
- g Harvest Rainwater
- h On-site composting to Council Developments linked to Community Gardens
- i Provision for Farmers Markets in Town Square





Image Source: Muswellbrook Town Centre Urban Design Framework, JBA, 24th September, 2014



8. Recommendations

Hunter Regional Plan 2036 and Local Planning Directions

Finalization and implementation of the MTCs to guide future development in Muswellbrook CBD was identified in the HRP 2036 as a key priority for Muswellbrook Town. Therefore, consideration should be given to support the future directions/actions identified in the HRP 2036.

Further consideration should be given to the objectives of relevant Local Planning Directions under the Section 117(2) of the Environmental Planning and Assessment Act 1979, and particularly objectives of the S117 Direction 1.1 Business and Industrial Zones as follows:

- encourage employment growth in suitable locations
- protect employment land in business and industrial zones, and
- support the viability of identified strategic centres

The recommendations for amendments to both the LEP and DCP outlined below are in support of the desirable town centre that has been outlined above. Planning provisions are put in place to support development and urban regeneration by:

‘strengthening retail hierarchies and employment opportunities, promoting appropriate tourism development, guiding affordable urban form and providing for the protection of heritage items and precincts’ (Muswellbrook LEP 2009)

The recommendations are based on detailed analysis of existing planning policy and testing to certify that the planning provisions described below deliver realistic building envelopes, which enable good design outcomes and facilitates the vision and aspirations of both council and the local community. Testing the recommended provisions ensures that the future development expectations are understood by all and safeguards the achievement of the vision for the Muswellbrook Town Centre outlined in this report.

Muswellbrook LEP

The Muswellbrook Local Environmental Plan (LEP) contains statutory requirements that govern the development allowable on a site. The LEP specifically addresses:

- Zoning (Land Use) – which establishes activity permitted/prohibited for each zone
- Height of Buildings - which restricts the height of buildings
- Floor space ratio (FSR) - which restricts the amount of floor space that is allowable on a site in relation to the site area

The Muswellbrook LEP is established from the NSW State Government Standard Instrument LEP.

Muswellbrook DCP

The Muswellbrook Development Control Plan 2009 (DCP) applies to all land within the Muswellbrook Shire local government area. The DCP is applied in conjunction with the provisions of the Muswellbrook Local Environment Plan 2009 (LEP). In particular the DCP establishes provisions that should respond to:

- local character and context
- amenity
- environmental performance

Site Specific Testing

To recommend revisions to the current Planning Policy, a methodology was established for testing specific sites. Three typical lot types were identified for testing as there are a variety of lot shapes, sizes, orientations and topographies within the study area. Building envelopes based on the proposed land use zoning of a site were used to test the capacity of a site to achieve the desired development outcome under the current and proposed Land Use Zoning, Height of Buildings and Floor Space Ratio controls. Communities desire developments of an appropriate bulk and scale sympathetic to existing heritage buildings. Developers however assess feasibility based on the permissible Gross Floor Area (GFA) of a site. It is therefore important that the Height of Building and Floor Space Ratio controls are coordinated to ensure the development outcome is pleasing to all stakeholders. For the purpose of this analysis the GFA tested is calculated at an efficiency of 80% to allow for circulation and ancillary spaces not counted in area calculations.

The site specific testing looked at:

- Land use zoning and proposed building uses
- Building height – including consideration of amenity, existing character of the town centre, the spatial arrangement of streets and the number of storeys desirable for certain development typologies
- Floor Space ratio – coordinated with preferred building heights and number of storeys
- Minimum lot sizes
- Setbacks - including street setbacks, side and rear setbacks and required building separation (SEPP 65)

The Muswellbrook LEP Land Use Zoning does not allow for pure residential or aged care uses within the town centre and presumes all developments wishing to pursue a residential component must incorporate retail or commercial at the ground floor throughout the entire study area. The testing also found a disparity between the Height of Buildings and Floor Space Ratio. The current typical FSR of 2:1 throughout the town centre is too high for the permissible height. This mismatch discourages development as it means the FSR is often not achievable or leads to poor building outcomes as design strategies employed to achieve the FSR include deep floor plates and maxing out of the site to achieve the permissible FSR. This disparity leads to buildings that have undesirable impacts on the street and its neighbours and compromised daylighting and natural ventilation.

Based on the testing, recommendations for amendments to LEP Zoning, FSR and HOB are proposed in order to improve building design and building envelopes taking into account the existing character of the Muswellbrook Town Centre and the desired future character outlined in the vision statement of both council and the broader community presented at the beginning of this report.

The recommended heights and FSR were tested using building types that respond to the proposed changes in Land Use Zoning of the town centre. The testing aimed to achieve height and FSR controls that give room for a building to respond to site specific demands including articulation, separation, orientation, site specific setbacks and amenity.

8.1 Planning Policy - Land Use Zones

Existing Policy

- Study area primarily zoned B2 - Local Centre suggest a one size fits all outcome for the town centre
- R1 Residential frame surrounding the town centre core
- Muswellbrook LEP for B2 zones does not allow for pure residential or aged care uses and presumes all developments wishing to pursue a residential component must incorporate retail or commercial at the ground floor throughout the entire study area.

Recommended Principles

Adjust LEP Land Zoning Uses within the current study area to allow residential and civic uses in the designated blocks as shown in the Proposed Zoning Diagram.

- Adjust LEP Land Zoning Uses to the Civic and Mall blocks to B3 Commercial Core. Rezoning these blocks to this use are aligned with the desire to create a town centre with a strong civic heart. The recommended objectives of this zone are:
 - To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
 - To encourage appropriate employment opportunities in accessible locations.
 - To maximise public transport patronage and encourage walking and cycling.
 - To provide for commercial floor space within a mixed use development.
 - To strengthen the role of town centre as the regional business, retail and cultural centre of Muswellbrook and the Upper Hunter Region.
- Adjust LEP Land Zoning Uses of the existing B2 local centre to B4 mixed use to better reflect its potential for commercial, retail and residential uses . This would prevent vehicle repair stations, bulky goods and other industrial typologies that are underdeveloped on this land.
- Outside the town centre study area it is recommended that no further amendments to LEP are allowed for any additional B2 Local Centre (or similar) zonings. Consideration should be made to excluding B2 from the showground and other areas outside the town centre. This will ensure B2 within the town centre will be intensified as Muswellbrook grows.
- Adjust LEP Land Zoning Uses where residential is desired in the town centre to R3 Medium Density Residential. New permitted uses within the proposed R3 to include medium density residential, student housing and aged care facilities. Objective of this revised zone are:
 - To provide a variety of housing types within a medium density residential environment and enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To encourage increased population levels in locations that will support the commercial viability of the town centre.
- Adjust LEP Land Zoning Uses in the selected blocks to R2 Low Density Residential. This would ensure the scale and height of proposed development is compatible with the detached, low scaled heritage nature of the nominated blocks.
- Outside the town centre study area (west of railway line it is suggested to investigate potential opportunities to permit medium density residential development in close proximity to the Town Centre.
- The current R1 General Residential zoning permits the development of multi-dwelling housing and residential flat buildings outside the town centre. Therefore, it is suggested that there be future review of permissibility of uses in the R1 General Residential zone to ensure the town centre will be intensified as the population of Muswellbrook grows by restricting multi-dwelling housing and residential flat buildings outside the town centre.





8.2 Planning Policy Height of Buildings

Existing Policy

- Generally a 13m height limit within the town centre
- Some community and town centre residential uses with a 8.5m height limit.
- Height restriction does not reflect the variety of functional outcomes dictated by building typology. Typical floor to floor heights vary dependent on occupancy and current height restrictions may restrict feasible development opportunities.

Recommended Principles

The recommended maximum building height has taken into account:

- The desired future character of the town centre and the retention of existing heritage buildings. It should be noted height of buildings and building envelopes should be further refined and controlled with DCP controls such as street wall setbacks and setbacks.
- The desire to achieve building envelopes that provide attractive and feasible development opportunities
- Maintaining amenity to both private land and the public domain. This involved the consideration and analysis of views, daylight and solar access and ensuring privacy.
- The desire to allow and encourage increased residential uses within the proposed R3 Medium Density Residential and B4 Mixed Use Zones

Testing found that the maximum height of building limit does not allow the achievement of the current FSR throughout the town centre. The proposed increase in building heights was analysed to ensure neighbourhood character and amenity can be maintained whilst lifting height controls.

The height recommendations in this report are expressed as both the number of storeys and height in metres. The LEP defines building height in overall metres. In order to also convey this in a manner that is easy to understand, visualise and convey it has also been expressed as storeys. In establishing the recommended height of building in metres the following was considered:

