

2012/

**REPORT TO** WESTERN REGION JOINT REGIONAL PLANNING PANEL  
22 NOVEMBER 2012

**FROM** SENIOR PLANNER (KENT)

**DATE** 16 NOVEMBER 2012

**ON** DEVELOPMENT APPLICATION  
346 LEEDS PARADE, ORANGE  
EDUCATIONAL ESTABLISHMENT (STUDENT ACCOMMODATION)

**PR18701 - IC12/14171**

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|  |   |
|--|---|
| <b>Application Lodged</b>                  | 10 October 2012 (additional information submitted 19 November 2012)   |
| <b>Development Application No</b>          | DA 349/2012(1)  |
| <b>Plan No/s</b>                           | Leffler Simes Architects 3452 DA01, DA02, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA12, P2 (2 sheets) (12 sheets)       |
| <b>Applicant</b>                           | Blueprint Planning & Development Pty Ltd<br>"Meringa"<br>1035 Table Top Road<br>TABLE TOP NSW 2640                              |
| <b>Owner/s</b>                             | Division of Facilities Management<br>Charles Sturt University<br>Panorama Avenue<br>BATHURST NSW 2795                           |
| <b>Land Description</b>                    | Lot 301 DP 1047282 - 346 Leeds Parade, Orange   |
| <b>Proposed Land Use</b>                   | Educational Establishment (student accommodation)   |
| <b>Value of Proposed Development</b>       | \$9,382,000   |
| <b>Provisions of LEP 2011</b>              | SP2 Infrastructure  |
| <b>Details of Advertisement of Project</b> | Advertised in the Central Western Daily on Saturday, 27 October 2012. The exhibition period closed on Monday, 12 November 2012. |
| <b>Recommendation</b>                      | Approval  |



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**EXECUTIVE SUMMARY**

Approval is sought for the construction and use of an educational establishment (student accommodation) at 346 Leeds Parade, Orange. The land is described as Lot 301 DP 1047282 and is the site of the Charles Sturt University campus. Whilst further information is contained under the heading "The Proposal", a summary of the proposed works includes:

- construction of 99 student accommodation units contained within four two storey buildings
- a single storey administration and common room building
- extension of an existing single storey building for use as a student laundry
- an additional 109 car parking spaces and construction of a link road between the student accommodation complex and the car park
- ancillary works such as the relocation of 'CSU Building 1018', augmentation of services; removal of three trees; and earthworks.

Pursuant to schedule 4A of the Act, the development is required to be determined by a Joint Regional Planning Panel, being the Western Region Joint Regional Planning Panel, due to the development having a capital investment value over \$5 million for Crown development.

This report recommends approval of the subject development. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

**RECOMMENDATION**

That the Western Joint Regional Planning Panel consent to development application DA 349/2012(1) for *Educational Establishment (student accommodation)* at Lot 301 DP 1047282 - 346 Leeds Parade, Orange pursuant to the conditions of consent in the attached draft Notice of Approval.

**SUPPLEMENTARY INFORMATION****THE APPLICATION**

Council's approval is sought for an educational establishment (student accommodation) at 346 Leeds Parade, Orange. The land is described as Lot 301 DP 1047282.

**THE PROPOSAL**

The proposal involves the construction and use of an educational establishment to comprise the following development:

- construction of 99 postgraduate and undergraduate student accommodation units with ensuite contained within four two storey buildings
- a single storey administration and common room building
- extension of the existing single storey 'CSU Building 1069' for extended use as a student laundry

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**The Proposal (cont)**

- an additional 102 car parking spaces to the east of the accommodation complex
- an additional car park for seven spaces (including two disabled car parking spaces) to the immediate east of Building D
- construction of a link road between the student accommodation complex and the main car park
- ancillary works such as the relocation of 'CSU Building 1018', extension of services including water, sewer, stormwater, electricity, natural gas and telecommunications; removal of three trees; and earthworks.

The buildings will be constructed of pre-cast concrete panels with zincalume roof sheeting, a mixture of Colorbond steel Spandek cladding, Colorbond custom orb panels, opal danpalon multicell acrylic cladding, and aluminium framed windows. Building C (the northernmost building) will be sited 5m from the northern dividing boundary with Lot 17 DP 6694, also owned by Charles Sturt University.

The development sites comprise a hockey field (accommodation complex) and an open grassed area (car park), free of significant vegetation. The site is currently serviced by water and sewer, stormwater, electricity, natural gas and telecommunications. Access to the site is gained from Leeds Parade.

**DEVELOPMENT BY THE CROWN**

The subject development application has been made on behalf of Charles Sturt University. Pursuant to Section 89 *Determination of Crown Development Applications* of the Environmental Planning and Assessment Act 1979:

- (1) *A consent authority (other than the Minister) must not:*
  - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

The Panel in determining the application is therefore required to forward a copy of any draft Notice of Approval to the applicant for concurrence prior to the issue of a final determination. Concurrence from the Crown was received on 22 November 2012 and is attached to this report.