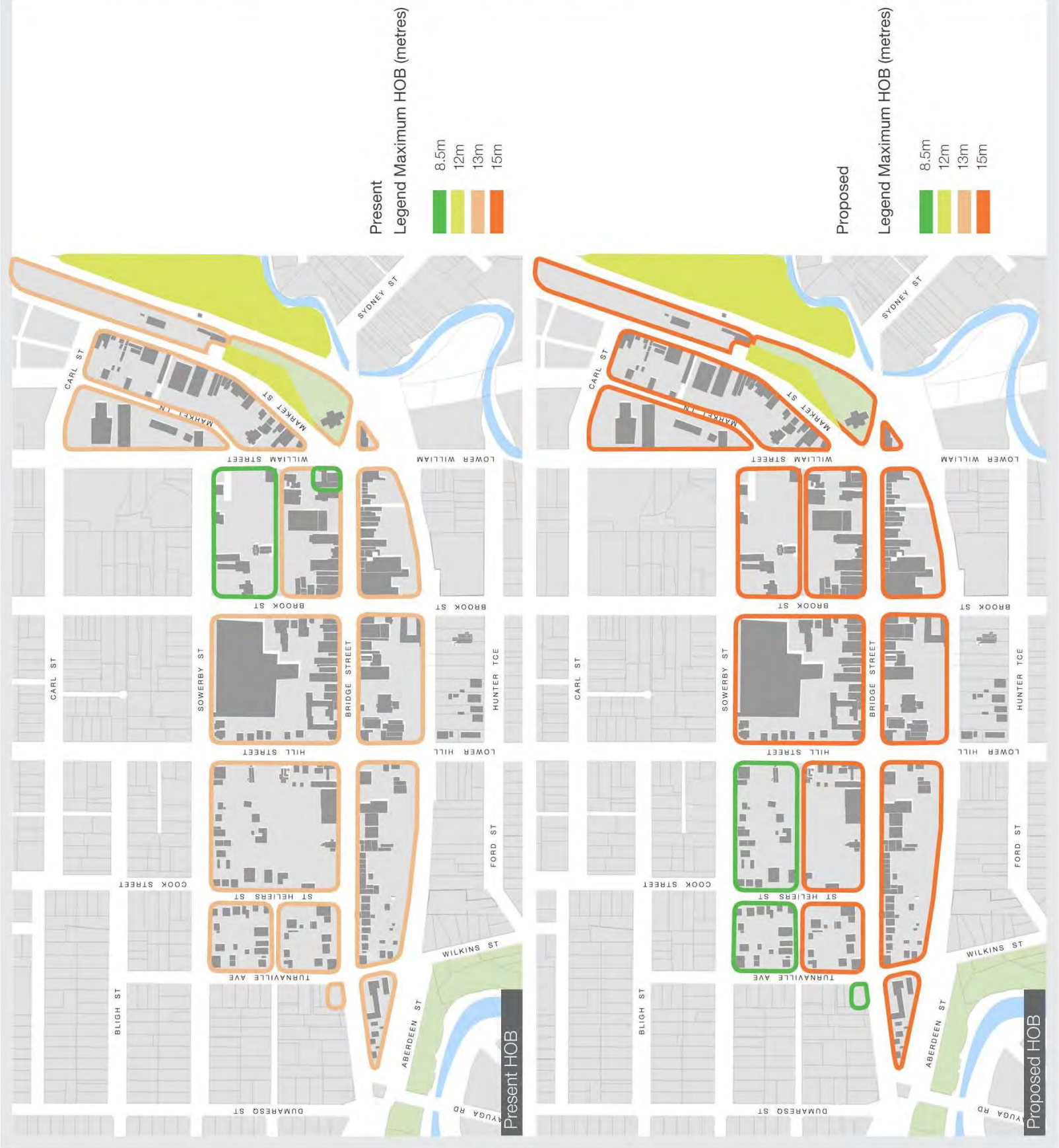
- Floor to floor heights – this takes into account minimum ceiling heights and the floor to floor height required for certain building typologies
- Roof articulation, Plant and Lift overrun – taking into account the space required for architectural form and articulation, plant space and a lift overrun.
- Ground floor use – this allows for commercial uses to have a higher floor to floor, for the building to start 0.5m out of the ground as per the Muswellbrook Shire DCP Section 13 Flood Prone land, SEPP 65 requirements, the fall of topography and partial basements.

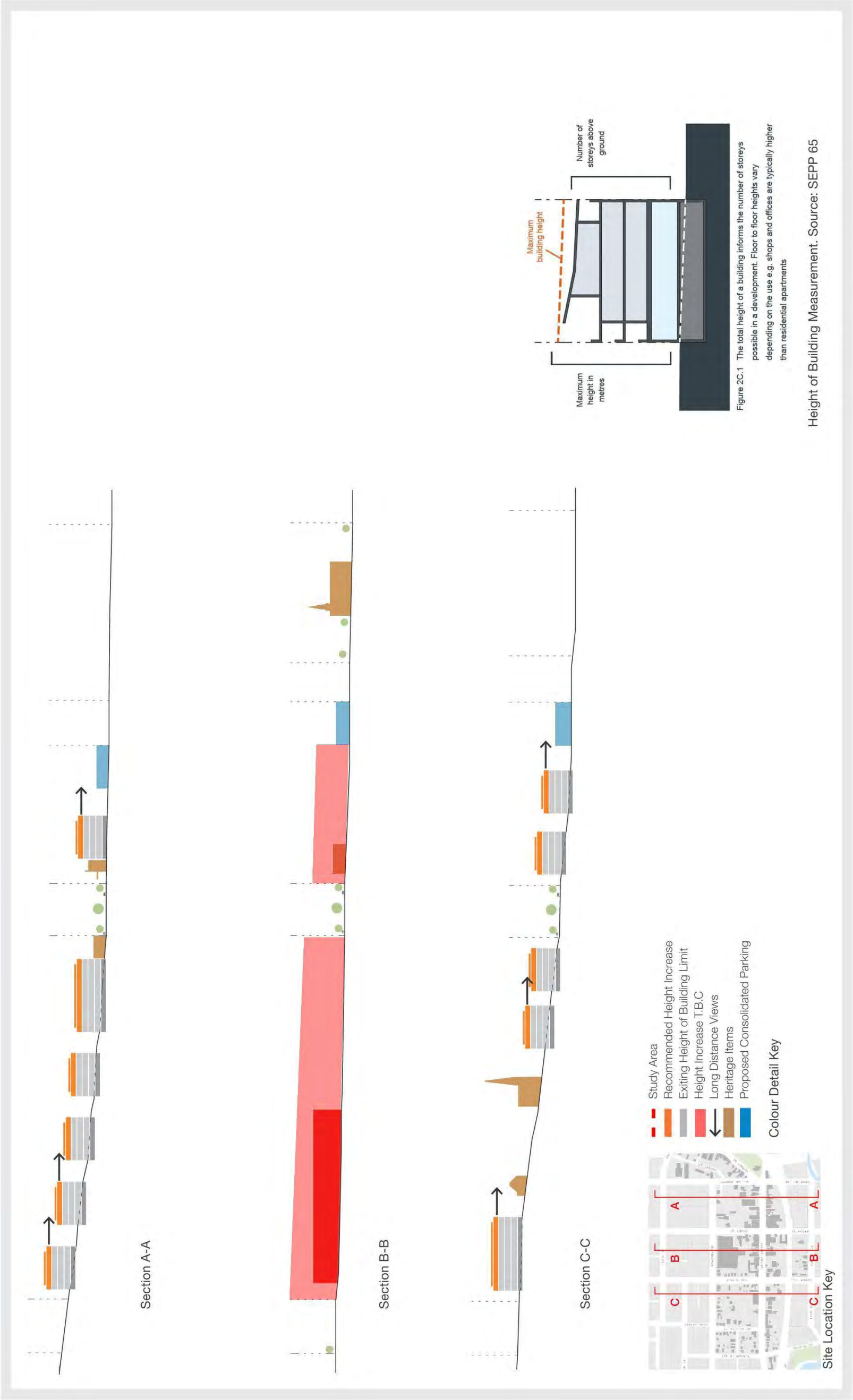
Based on above considerations the following typical floor to floor heights were used:

- Residential – 3.1m
- Commercial / Ground Floor Retail – 3.6m
- Lift overrun / Roof articulation – 1.4m

The HOB in metres as per the existing Muswellbrook LEP are shown below in both storeys and metres:

- 8.5m = 2 storeys
- 12m = 3 storeys (cannot accommodate lifted building 1 m out of ground).
- 13m = 3 storeys





8.2 Planning Policy Height of Buildings

Recommended Principles

The recommended height of building changes are to promote:

- the achievement of the existing FSR
 - view sharing
 - ground floors that can accommodate flood constraints, allow for raised buildings and/or partial basements and support commercial / retail uses to the ground floor of building
 - residential apartment design with good amenity
- Height of building increase relates to density in proximity to the town centre with first-rate access to shops and services.

The increased height of building will add to the spatial definition of the town centre and help in defining gateway elements into the town centre. This could be further refined by site specific DCP controls on identified gateway sites.

The following changes are proposed:

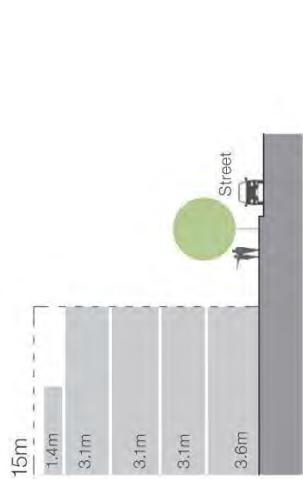
- The proposed Height of Buildings is to be lifted to 4 storeys / 15m within the study on the basis of ensuring feasible and attractive private development opportunities and to make the existing FSR achievable. The current 13m height limit restricts residential shop-top developments within the town centre to 3 stories as per the adjacent diagrams. Increasing the HOB limit to 15m will allow 4 storeys, a more economical and attractive shop top development or residential development. Limiting developments to 4 storeys ensures the existing character of the town centre is maintained and not compromised and as per the SEPP65 means that building separation can be maintained at a minimum 9m without the need for further separation.
- Consider restricting the HOB outside the town centre where zoned R2 low density residential to 8.5m / 2 storeys to align with the proposed change in zoning. This will ensure the town centre will be intensified as the population of Muswellbrook grows by restricting Medium Density Residential outside the town centre.

The recommended Height of Building increase assumes the development of a site specific Town Centre DCP as outlined in this report. The Town Centre DCP will ensure the character of Bridge Street and heritage items are preserved via site specific controls.

The recommended increase to building heights was also analysed to ensure the change does not result in loss of amenity to the public domain. Typical street widths were studied to ensure that over shadowing of footpaths did not occur (refer to adjacent diagrams). The following rules were applied:

- The angle of the sun at 12 noon in mid-winter, which is 32 degrees, was taken as the determining angle for testing of overshadowing
- The worst case scenario (mid winter) was used to ensure that there would be solar access to the opposite footpath / public domain all year round

The overshadowing analysis highlights that the proposed increase in building height will not have detrimental effects on the amenity of the street and public domain.



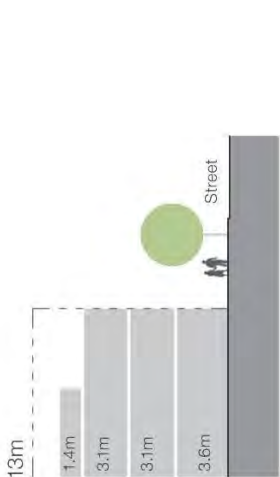
Proposed HOB



Section E-E



Section G-G



Existing HOB



Section D-D



Section F-F

- Angle of the sun at 12 noon in mid-winter
- Shadow Angle
- Heritage Items



Site Location Key

8.3 Planning Policy - Floor Space Ratio

Existing Policy

- Typically 2:1 within the town centre
- This is not necessarily feasibly achievable when assessed against height restrictions and potential open space programs within the town centre. The recommendations below have tested a few examples.
- The present FSR on the St James Catholic Church block is set at 0.5 : 1. This limits the density that can be achieved on this site.

Recommended Principles

Recommendations for FSR provisions were determined through a site capacity testing process undertaken on three typical sites shown in adjacent diagrams. As the study area has such diversity in lot orientation, size and shape, common lot types were identified for testing. The three sites were selected to cover analysis of large lots, medium lots and narrow lots, heritage buildings varied building typologies.