**MASTER PLANNING**

CSU has recently prepared a Master Plan for its site in North Orange. The plan seeks to provide a 30 year vision for the campus and will provide a framework to guide the future growth of the campus in terms of spatial planning, the management of demand on infrastructure services, traffic and parking. The Master Plan will also assist with the preparation and consideration of future development applications for the campus.

Whilst the siting of the development is not strictly identified for future residential use in the CSU Master Plan; the location of the accommodation units is in close proximity to existing residential units and therefore creates a residential hub to the north of the teaching campus.



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**MATTERS FOR CONSIDERATION**

Pursuant to sections 78A, 79B, 79C, 111 and 112, the provisions of Section 5a must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. This section includes a requirement to consider any adopted assessment guidelines, which means assessment guidelines issued and in force under section 94A of the *Threatened Species Conservation Act 1995*. Assessment guidelines are in force (see DECC-W "Threatened Species Assessment Guidelines - The Assessment of Significance") which requires consent authority to adopt the precautionary principle in its assessment.

The design as submitted will not have any effect in terms of the matters for consideration under the seven part test. The land directly affected by the development is developed land (a hockey field and an open grassed area), with little significant biodiversity known to be extant on these sites. However, the siting of the proposed development minimises the impact on the site's biodiversity and such impacts can be addressed by conditions (replacing trees for removal with like species in more appropriate locations on the site). There are no known Endangered Ecological Communities (EECs) or EEC remnants within the area directly affected by the proposed development, and no recorded sightings of threatened or endangered species.

Section 79C of the *Environmental Planning and Assessment Act 1979* requires the determining authority to consider various matters, of which those pertaining to the application are listed below.

The proposed development (in particular the link road and car park) is located within 40m of a prescribed stream shown on the map below, which triggers a co-approval obligation from NSW Office of Water (NOW). The applicant has not sought Integrated Development Approval from this Authority. A condition is therefore included requiring consultation with NOW prior to the commencement of construction.



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**PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)****Orange Local Environmental Plan 2011****Part 1 - Preliminary**

This part of the plan is largely administrative in nature and has minimal implications for the proposal.

**Clause 1.2 - Aims of Plan**

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (c) *to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The application is considered to be consistent with the above described aims of the LEP. The proposed development will enhance the character of Orange as a major regional centre whilst creating employment opportunities through the additional accommodation of students on the site. Construction works will be required to comply with relevant standards for the protection of water resources. Landscaping will be carried out in conjunction with the development to complement the landscaped setting of the site.

**Clause 1.6 - Consent Authority**

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP. However, pursuant to schedule 4A of the Act, the development is required to be determined by a Regional Panel. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining this application.



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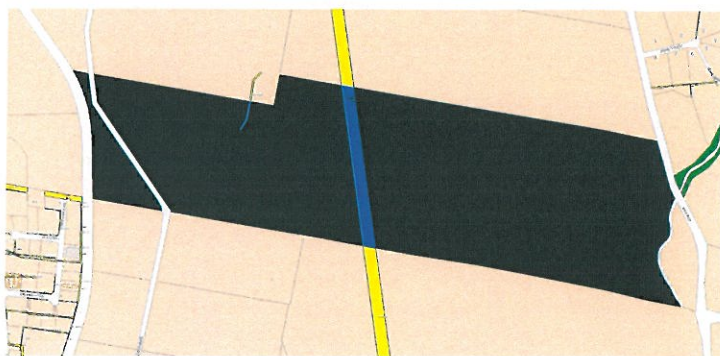
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**Clause 1.9A - Suspension of Covenants, Agreements and Instruments**

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*

The title of the subject property is affected by easements for the purpose of electricity (45m wide) and underground power lines (6m wide). Building works have been sited clear of the easements; however it is proposed to construct vehicle manoeuvring areas and pedestrian footpaths over the underground power line easement. The nature of these works will not preclude future works to these services.

**Mapping**

The subject site is identified on the LEP maps in the following manner:

|                                  |   |
|----------------------------------|---|
| Land Zoning Map:                 | Land zoned SP2 Infrastructure                     |
| Lot Size Map:                    | No Minimum Lot Size                               |
| Heritage Map:                    | Not a heritage item or conservation area          |
| Height of Buildings Map:         | No building height limit                          |
| Floor Space Ratio Map:           | No floor space limit                              |
| Terrestrial Biodiversity Map:    | No biodiversity sensitivity on the site           |
| Groundwater Vulnerability Map:   | Ground water vulnerable                           |
| Drinking Water Catchment Map:    | Not within the drinking water catchment           |
| Watercourse Map:                 | Not within or affecting a defined watercourse     |
| Urban Release Area Map:          | Not within an urban release area                  |
| Obstacle Limitation Surface Map: | No restriction on building siting or construction |
| Additional Permitted Uses Map:   | No additional permitted use applies               |

These matters are addressed in detail in the body of this report.