Key findings from the testing found:

- The existing FSR of 2:1 is not always achievable
- A blanket floor space ratio with a consistent height control can lead to under development due to varied lot sizes
- Small sites with a single building have a greater chance of achieving the FSR of 2:1 (if parking cannot be accommodated on grade outside the building envelope)
- To get close to achieving the FSR of 2:1 parking will have to be partial or full basement
- Large lots with multiple buildings require greater building separation and have less floor space capacity
- Commercial buildings will have a greater chance of achieving the FSR as their floor plates can typically be deeper than residential buildings where greater amenity is required
- Small narrow lots to Bridge Street
- The existing FSR of 0.5:1 to the St James Church block is too low for the proposed 15m height limit and the desired increased residential density



8.3 Planning Policy - Floor Space Ratio

The recommended FSR changes are to promote:

- increased density in proximity to the town centre
- higher density housing forms
- the anticipated future character of the town centre by ensuring floor space ratios are well-matched with the desired building heights
- feasible development opportunities

Revise the LEP floor space ratio map as per image #.

1. Increase the LEP Floor Space Ratio to 2 : 1 to the St James Church Block and Art Gallery blocks. Increasing the FSR to these blocks is in line with recommended rezoning of the town centre and the increased building height limit.
2. Council could consider reducing FSR to 1:8 :1 to better reflect the 4 storey height limit recommended for the town centre. The mismatch between FSR and height discourages development as the FSR is often not achievable or leads to poor building outcomes as design strategies employed to achieve the FSR include deep floor plates and maxing out of the site to achieve the permissible FSR. Alternatively the town centre DCP could include controls that prevent the over development of a site through setbacks, bulk , form and scale.

1. PCYC Block _Medium Density Housing - Row Apartment

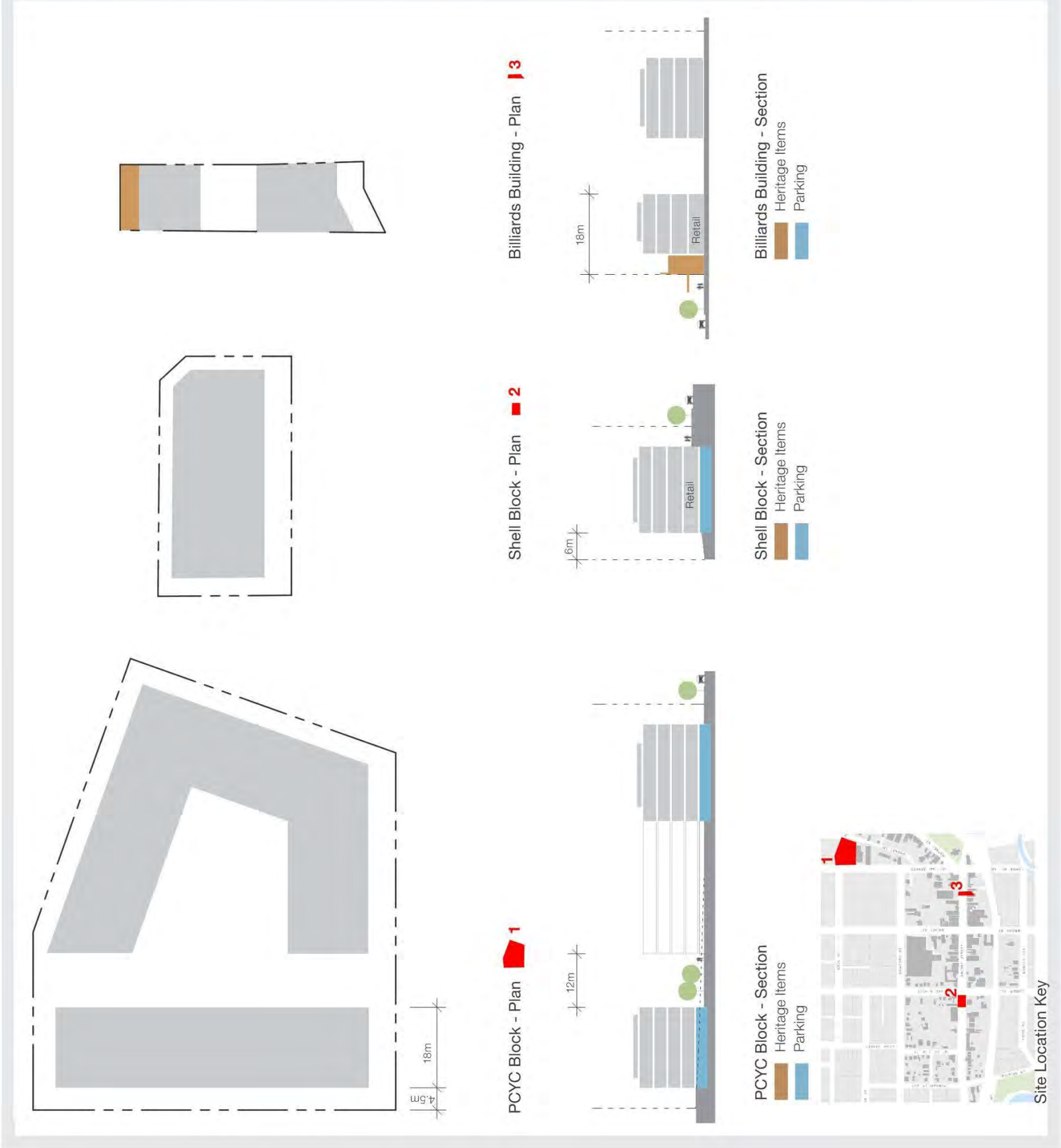
- Site Area: 6, 900sqm
- HOB Limit: 15m (4 storeys)
- Permissible GFA: 13, 800sqm
- Achievable GFA: 11, 450
- Achievable FSR: **1.6:1**

2. Shell Block _Medium Density Housing - Row Apartment or Student Housing

- Site Area: 1, 600sqm
- HOB Limit: 15m (4 storeys)
- Permissible GFA: 3, 200sqm
- Achievable GFA: 3, 000sqm
- Achievable FSR: **1.8:1**

3. Shell Block _Shop Top Housing

- Site Area: 850sqm
- HOB Limit: 15m (4 storeys)
- Permissible GFA: 1, 700sqm
- Achievable GFA: 1, 720sqm
- Achievable FSR: **1.2:1**



<h2>8.4 Planning Policy DCP Controls</h2> <h3>Analysis of Existing Town Centre and DCP Controls</h3> <p>Current development within the town centre falls under Section 9 – Local Centre Development and Section 15 – Heritage Conservation of the Muswellbrook Shire DCP. The current Local Centre Development section provides controls and performance criteria on the ‘Built Form’ and ‘Urban Landscape’.</p> <p>Section 9 - Local Centre Development of the DCP in its current state does not reflect a set of performance criteria and controls in alignment with the recommended changes to LEP zoning, height and FSR within the town centre.</p> <p>Section 15 - Heritage Conservation of the DCP is a comprehensive set of controls that aim to ensure that the qualities that give heritage items their significance are maintained. Muswellbrook Shire has a number of buildings of heritage value, dating as far back as the early 19th century. These buildings display a range of architectural features which is representative of building styles from many periods. Section 15 of the DCP recognises that such buildings and features are worth keeping because they help to define the special character of both the Shire and its heritage conservation areas.</p> <p>Most changes to built heritage items will involve alterations and additions. Muswellbrook's vitality and enduring success relies on many factors including the growth of its residential population and retail / commercial sector. Council recognises that the best way to protect and enjoy our heritage structures into the future, is to give them new uses. This requires early analysis, innovative planning and well considered design.</p> <p>To facilitate this growth within the town centre some planning constraints have been reviewed and additional heritage controls / performance criteria recommended, in particular setbacks and permissible alterations and additions. This is intended to encourage new development and align with the recommended changes to the LEP.</p> <p>In summary, the existing controls are a set of blanket controls and are not place specific to the Muswellbrook town centre. To align with the proposed changes to the LEP, the desire for growth and to ensure environmental performance, design and amenity are maintained a number of recommendations are made for inclusion in the Town Centre DCP. It should also be noted that the Muswellbrook DCP is a text based document, consideration should be given to the inclusion of diagrams that aid in illustrating performance criteria and controls.</p>	<h3>Recommended Principles</h3> <p>Muswellbrook ‘town centre specific’ controls within Muswellbrook’s DCP are recommended to guide future building form in alignment with the recommended changes to the LEP. Town centre specific controls are of particular importance to ensure environmental performance, design and amenity of developments are maintained as density increases. Controls recommended for inclusion include:</p> <h4>8.4.1 Built Form Controls</h4> <p>which include:</p> <ul style="list-style-type: none">— Street wall height— Building setbacks— Building separation— Building depth and bulk— Building exteriors— New streets and laneways <h4>8.4.2 Public Domain Controls</h4> <p>which include:</p> <ul style="list-style-type: none">— Access network— Views and vistas— Active street frontages— Addressing the Street— Public artwork— Solar access to public places <h4>8.4.3 Town Centre Heritage Controls</h4> <p>to ensure:</p> <ul style="list-style-type: none">— developments on heritage sites are aligned to its heritage values— developments adjacent to heritage sites are sympathetic to the heritage values of sites / buildings— heritage values do not limit the growth and development opportunities within the town centre <p>It should be noted the controls and development provisions recommended are not the full scope of performance criteria and controls that might ideally be included in the Muswellbrook Town Centre specific provisions. This report will be used to inform decisions and inclusions for the future town centre specific provisions.</p>	<h2>8.4.1 DCP Built Form Controls</h2> <ul style="list-style-type: none">• Street Wall Heights <h3>Analysis</h3> <p>The current Muswellbrook Shire DCP does not nominate street wall heights.</p> <p>In its existing condition Bridge Street comprises of predominantly two storey buildings a number of which are heritage items.</p> <p>The recommended changes to the LEP building height limits will allow building's up to 4 storeys along Bridge Street.</p> <h3>Recommendations</h3> <p>Include the following development provisions within the Town Centre DCP to ensure the existing character and scale of Bridge Street is maintained as density and building heights increase:</p> <ul style="list-style-type: none">— New buildings are to have a street wall height of 8m unless indicated otherwise on a street wall height plan. Alternate solutions to the street wall height may vary to align with the existing street wall height of neighboring heritage buildings.— Any development above the street wall height must be setback a minimum of 6m.— Alternate solutions may require deeper setbacks for heritage items.— Corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height <p>In establishing a rich building hierarchy within Precinct 1 to align with the recommended rezoning of the Library Block from B2 local centre to B4 mixed use the street wall height to the Library Block may be higher than the recommended 8m along Bridge Street. The street height to the Library Block will be refined and established within the Precinct 1 masterplan which is being carried out as a separate body of work to this report. Increasing the street wall height to the Library Block can contribute to the establishment of Civic hierarchy to the built form of this block to better reflect the desired potential for this block as the civic and commercial centre of Muswellbrook.</p>
---	--	---



<ul style="list-style-type: none">Building Setbacks <p>Analysis</p> <p>The current Muswellbrook Shire DCP nominates building setbacks within Section 9 – Local Centre Development. It sets the following controls:</p> <ul style="list-style-type: none">The front of buildings should be aligned to provide a continuous street frontage.In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.New development should respect the setbacks of other buildings along the streetscape. <p>Recommendations</p> <p>Consider the following development provisions within the Town Centre specific provisions to ensure that privacy, wind mitigation, access to sunlight, outlook, view sharing and ventilation can all be enhanced and or maintained as density and building heights increase:</p> <ul style="list-style-type: none">Develop a town centre building setback mapFront setbacks are nil (zero) unless noted otherwise on the building setback mapWhere it is not possible to meet the prescribed setback, new buildings should align with adjoining setbacksSun shading devices, awnings and Juliet balconies may project beyond the setbackBuildings may be built to the side and rear boundary below the street wall height <ul style="list-style-type: none">Building Separation <p>Analysis</p> <p>Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not nominate building separation for commercial buildings. Building separation for residential development is covered via controls within Section 6 – Residential Development.</p> <p>The recommended changes to the LEP building height limits will allow buildings up to 4 storeys along Bridge Street and the surrounding blocks within the study area. Larger sites within the study area are prime for medium density residential and commercial development where building separation will be required to allow amenity and ventilation to floor plates.</p> <p>Recommendations</p> <p>Consider the following development provisions within the Town Centre DCP to achieve adequate ventilation, outlook, daylight, view sharing and privacy between buildings as the town centre grows:</p> <ul style="list-style-type: none">Minimum building separation up to a 16m height for a site 'through link' nil to 6m <p>Greater density within Precinct 1 in line with the recommended rezoning of the Library Block from B2 local centre to B4 mixed use may require more controls around building separation if buildings within this block exceed 16m. Maximum building height and therefore building separation to the Library Block will be refined and established within the Precinct 1 masterplan which is being carried out as a separate body of work to this report.</p> <p>New residential developments will fall under SEPP 65: Residential Flat Design Code.</p>	<ul style="list-style-type: none">Building Depth and Bulk <p>Analysis</p> <p>Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not nominate controls on building depth and bulk. At present there are only a few buildings within the Muswellbrook Town Centre with large floor plates (RSL, Marketplace). However, the recommended LEP changes to zoning, building height and floor space ratio will permit buildings of greater bulk and depth in order to promote increased residential and commercial activity in a compact, lively town core.</p> <p>Setting a maximum size of floor plates will be important to ensure new buildings achieve good internal amenity and the building bulk and depth relate to the desired urban form and existing streetscape of the Muswellbrook Town Centre as this desired growth and increased density occurs.</p> <p>Recommendations</p> <p>Consider the following development provisions within the Town Centre DCP to ensure new buildings achieve good internal amenity and the building bulk and depth relate to the desired urban form and existing streetscape of the Muswellbrook town centre:</p> <ul style="list-style-type: none">Buildings with large floor plates should be expressed as separate buildingsFloor plates should be flexible and allow for multiple usesBuildings to not exceed the maximum building depth and floor plate size outlined below:<ol style="list-style-type: none">Campus style commercial building<ul style="list-style-type: none">Maximum Building Depth – 25mMaximum GFA – 2,500sqmMedium Density Residential Building<ul style="list-style-type: none">Maximum Building Depth – 18mMaximum GFA – 900sqm	<ul style="list-style-type: none">Building Exteriors <p>Analysis</p> <p>Section 9 – Local Centre Development within 9.1.1 Building Design stipulate the following controls that relate to building exteriors:</p> <ul style="list-style-type: none">The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area)Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc. <p>However, Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not provide specific performance criteria and controls for building exteriors. As Muswellbrook is an area undergoing change it is not appropriate to simply relate to and reference adjoining buildings. Catalyst projects and anticipated new developments form part of the strategy to promote increased residential and commercial activity in a compact, lively town core.</p> <p>Controls pertaining to the future desired character of the precinct are required to be developed to allow and encourage new buildings to be high quality and diverse in nature, creating visual richness within the town centre whilst respecting heritage and the existing streetscape.</p> <p>Recommendations</p> <p>Consider the following development provisions within the Town Centre DCP to ensure the exterior of new buildings feature high quality design, respond to adjoining buildings and make a positive contribution to the streetscape and public domain:</p> <ul style="list-style-type: none">Building exteriors clearly define the street edge, street corner and or public spaces and allow for ease of pedestrian navigationFacades do not incorporate large expanses of a single materialA materials and finishes board shall be submitted for all large scale developments to show the rational for, and quality of, materials chosenIf a blank wall is unavoidable, an interesting visual treatment or artwork must be appliedDo not reference but consider adjoining buildings in terms of setbacks, materials, façade proportions and detailing
---	---	--

<ul style="list-style-type: none">The Design of Parking, Structures, New Streets and Laneways	<ul style="list-style-type: none">Access network	<ul style="list-style-type: none">Views and vistas
<p>Analysis</p> <p>The existing disjointed parking lots around the central town centre (as shown in the adjacent diagram) limits demand where it is most required, as well as inhibits public enjoyment of the centre. The parking study conducted in 2010 reveals some 350 council owned off street parking spaces which at the time, largely serviced the needs of the centre.</p> <p>As the town centre increases in residential and commercial density, consolidated parking structures should be considered to encourage centre visitors and workers to stay through long term parking options. This could be positioned adjacent to the rail corridor to provide a noise buffer and short, accessible, safe pedestrian connections to Bridge Street as highlighted in the Traffic Parking and Connections diagram.</p> <p>The benefits of consolidated parking include:</p> <ul style="list-style-type: none">Improved pedestrian links from carparks to Bridge StreetIncreased incentives for developersIncreased incentives for businesses: public and privateThe ability for council to 'unlock' land that is under utilised as parking lots as key development sites within the town centre <p>Further to this, city blocks adjacent to the rail line between Hill and St Heliers Streets should be considered for future car parking demand as required.</p> <p>The Design of Parking and Structures and New Streets and Laneways in a town centre DCP would not replace Section 16 – Car Parking and Access of the Muswellbrook Shire DCP. Additional controls pertaining to the future desired character of the precinct are required to ensure the character of the town centre can be achieved whilst accommodating increased parking without the loss of amenity to the public domain.</p> <p>Recommendations</p> <p>New Streets and Laneways will be required to improve service and parking access to the proposed consolidated car parking, including pedestrian links. Consider the following development provisions within the Town Centre DCP:</p> <ul style="list-style-type: none">Develop a town centre 'new streets, laneways and pedestrian connections map'New laneways, streets and pedestrian links are to be provided as per the town centre streets, laneways and pedestrian connections mapRestrict all carpark entries from Bridge StreetDesign basement carparks and entry ramps to provide protection against floodingDevelopment Contributions are payments made by developers to enable Council to construct or provide public amenities and services as required. Nominated public amenities and services including carparking facilities are to be funded by collected development contributions.	<p>Analysis</p> <p>Streets and laneways can be used to provide safe pedestrian, cycle and vehicular access throughout the town centre. The structure of this network determines how successful movement is throughout Muswellbrook. Pedestrian activity can be encouraged by developing connected, legible and fine-grained street and lane networks. Safe, attractive and connected networks promote active transport and more activity within the town centre is linked to higher retail spending.</p> <p>Analysis</p> <p>The Walk and Cycle Plan for Muswellbrook & Denman commissioned in 2009 provides a number of strategies and recommendations including proposed Walk and Cycle Network Maps. Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not incorporate these recommendations and design standards. Additional controls pertaining to the future desired character of the precinct are required to ensure the vision and recommendations of the Walk and Cycle Plan can be achieved within the Muswellbrook town centre.</p> <p>A Public Domain Manual has also been commissioned by council in response to the Muswellbrook CBD Strategic Plan. The purpose of the manual is to provide urban design guidelines and information to assist designers, developers and council in the construction of public domain works. Additional controls within the town centre DCP can ensure the continued 'roll out' of these public domain upgrades that have demonstrated to be a positive addition to the Muswellbrook town centre.</p> <p>Recommendations</p> <p>Consider the following development provisions within the Town Centre DCP to ensure safe pedestrian, cycle and vehicular access throughout the town centre:</p> <ul style="list-style-type: none">Develop a town centre 'Access Network plan' based on the maps and recommendations of the 2009 Walk and Cycle Plan and the Accessibility diagram in this reportNew buildings must retain or design around the proposed lanes and links shown on the 'Access Network Map'All new through site links and pedestrian paths should be designed in accordance with the Muswellbrook CDB 2012 Public Domain ManualWay finding signage to both pedestrian and cycle routes is to be incorporated and clearly definedLanes and through site links must maintain clear sight lines from end to endDevelopments adjacent lanes or pedestrian paths should include active frontages and appropriate lightingBlank walls and solid fencing that inhibit surveillance are to be avoidedSet minimum dimensions of laneways, links and through site connections on the 'Access Network Map'Pedestrian crossings should be located to ensure direct line of travel for pedestriansCommercial developments are to include end of trip cycling infrastructure	<p>Analysis</p> <p>Four historically significant churches are located within the Muswellbrook Town Centre with the church spires visible from several locations in town. In addition to this a large number of heritage items along Bridge Street contribute to the historical character of the main street. Views to these significant buildings can set up a framework for locating nodal points and place-making within the town centre as highlighted in the adjacent Civic and Heritage diagram.</p> <p>Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not provide controls and performance criteria to protect and enhance significant views within the town centre. The recommended LEP changes to zoning, building height and floor space ratio will permit buildings of greater bulk and depth in order to promote increased residential and commercial activity in a compact, lively town core. As Muswellbrook undergoes this change of greater density and height it is not appropriate to simply rely on developers of individual sites to respect important views and vistas.</p> <p>Recommendations</p> <p>Consider the following development provisions within the Town Centre DCP to maintain sightlines and promote view sharing:</p> <ul style="list-style-type: none">Develop a town centre 'Views and Vistas plan' based key sight lines to be maintainedNew developments in the vicinity of heritage items are to ensure sightlines are preserved as per the Views and Vistas planAlign new buildings to maximise view corridors and opportunities for place makingWhere there are potential impacts on views and vistas new developments are to submit a visual impact assessment as part of a DA submission. Identifying views in their existing state and the proposed development impact in the form of photomontages to assess the impact on that view



<ul style="list-style-type: none">• Addressing the Street <h3>Analysis</h3> <p>As stated above Section 9 – Local Centre Development within 9.1.1 Building Design stipulates controls that relate to the desire to attain safe, lively and active frontages. Also within Section 9, section 9.1.4 Accessibility ensures that equitable access is provided to all new developments.</p> <p>Despite the above controls Muswellbrook has a relatively weak edge condition as highlighted in the Level of Activity diagram. The existing Muswellbrook Town Centre is also relatively low density with majority of the housing within the study area being standalone, low density residential.</p> <p>As the town centre increases in residential and commercial density there will be a shift away from single storey low density to medium density residential. To ensure the increased density within the town centre makes a positive contribution to the public domain, controls pertaining to the future desired character of the precinct are required to ensure all new developments address the street in a positive manner. This in turn will increase the liveliness and walkability of the town centre.</p> <h3>Recommendations</h3> <p>Consider the following development provisions within the Town Centre DCP to ensure new buildings positively contribute to the safety and quality of the public domain:</p> <ul style="list-style-type: none">– Incorporate active frontages wherever possible– Ground floor internal uses to be visible from the street– Building name and or number to be well designed and easily identifiable– Well lit building entries– Entries to be the same level as the adjacent footpath– Optimise opportunities for direct surveillance of the street	<ul style="list-style-type: none">• Active Street Frontages <p>Interesting and safe pedestrian environments are attained in part by active street frontages. Shops, offices, studios, cafes and community facilities provide the most active street fronts.</p> <h3>Analysis</h3> <p>Section 9 – Local Centre Development within 9.1.1 Building Design stipulates the following controls that relate to the desire to attain active frontages:</p> <p>(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</p> <p>(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>Despite the above controls Muswellbrook has a relatively weak edge condition as highlighted in the Level of Activity diagram. Controls pertaining to the future desired character of the precinct are required to be developed to ensure new developments within the town centre add to the vitality and liveliness of the street.</p> <h3>Recommendations</h3> <p>Consider the following development provisions within the Town Centre DCP to achieve active frontages:</p> <ul style="list-style-type: none">– Develop a town centre 'Active Street Frontages Plan' with highlighted active nodes for place-making– Active frontages are to be provided by all new developments as per the Active Street Frontages Plan'– Active street frontages account for at least 70% of the primary street frontage– New buildings should minimize fire escapes, service doors and car park entries– New buildings should avoid blank walls– Street frontages are to be activated with one or more of the following<ul style="list-style-type: none">– cafes and restaurants– retail shop fronts– commercial shop fronts– active office uses– entries and lobbies– community facilities– residential entries– other uses that actively overlook the street– Ground floor level is at the same level as the footpath
<ul style="list-style-type: none">• Public artwork <h3>Analysis</h3> <p>Muswellbrook Shire Council has a Public Art Policy and Procedure (2011). Despite this the Muswellbrook Shire DCP does not make mention of public art. Community consultation undertaken by council on the 12th of April 2016 revealed a desire for more monuments and public art within the town centre.</p> <p>Public Art is a defining quality of stimulating and successful town centres. Public artwork can be integrated into the town centre fabric in a number of ways, such as carpark screening, stormwater treatment and water collection.</p> <p>As the town centre increases in residential and commercial density there is an opportunity to capitalise on new developments by introducing controls and performance criteria on new developments to contribute to and or provide public artwork.</p> <h3>Recommendations</h3> <p>Consider the following development provisions within the Town Centre DCP to increase public artwork within the public domain:</p> <ul style="list-style-type: none">– Developer Contributions. Public and civic buildings developed on key sites are to allocate a percentage of the capitol development cost towards public artwork for the development– Council to be consulted on the design and location of all public artwork– Artwork can be integrated into the design of architectural features such as screens, facades and roof features– Interpret heritage within the town centre with public artwork– Laneway artwork and murals to link pedestrian routes within the town centre– Public murals on prominent facades within the town centre <ul style="list-style-type: none">• Sun access to public places <h3>Analysis</h3> <p>Section 9 – Local Centre Development of the Muswellbrook Shire DCP does not provide specific controls on sun access to public squares. As the town centre increases in residential and commercial density there will be more demand placed on shared public spaces within the town centre. The community consultation undertaken by council on the 12th of April 2016 revealed a desire for a green space / park in the town centre. To ensure reasonable sunlight is provided to all new town squares and public spaces within the town centre controls pertaining to sunlight access could be introduced.</p> <h3>Recommendations</h3> <p>Consider the following development provision within the Town Centre DCP to ensure reasonable sunlight access is provided to new and existing public spaces:</p> <ul style="list-style-type: none">– Locate and map out all significant public spaces within the town to ensure new neighboring developments will not overshadow the public domain– All public spaces are to receive a minimum of 2 hours sunlight access during mid-winter between 9am – 3pm. Shadow diagrams are to be submitted with all Development Applications to demonstrate that the minimum sunlight access is achieved	

<h3>8.4.3 Town Centre Heritage Controls</h3> <p>Controls on heritage sites should ensure buildings are sympathetic to heritage values, and or sympathetic to heritage building on adjacent sites. The recommendations in this section are in addition to the existing Heritage Conservation controls outlined in Section 15 of the DCP to allow and promote greater density and diversity specific to the Muswellbrook town centre.</p> <p>The following heritage building performance criteria could be included in the town centre DCP:</p> <ol style="list-style-type: none">1. Setbacks – Building exteriors respond to adjoining buildings2. Encourage new uses for heritage items3. Infill development enhances and conserves cultural significance of heritage items and their settings4. Alterations and additions to respond to appropriate heritage fabric <ul style="list-style-type: none">• Setbacks – Building exteriors respond to adjoining buildings <p>Upper level additions can be effective ways of maintaining heritage items whilst encouraging new uses and increasing desired density. Proposals for dominant or inappropriate upper level additions might be considered unacceptable, regardless of whether adjacent buildings are originally two storeys or more.</p> <p>Heritage specific setbacks performance criteria can aid in ensuring street character, laneways and general curtilage conditions are maintained. Proposed upper floors should be set back from the existing perimeter walls and parapet (if the building style incorporates a parapet) to minimise the visual impact of new additions when viewed from the street. Considered selection of colours, materials and finishes to additions can also reduce the visual impact and add to its success.</p> <p>The proposed street wall heights are not a strict requirement, however should be considered in planning and design for the development site and locality.</p> <p>New infill developments adjacent to heritage items should also apply upper level setbacks where appropriate to ensure positive character and scale at the street is maintained and is sympathetic to the character of adjacent existing heritage buildings.</p>	<p>When planning and designing a proposal for new uses, considerations should include:</p> <ul style="list-style-type: none">— protection and conservation of the existing form, scale, detail and character of buildings of significance or of a contributory nature, for future generations— retention of important features and detail of buildings, both internally and externally.— enabling new developments that recognise and respect the history and heritage significance of an item or place, while responding to existing and new business requirements— encouraging the revitalisation of commercial activity at street ground level— the removal of existing non-contributory or intrusive fabric. <p>Acceptable design solutions may include:</p> <ul style="list-style-type: none">— New building envelopes / additions that expand the existing envelope whilst minimising the visual impact on heritage items and cultural significance (can be controlled by setbacks). <ul style="list-style-type: none">• Infill development enhances and conserves cultural significance of heritage items and their settings <p>Infill development within the Muswellbrook Town Centre must respond to the design and built form of existing adjacent heritage items to achieve a unified relationship between new and old in the streetscape.</p> <p>When planning and designing a new infill development the proposal should take into account:</p> <ul style="list-style-type: none">— attaining diversity and variability of uses and form in a unified and respectful manner— encouraging innovation within the framework of the existing heritage context— respect adjacent heritage items and context through considered design— the articulation of the built form and facades with reference to their context without replicating them— the existing palette of colours, finishes and materials, without replicating them <p>The red building shown in the infill development diagram is a development whose design would benefit from consideration of the existing buildings adjacent and opposite. The outcome of analysis can be a new and original building that sits at ease in the streetscape without replicating its heritage neighbours. Acceptable design solutions may include:</p> <ul style="list-style-type: none">— aligning elements such as cornices, eaves and parapets— complementary colours, finishes and materials— responding to pattern, scale, form or rhythm of existing adjacent buildings— respond to the scale and height of the directly adjacent buildings and the average height for the street— the existing palette of colours, finishes and materials, without replicating them
---	--

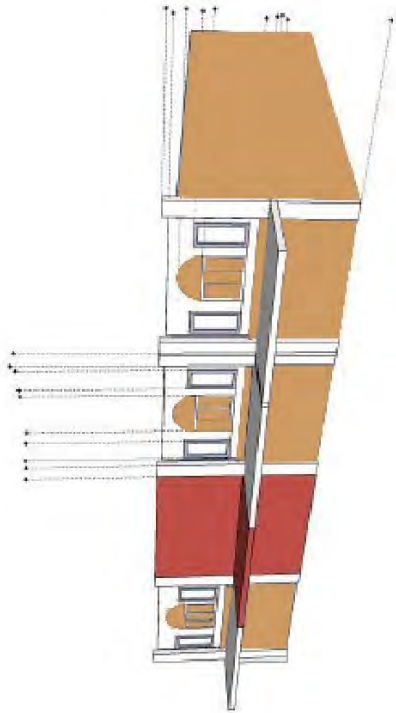
Alterations and additions to respond to appropriate heritage fabric

The opportunities to extend a building within the Muswellbrook Town Centre will more often be at the rear of a lot, particularly if laneway access is made available via the proposed consolidated parking along the railway line. In designing alterations and additions the following should be considered:

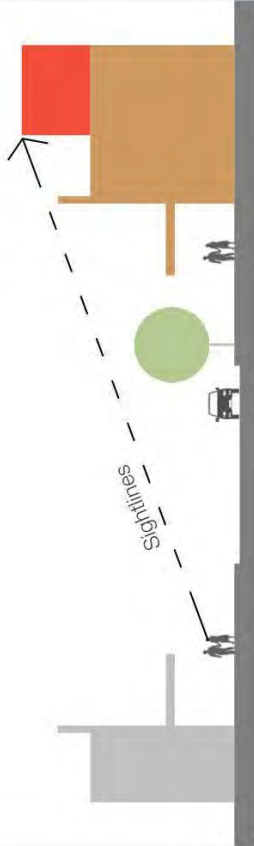
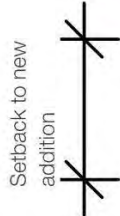
- the items listing, significance and cultural value
- the existing historic and character patterns that occur in adjoining buildings
- minimising removal of historic urban fabric
- preserving noteworthy trees and landscaping
- ensuring that the significant heritage item continues to be viewed as the main building on the site
- considered siting of the proposed addition
- considered form, materials and detailing
- the removal of previous, intrusive additions

Acceptable designs for alterations and additions may include:

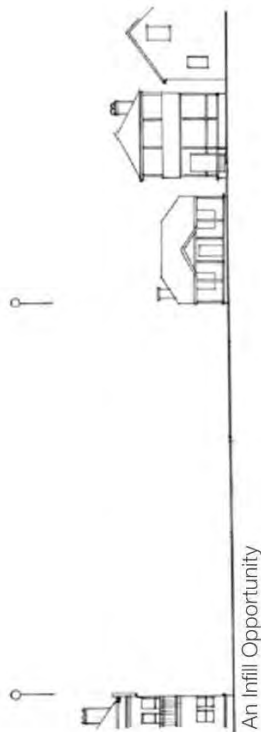
- Alterations and additions and new uses encourage adaption that is low maintenance and has minimal impacts on heritage items
- Alterations and additions are designed as contemporary new works that are readily identifiable from heritage items, responding to but not copying forms and architectural details. Design solutions may include:
 - position: addition is located to the rear or where it is not possible to setback addition from the street
 - scale: the design is proportionally in keeping with the existing
 - height: the addition should not be seen as taller than the existing or should be setback from the street
 - glazing: glazed voids between new additions and old works
 - lighting: using lighting to enhance and highlight a heritage item
 - shadow lines: the use of shadow lines to delineate old from new
 - patterns and detail: without replicating the design should appropriately reference existing proportions, patterns and scale of both the building and streetscape
 - streetscape: avoid placing services such as tanks and solar panels facing into the street



Infill Development



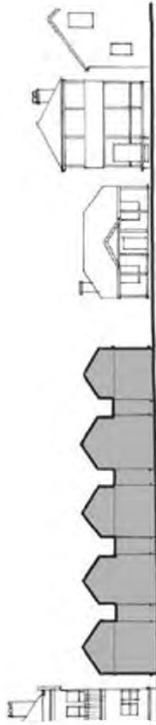
Sightlines, Alterations and Additions



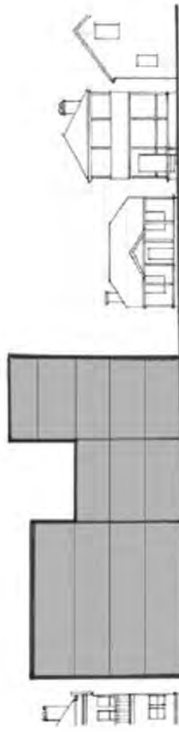
An Infill Opportunity



New but informed by existing patterns

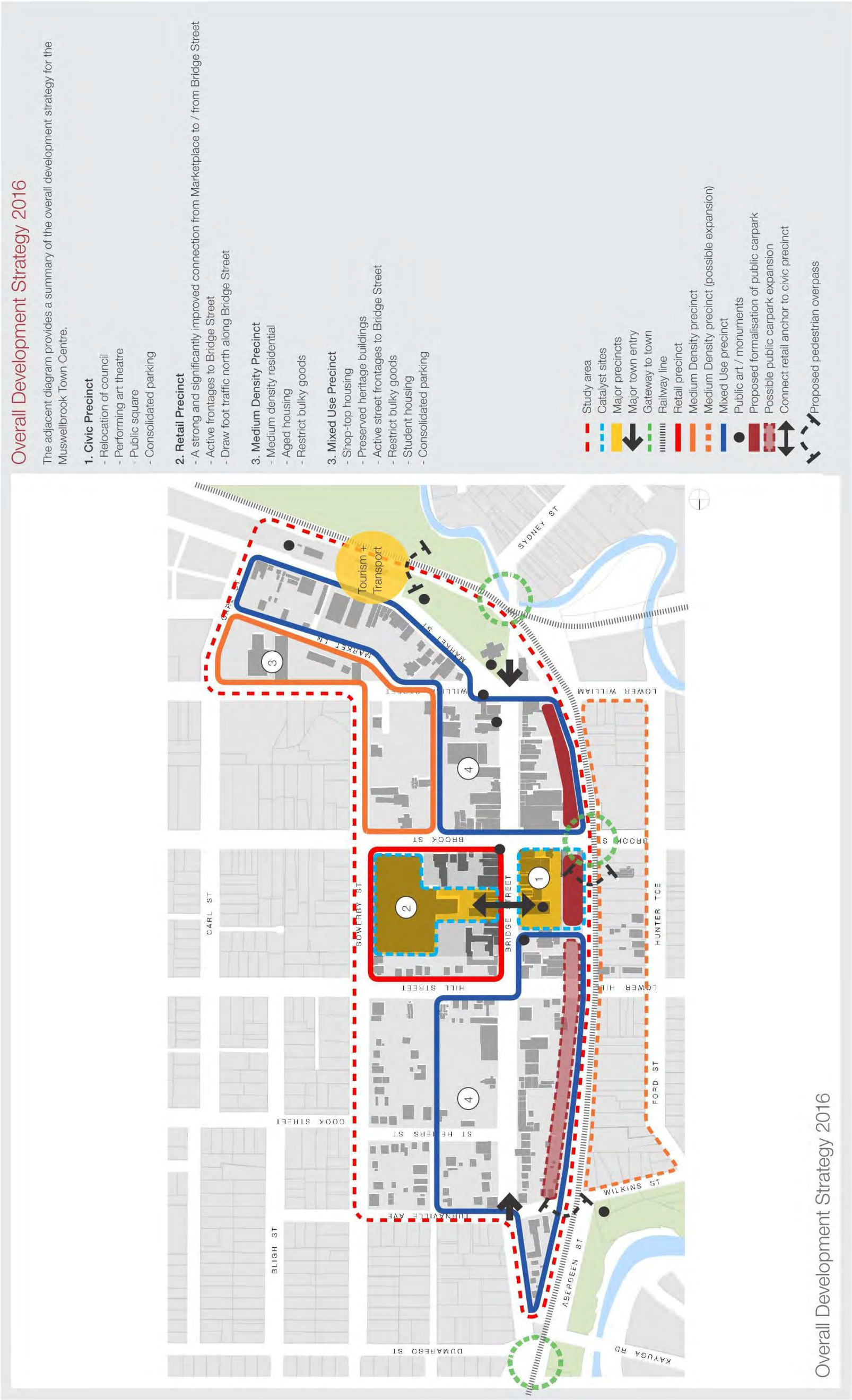


Inappropriate scale, repetition and motif



Inappropriate massing and horizontality

New Infill Development



9. Muswellbrook Town Centre Strategy Action Table

This section provides the key steps required to achieve the objectives of this strategy plan. The overarching strategies / steps to achieving council and community objectives are reiterated on the facing page.

Muswellbrook Town Centre Strategy Action Table			
Key Strategic Direction	Objective	Actions	Responsibility
1. Key Landuse Outcomes	Increase medium density residential, aged housing, student housing and shop-top housing in the town centre	Prepare a Town Centre Housing Strategy to encourage CBD activity	Planning (P)
		Amend Muswellbrook LEP 2009 to enable these identified housing outcomes	P
		Engage with the Muswellbrook Chamber of Commerce (MCC) to develop a program of enhancement of existing residential units in the town centre	Property & Building (PB)/Economic Development (ED)/MCC
	Restrict incompatible landuses within the town centre	Amend Muswellbrook LEP 2009 to restrict the incompatible uses	P
	Enhance community activity and respite in the town centre	Develop a plan for the achievement of a new Town Square	PB/ED
		Prepare a redevelopment plan for Simpsons Park	PB/ED
	Maintain and enhance Government service provision in the centre	Advocate or provide Government service centre in redevelopment of Council property in precinct 1	PB/ED
	Provide for increased cultural facilities in the centre	Plan for relocation of the Council Administration Offices to the Town Centre as a catalyst project, promoting stronger presence and connection with the town	PB/ED
		Plan for development of a Performing Arts Centre in Precinct 1	PB/ED
		Partner with the MCC to develop a marketing package for promoting development of new businesses	PB/ED/Tourism
2. Improved Urban Design	Ensure high quality new and redevelopment in the centre including retention of a strong built edge with active ground floor uses to both sides of Bridge Street	Conduct a "Move to Muswellbrook" programme with the State Government to encourage decentralisation of businesses	PB/ED
		Establish enabling development standards and development controls as DCP provisions in Muswellbrook DCP 2009 specifically for the town centre	P
		Review the Public Domain Manual following completion of Stage 6 to ensure currency and relevance for ongoing development	Community Infrastructure (CI)
	Strengthen and significantly improve connection from Marketplace to/from Bridge Street	Prepare a Town Centre Landscape Plan, considering CBD Master Plan and the Public Domain Manual, which specifies species of plants and trees within the CBD	CI
		Partner with Marketplace owners to develop a plan for improved connection with all ability access, active commercial frontages, high quality design, and weather protection	PB/ED
	Create a sense of arrival at the entries to the town centre	Investigate provision of gateway elements to create a sense of arrival at nominated locations at entries to the centre	CI

Muswellbrook Town Centre Strategy Action Table			
Key Strategic Direction	Objective	Actions	Responsibility
3. Improved Heritage Conservation	Preserve and maintain the heritage character of the town centre	Ensure appropriate DCP controls are included to maintain or enhance curtilage around heritage buildings and to maintain view corridors to such buildings	P
		Consider introduction of incentives in the LEP to encourage adaptive reuse of heritage buildings such as bonus FSR or reduced parking requirements.	P
		Develop a program for provision of monuments, artwork and signage to explain and recognise the various elements of Muswellbrook's built, industrial and social history	Heritage Committee
		Pursue development of a rail & mining museum at the Railway Station	PB/ED
4. Enhanced Public Facilities and Services	Develop a program for improved public facilities and services	Investigate development of a performing arts centre and relocation of the Council Administration Centre to the town centre	PB/ED
		Review the location of, and upgrade as appropriate, all public amenities to ensure high quality and readily accessible facilities	CI
		Investigate the capability of the town centre to attract small scale conferences to the town centre	PB/ED/Tourism
		Investigate the suitability of public transport facilities and connections in the centre	PB/ED
5. Improved Traffic Infrastructure and Parking	Ensure high quality traffic facilities throughout the centre Continually monitor parking needs for the centre and provide additional facilities as identified	Examine the opportunity to provide traffic calming and safe pedestrian movement between the proposed new Town Square and the eastern side of Bridge Street	CI
		Plan for consolidated parking and access along the entire railway frontage behind the town centre	CI
		Examine the opportunity to provide long term angled parking in Hunter Terrace for employees in the centre.	CI
		Review parking restrictions to ensure appropriate availability of existing spaces.	CI
		Liaise with the owners of the Marketplace to improve the utility and amenity of the parking in that centre	PB
6. Enhanced Waterfront Connections	Improve connections to the waterfront areas of Muscle Creek and the Hunter River/Karoola Wetlands	Upgrade connections to the Hunter River as per the existing 'Walk and Cycle Plan for Muswellbrook and Denman'	CI
		Provide pedestrian and cycleway links over the railway at nominated locations	CI
	Provide linkages to the gully systems running through the township and develop as linkages to the centre where possible	Prepare a plan for provision of pedestrian/cycle paths through the gully systems	CI



architecture + interior design

Muswellbrook Town Centre Strategy Action Table

Muswellbrook Town Centre Strategy Action Table			
Key Strategic Direction	Objective	Actions	Responsibility
7. Enhanced accessibility and safety	Improve the walk-ability of the Town Centre	Continue to add amenity for pedestrians by the ongoing rollout of the streetscape improvements including footpath renewals in Public Domain Manual 2012	CI
		Establish a program of laneway upgrades, including the provision of lighting, to ensure accessibility and safety for users	PB/ED/CI/MCC
	Encourage the use of bicycles in and around the centre	Develop a program of improved signage targeted at pedestrians for direction and information	CI
		Provide equitable access for all in compliance with the Building Code of Australia and the Disability Discrimination Act 1992.	CI
		Publish a series of walking trail maps for the town centre	CI
		Upgrade connections and bicycle facilities within the town centre as per the existing 'Walk and Cycle Plan for Muswellbrook and Denman' and provide accessible and safe bicycle parking facilities.	CI
8. Improved Environmental Sustainability and Amenity	Encourage the provision and use of public transport	Examine the feasibility of a 'bike share' system and promote cycling for visitors with clear signage to the civic heart and distances to areas of significance	PB/ED
	Improve the public amenity in and around the town centre	Examine the development of a Regional Transport Hub at the Railway Station	PB/ED/CI
		Examine the development of a bus and taxi hub in the town centre	PB/ED/CI
		Pursue the construction of a rail corridor noise attenuation barrier along the entire section adjacent to the town centre	Executive Services (ES)
		Provide public fountains for chilled and filtered water throughout the town centre	CI
Include provisions for environmental sustainability outcomes in the town centre DCP	Document requirements/guidelines for retention of native vegetation, use of renewable energy, harvesting and reuse of stormwater and energy efficiency designs in new development	P	

Muswellbrook Town Centre Strategy Action Table				
Key Strategic Direction	Objective	Actions	Responsibility	
10. Enhanced Economic Activity	Encourage an increase in private investment activity in the town centre	Council investigate the opportunity to create and market development sites after establishing public benefit requirements from its current building stock	PB/ED	
		Council to explore the opportunity to establish Private Public Partnerships to achieve an increase in overall investment in the town centre	PB/ED	
		Establish a marketing program to promote the overall Strategic Direction for the Town Centre and it's future development opportunities	PB/ED	
	Establish a programme of building stock upgrade to raise the presentation of the centre	Council to liaise with the Chamber of Commerce to establish a programme focussed on achieving an upgrade and increased utilisation of the existing building stock, including a coordinated painting scheme	PB/ED/MCC	
	Examine the opportunity to establish new business encouragement and activity programmes	Consider the establishment of a program like "renew Newcastle" to facilitate the establishment of new local business and increase use of existing vacant building stock	PB/ED/MCC	
		Investigate the establishment of a program to increase business vitality in the centre similar to the "Vibrant Spaces" program recently conducted in Taree	PB/ED	



architecture + interior design

10. References

- JBA, Urbacity (2014). DRAFT Muswellbrook Town Centre Urban Design Framework
- Clifford, C (July, 2015). Mt Arthur job cuts imminent. Muswellbrook Chronicle. Retrieved from: <http://www.muswellbrookchronicle.com.au/story/3183686/mt-arthur-job-cuts-imminent/>
- Virtue, R. (March 2016). What is next for Muswellbrook after further mining job losses? ABC 1233, Newcastle. Retrieved from: <http://www.abc.net.au/news/2016-03-17/where-to-for-muswellbrook-after-mining-job-cuts/7250180>
- Muswellbrook, Artwork by Max Watters. Muswellbrook Regional Arts Centre, Max Watters Collection (2015) Retrieved from: www.muswellbrookartscentre.com.au
- Google Maps Street View (2016). Retrieved from: <https://www.google.com.au/maps/place/Muswellbrook+NSW+2333/@-32.2615985,150.8895006,16z/data=!4m5!3m4!1s0x6b0b607e0b8a8d91:0x40609b49043880018m2!3d-32.2848467!4d150.9049638>
- Apartment Design Guide (June 2015). State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments. Sydney: NSW Department of Planning and Environment.
- Muswellbrook Local Environmental Plan 2009. NSW Government. NSW Legislation, Retrieved from: <http://www.legislation.nsw.gov.au/#/view/EPI/2009/129>
- Muswellbrook Council Development Control Plan 2009, Muswellbrook Shire Council, Retrieved from www.muswellbrook.nsw.gov.au
- Hunter Regional Plan, 2036 (October 2016)

10.7 NSW PLANNING REFORMS – ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Pathum Gunasekara - Strategic Planner
Community Plan Issue:	<i>Plan liveable and sustainable urban areas</i>
Community Plan Goal:	<i>Sustainable planning, design and regulation support community needs</i>
Community Plan Strategy:	<i>Improve strategic Planning Processes and Deliverables</i>

PURPOSE

The purpose of this report is to inform Council of the release of the Environmental Planning and Assessment Amendment Bill 2017 for public exhibition and seek Council delegation to the General Manager for the making of a submission in response to the above Bill.

OFFICER'S RECOMMENDATION

That Council delegate the General Manager with responsibility for making a submission on behalf of Council to the NSW Government on the Environmental Planning and Assessment Amendment Bill 2017.

Moved: _____ **Seconded:** _____

REPORT

On 9 January 2017, the Minister for Planning NSW released the Environmental Planning and Assessment Amendment Bill 2017 (the Amendment Bill 2017) for public exhibition. The exhibition will conclude on the 10 March 2017.

In July 2012 the NSW Government released a Green Paper, *A New Planning System for NSW*, which proposed major changes to the planning system. This was followed by a "White Paper" and draft planning legislation (the Planning Bill 2013 and the Planning Administration Bill 2013) in April 2013 for public consultation. Both Bills were however dropped by the NSW Government after significant amendments were made in the Upper House.

The proposed changes in the Amendment Bill 2017 build on some of the proposals in the abovementioned Planning Bill 2013 together with a range of new measures claimed to *improve and modernise the current NSW planning system*.

The following table illustrates the objectives of the proposed updates to Environmental Planning and Assessment Act 1979 (EP&A Act):

Objectives		Initiatives
Community participation	Enhancing community involvement in the key decisions that shape our cities, towns and neighbourhoods	Community participation plans
		Community participation principles
		Statement of reasons for decisions
		Stronger consultation requirements for major projects
		Up to date engagement tools
		Early consultation with neighbours
Strategic planning & better outcomes	Continuing to improve upfront strategic planning to guide growth and development	Local strategic planning statements
		Regular local environment plan (LEP) checks
		Standard development control plan (DCP) format
		Optional model DCP provisions
		A new design object
		Design-led planning strategy
		Enforceable undertakings
		Improved environmental impact assessments
		Fair and consistent planning agreements
Probity and accountability in decisions	Improving transparency, balance and expertise in decision-making to improve confidence and trust in the planning system	Discontinuing Part 3A arrangements
		Directions for local planning panels
		Improved environmental impact assessments
		Ensuring delegation to council staff
		Refreshed thresholds for regional development
		Independent Planning Commission
		Model codes of conduct for planning bodies
		Preventing the misuse of modifications
		Clearer powers to update conditions on monitoring and environmental audit
Simpler, faster planning	Creating a system that is easier to understand, navigate and use, with better information and intuitive online processes	Efficient approvals and advice from NSW agencies
		Standard DCP format
		Optional model DCP provisions
		Improved complying development pathway
		Transferrable conditions
		Fair and consistent planning agreements
		Simplified and consolidated building provisions

The key reforms are proposed by the Amendment Bill 2017 is discussed below:

1. Community Participation

The Bill proposes that planning authorities (including local councils) will be required to prepare community participation plans explaining how the planning authority will engage the community in plan-making and development decisions.

In preparing community participation plans, councils will be required to have regard to the prescribed community participation principles under the EP&A Act. Councils will also have the flexibility to apply these principles in the way that best suits their communities and the types of developments occurring in their local areas. The Bill outlines the community participation principles as follows.

- The community has a right to be informed about planning matters that affect it.
- Planning authorities should encourage the effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

As a part of the introduction of the requirement for community participation plans, it is also proposed to update the current minimum public exhibition requirements. For example, all applications for consent for local development will be required to be exhibited for a minimum of 14 days. Currently, councils have some discretion over whether to exhibit such applications.

To reduce the duplication for local councils, the amendments specify that a council does not need to prepare a separate community participation plan if it can meet the EP&A Act requirements through the broader community engagement strategy it has prepared under the Local Government Act 1993, to meet the requirements of Integrated Planning and Reporting Framework (IPRF).

In addition, the Bill proposes to introduce strong consultation requirements for major projects. In the case of State Significant Development, applicants will be required to demonstrate initial community consultation outcomes prior to lodgement of an application. This forms a part of the environmental impact statement.

Among the other amendments, it is proposed to introduce a 'statement of reasons for decisions'. Decision makers, including councils, will be required to provide reasons for their decisions. The statement of reasons should be proportionate to the scale and impact of decision, where less complex projects can have a simple statement of the reasons whilst more complex projects will require detailed information about how the decision was made.

2. Strategic Planning

The Amendment Bill requires councils to develop and publish 'local strategic planning statements' which will:

- tell the story of the local government area and set out the strategic context within which the Local Environmental Plan (LEP) has been developed, including the rationale behind the application of zones and development controls.
- explain how strategic priorities at the regional and/or district level are given effect at the local level through LEPs and Development Control Plans (DCPs).
- incorporate and summarise landuse objectives and priorities identified through the council's Community Strategic Plan process.

Local strategic planning statements will not be part of the LEP itself, but will help explain the LEP and DCPs. They will provide the strategic context and rationale for local planning controls. The Local Strategic Planning Statements would complete the line of sight from regional and district plans. They will need to be consistent with regional and district plans, and may develop the policies and actions in those plans in greater detail at the local or neighbourhood level.

The statements should reflect and promote the themes of the Council's Community Strategic Plan as they relate to land use planning. Councils will be able to draw on land use strategies prepared under their Community Strategic Plans in developing the local strategic planning statements. The statements intend to bring together these different plans into one succinct document that sets out the story of, and vision for, the local area.

The Local Strategic Planning Statements will be developed and finalised by local councils in consultation with stakeholders including state government agencies and will need to be endorsed by the Department of Planning & Environment (DP&E) in order to inform rezoning decisions and guide development.

In addition, the EP&A Act does not specify how often LEPs must be reviewed. Therefore, the Bill proposes that all councils will be required to undertake a five-yearly LEP check against set criteria. The criteria include demographic changes in an area, infrastructure investments, implication of regional/district plan and number of planning proposals etc. The check may result in planning proposals for minor amendments or comprehensive LEP reviews.

The Bill also proposes to introduce a standard format for DCPs across the NSW. Standardising the structure and format of councils' DCPs will make them easier to understand and navigate. The standard format will be developed in consultation with councils to ensure that DCPs have the right balance of consistency and flexibility. While the format of the DCPs will be made consistent, the content of the DCP provisions will remain a matter for local councils. The Government will develop an online library of model provisions where councils will be able to access and use these model provisions on an optional basis.

3. Local Development

The Amendment Bill proposes a range of initiatives that aims to improve local development assessment processes by encouraging early consultation with neighbours; improving concurrence and referral for integrated development; preventing the modification of a consent where the work has already been carried out and improving the pathway for complying development.

It is proposed to introduce early consultation with neighbours, which will allow them to have inputs at an early stage in the design process avoiding extensive costs and delays to development application processes. The proposed amendments to the EP&A Act will provide a power to make regulations to encourage or require certain activities to be completed before a person lodges a development or modification application. Before making any such regulation, the DP&E will conduct further research to identify current barriers to early consultation, explore possible options and incentives for developers to consult with neighbours and the surrounding community to ensure disputes are resolved prior to a development application proceeding to council. Further, the DP&E will conduct a pilot with selected local councils to trial different incentive mechanisms and administrative approaches.

The Bill proposes a discretionary step-in power for the Secretary of the DP&E in relation to integrated development. The Secretary will be able to provide advice, concurrence or general

terms of approval if there is conflict between two or more government agencies or if an agency has not provided the necessary information within statutory timeframes.

The Amendment Bill 2017 proposes to prevent the use of modification applications in circumstances where works have already been constructed, except in limited circumstances such as to correct a minor error, misdescription or miscalculation. One of the basic principles of the EP&A Act is that a development consent can only be modified to correct minor errors, misdescription or miscalculations; and/or to an extent such that the consent authority is satisfied the development has not significantly changed. This principle ensures that developments are built to be consistent with how they were planned and approved. The reforms states that over time, this principle has been eroded by the granting of retrospective approvals for works that go beyond the original consent.

4. Decision Making

The amendment proposes to increase the use of independent planning panels and creation of a uniform set of rules, responsibilities and functions to ensure consistency in their operation across the State. Under this model, the elected council sets the strategy, policy and standards for development on behalf of their constituents, while technical assessments and decisions are made by independent experts in line with a council's planning framework.

The Minister for Planning will have the power to direct a council to appoint local planning panels and/or to direct that more planning functions are carried out by council staff, in order to address performance or conflict of interest issues. It is anticipated that this would improve the quality and timeliness of planning decisions in the local area or manage conflicts of interest or corruption.

Under the proposed amendments, a local planning panel will comprise three members, with an independent expert chair, another independent expert member and a community representative. The members of the panel will be appointed by the council and determine which planning functions are to be exercised by the panel. Afterwards, the panel will not be subject to the direction or control of council except on procedural matters.

The existing Independent Hearing and Assessment Panels (IHAPs) are established and operated under the provisions in the EP&A Act 1979 or the Local Government Act 1993. The existing IHAPs vary significantly in terms of composition, matters referred to them and accountability to the community. Existing IHAPs, whether established under the EP&A Act or the Local Government Act, will be deemed to be local planning panels with appropriate savings and transitional provisions.

Furthermore, the name of the Planning and Assessment Commission will be changed to the Independent Planning Commission to reflect the independent, expert nature of the Commission and the fact that its role is primarily one of determining State Significant Proposals, rather than providing planning advice. As a result, the Commission will no longer have a statutory function to review development proposals. As the determining authority, it will guide assessments undertaken by the DP&E to ensure that these assessments take into account all issues the Commission wishes to consider.

In addition, thresholds for regionally significant development will be adjusted, which will result in more developments being determined by councils. The basic threshold for regional significant development will be increased from \$20 million to \$30 million.

5. Building Provisions

Building regulation and certification provisions in the EP&A Act describe the requirements for certifying building work from design through to construction and occupation. Together with the Building Professionals Act 2005 and the Home Building Act 1989, these provisions underpin the quality and safety of buildings in NSW. The provisions for building regulation and certification are currently located in different areas within the EP&A Act, as well as in the EP&A Regulation. Ministerial oversight is also divided between the Minister for Planning and the Minister for Innovation and Better Regulation.

The Bill proposes to consolidate building regulation and certification into a single part of the EPA Act to remove confusion. The administration of this new consolidated part will be allocated to the Minister for Innovation and Better Regulation. This change will provide strong oversight of building laws by consolidating responsibility for building within one portfolio.

In addition, there will be new provisions in the EPA Act to ensure that a construction certificate must be consistent with a development consent and that it can be declared invalid by a court if it is inconsistent with a consent (but only if proceedings are commenced within 3 months of the construction certificate being issued).

6. Complying Development

The Amendment Bill proposes to amend the EP&A Act to make it clear that, where a Complying Development Certificate (CDC) does not comply with the relevant standards in the State Policy, it can be declared invalid. Further, the EP&A regulations will be able to specify certain categories of development for which only a council certifier is authorised to issue a CDC. A new investigative power is proposed for councils, whereby councils will be able to suspend building works for up to seven days to investigate whether the works are being completed in accordance with a CDC.

A compliance levy will be established as part of the fee structures for CDCs to support local councils' compliance role, whether CDCs issued by council or private certifiers. The revenue from this levy will be remitted to councils to resource investigation and enforcement activity under the EP&A Act to ensure that CDCs that do not comply with relevant standards can be declared invalid.

7. Planning Agreements

The Bill proposes to introduce a revised practice note, planning circular and ministerial directions to make planning agreements between developers and councils fairer, more consistent and more transparent. If adopted, the direction will require that local councils have regard to specific principles, policy and procedures when negotiating or preparing a planning agreement. The powers of the Minister for Planning to make directions about planning agreements will be broadened in relation to the circumstances in which agreements may be entered into, and the basis on which public benefit can be determined.

8. Design-led planning strategy

The Bill proposes to include a new object in the EP&A Act, promoting good design in the built environment. Design is already a relevant consideration that may be taken into account by decision-makers. However, the design object, if implemented, will ensure that design is considered and balanced with the other objects of the EP&A Act. For example, the promotion of good design will be considered in a framework that also promotes land use planning that encourages economic development and the principles of ecologically sustainable development. This will be the task of decision makers in the context of both strategic planning and development assessments.

DISCUSSION

The proposed planning reforms include some positive changes to local planning such as introduction of Local Strategic Planning Statements, standardisation of DCP structure, enhancing community participation, initiatives to enhance development application processes and improved strategic decision-making etc.

The preparation of *community participation plans* is one of the fundamental changes proposed in relation to local plan-making. The proposed reforms identifies that a council does not need to prepare a separate community participation plans if it can meet the EP&A Act requirements (including proposed community participation principles) through the broader community engagement strategy, it has prepared under the Local Government Act 1993 to meet the requirements of IPRF. Therefore, it is considered that this requirement can be met by community strategic planning process.

The introduction of local strategic planning statements can be seen as a positive step. As stated in the Bill, local strategic planning statements do not form a part of current LEPs and this raises some concerns around its application/validity in decision-making processes. In order to inform rezoning decisions and

guide development, it is required to obtain an endorsement for local strategic planning statements from the DP&E. This approach reinforces an already top-down plan-making process. It also raises the question that the proposed system is also too directive and whether it will give local councils adequate opportunity to determine local strategic planning priorities and initiatives.

The structure of the proposed local planning panels (which will comprise three members, with an independent expert chair, another independent expert member and a community representative) have some aspects of concern. The proposed local planning panels are likely to diminish the role of councils and elected representatives in local planning decisions. In addition, the Planning Minister will be able to impose panels on local councils and there are no clear guideline/criteria for making such decisions to replace councillors with a panel. However, it should be noted that proposed local planning panels are not mandatory. On the other hand, local planning panels will enable elected representatives to concentrate on long-term strategic planning decisions rather day-to-day local development decisions.

The Bill proposes to apply best practice to the application of Voluntary Planning Agreements (VPAs) and standardise the process and contents of VPAs. However, it is also important local councils retain the power and flexibility to negotiate VPAs in ways that are of genuine benefit to local communities. The idea of VPAs is that they provide a means of delivering local infrastructure and amenity required by legislation. Therefore, the legislation needs to remain neutral and fair so local councils can negotiate outcomes that improve and maintain liveability in local communities.

At this stage, there are very limited details available on some proposed reforms such as:

- proposed incentives to developers to encourage early consultation with neighbours and surrounding community,
- proposed compliance levy,
- a proposed increased enforcement powers and responsibilities for councils etc.

All these initiatives require more background research and investigation prior to implementation. Therefore, the DP&E is required to actively engage local councils to collaboratively develop such elements identified in the planning reforms.

CONCLUSION

The majority of proposed changes identified in the EP&A Amendment Bill 2017 are being viewed as positive and will enable Muswellbrook Shire Council to build further improvement in all aspects of planning. The ongoing LEP review and DCP review process will allow us to consider proposed changes to EP&A Act, where possible.

A copy of the EP&A Amendment Bill 2017 and associated key documents (a summary of proposals, a guide to draft Bill and stakeholder feedback) can be found at the DP&E web page: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates>

The EP&A Amendment Bill will be on exhibition until 10 March 2017. In light of timeframe constraints, it is recommended that the General Manager be delegated to make a submission to NSW Government in response to public exhibition of draft Bill emphasising the matters raised in the above report and any other matters raised by councillors in response to this report.

SOCIAL IMPLICATIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Not Applicable.

POLICY IMPLICATIONS

Not Applicable.

STATUTORY IMPLICATIONS

Not Applicable.

LEGAL IMPLICATIONS

Not Applicable.

OPERATIONAL PLAN IMPLICATIONS

Not Applicable.

RISK MANAGEMENT IMPLICATIONS

Not Applicable.

18 ADJOURNMENT INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

19.9 SMALL SITES ENERGY CONTRACT

Item 19.9 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.10 FUTURE FUND ACQUISITIONS

Item 19.10 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 REVISED ORGANISATION STRUCTURE

Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____