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**Part 2 - Permitted or Prohibited Development****Land Use Zones**

The subject site is located within the SP2 – Infrastructure zone. The proposed development is defined as an educational establishment under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

An educational establishment is defined as

*a building or place used for education (including teaching) being:*

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

**Clause 2.3** of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned SP2 – Infrastructure zone are as follows:

**1 - Objectives of the SP2 Infrastructure Zone**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed development is consistent with the objectives of the zone.

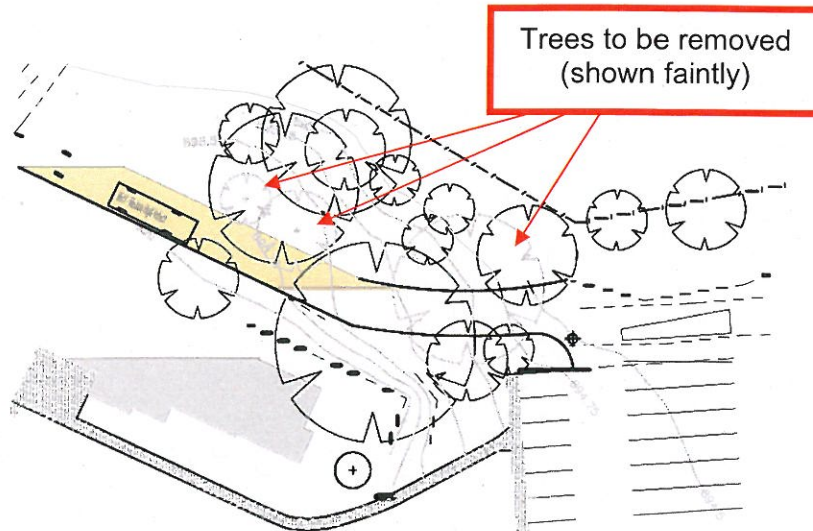
**5.9 - Preservation of Trees or Vegetation**

- (1) *The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*
- (2) *This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.*
- (3) *A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*
  - (a) *development consent, or*
  - (b) *a permit granted by the Council.*
- (4) - (6) *not relevant*

The Statement of Environmental Effects advises: "implementation of the proposal in accordance with the attached plans requires the removal of native and exotic vegetation as shown." The below plan indicates the location of trees to be removed, located along the link road between the existing/new car park and the proposed accommodation complex, as shown on Plan DA02

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### 5.9 - Preservation of Trees or Vegetation (cont)



The tree species comprise a black wattle and two argyle apples, with the latter being subject to a Tree Preservation Order pursuant to clause 5.9 of the LEP. Council's Manager City Presentation advises that the argyle apples are not remnant vegetation and therefore supports the removal of the trees (including the black wattle).



### 5.9AA - Trees or Vegetation Not Prescribed by Development Control Plan

As detailed above, the removal of the black wattle is supported by Council's Manager City Presentation.



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**Part 7 - Additional Local Provisions****7.1 - Earthworks**

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) *the effect of the development on the likely future use or redevelopment of the land*
- (c) *the quality of the fill or the soil to be excavated, or both*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties*
- (e) *the source of any fill material and the destination of any excavated material*
- (f) *the likelihood of disturbing relics*
- (g) *the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*
- (h) *any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

The applicant advises that the earthworks are limited to the extent of cutting and filling required for the building and car park construction areas. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

The site is not known to be contaminated and conditions have been imposed requiring the use of verified clean fill only. The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore the effect on the amenity of adjoining properties is considered to be minor.

The site is not known to contain any Aboriginal, European or Archaeological relics. However, should site works uncover a potential relic or artefact, applicable legislation requires works to be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

The development works are sited within proximity to a waterway, therefore conditions have been imposed to require a sediment control plan to ensure that loose dirt and sediment does not escape the site boundaries.

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**7.6 - Groundwater Vulnerability**

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore consent may not be granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal is therefore considered acceptable.

**STATE ENVIRONMENTAL PLANNING POLICIES**

State Environmental Planning Policy 55 - Remediation of Land applies to the subject development. Pursuant to clause 7 of the SEPP, Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated by means of a preliminary investigation of the land concerned. The Statement of Environmental Effects advises that the site is not known to be contaminated and the proposal is considered to comply with relevant considerations. It is noted that tertiary education has been a long established land use of the site (since 1973). An investigation into land contamination is not required in this instance.

**PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)**

There are no draft environmental planning instruments that apply to the subject land or proposed development.

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**PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)****Development Control Plan 2004**

Orange Development Control Plan 2004 ("the DCP") applies to the subject land. The following sections of the DCP have been identified as being relevant to the application:

- Part 0.4 Tree Preservation
- Part 2.1 Water Quality
- Part 2.4 Flora and Fauna, Biodiversity
- Part 3.2 Scenic, Landscape and Urban Areas
- Part 3.4 Waste Generation
- Part 4.3 Land Shaping
- Part 15.4 Parking Requirements
- Part 15.5 Parking Area Design and Layout
- Part 15.6 Parking Area Construction

**Part 0.4 - Tree Preservation**

As previously addressed, no concern is raised with the removal of trees required for the link road between the accommodation units and the main car park.

**Part 2.1 - Water Quality**

The DCP planning outcomes for stormwater quality include avoiding downstream erosion or sedimentation, promoting onsite detention, and protecting natural watercourses and enhancing stream bank stability. The approach detailed in the applicant's stormwater management report is consistent with the DCP planning outcomes.

The Statement of Environmental Effects (SoEE) prepared by Blueprint Planning advises that:

- the proposal has been sited and designed in a manner that does not contribute to downstream erosion or sedimentation of waterways
- complies with the water and soil erosion control requirements of the Development and Subdivision Code
- incorporates onsite stormwater detention and
- is not located near a waterway.

The development will require all stormwater from the site to be collected and piped to the existing watercourse within the site. All stormwater is to be directed to sediment basins and wetlands to ensure that no contamination leaves the subject land. Orange City Council or an Accredited Certifier is to approve engineering plans for this stormwater system prior to the commencement of works.



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**Part 2.1 - Water Quality (cont)**

As discussed previously, the works are occurring within proximity to a stream. Therefore co-approval from the NSW Office of Water may be required prior to the commencement of works. In addition to this, a Soil Erosion Control Plan will be required to ensure erosion and sedimentation does not occur downstream given the proximity to a stream.

These matters have been conditioned accordingly.

**Part 2.4 - Flora and Fauna, Biodiversity**

The DCP Planning Outcomes for flora and fauna require that where there is a likely impact of development on native habitats, the impact is addressed in the development application.

The SoEE prepared by Blueprint Planning advises: *"the proposal does not pose a significant effect on threatened species, populations or ecological communities, or their habitats."*

A search of the NSW National Parks and Wildlife Service: Atlas of NSW Wildlife identifies approximately 78 sightings of wildlife either upon or within proximity to the Charles Sturt University complex. However, none of these species are threatened or endangered.

The site has been modified from its natural state and now comprises a mixture of both exotic and native trees of varying maturity. A Section 5A assessment identifies that it is unlikely that any threatened species, populations or ecological communities, or their habitats, would be adversely affected by the proposed development.

**Part 3.2 - Scenic, Landscape and Urban Areas**

The DCP Planning Outcomes for scenic, landscape and urban areas requires that development incorporates landscaping that enhances the landscaped setting of the locality; and external finishes, materials and colour schedules complement the setting.

The development proposes the removal of three trees to facilitate a link road between the new accommodation complex and the expansion of the car park. The trees are identified as a black wattle and two argyle apples. The removal of these trees will not detrimentally impact upon the landscaped character of the site.

The SoEE prepared by Blueprint Planning advises *"the proposal incorporates landscaping that enhances the landscaped setting of the locality, and provides external finishes, materials and colour schemes which complement its setting"*.

The proposed extension to the car park will be sited on a large grassed area to the west of the existing car park, as shown on Plan DA02.

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**Part 3.2 - Scenic, Landscape and Urban Areas (cont)**

Whilst no issue is raised to the development of the site for a car park, additional landscaping is to be interspersed within the car park to break the expanse of hard stand and to integrate the car park into the landscaped setting. A condition of consent should be imposed requiring such landscaping of the car park, and has been included in the attached draft Notice of Approval.

It is proposed to construct the new buildings in pre-cast concrete panels, zincalume roof sheeting, Colorbond steel Spandek cladding, Colorbond custom orb panels, opal danpalon multicell acrylic cladding and aluminium windows. Colour schedules for each building have been provided on Plan DA09.

No concern is raised with the general materials or the colour scheme, however it is recommended that an alternative finish be chosen for the roof due to the highly reflective properties of zincalume. As such, it is recommended that either galvanised iron or a Colorbond finish be conditioned for the sheeting of all roofs proposed under the development.

**Part 4.3 - Land Shaping**

As previously addressed, a Soil Erosion Control Plan should be required prior to the commencement of works. This has been recommended in the attached draft Notice of Approval.

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**Part 15.4 - Parking Requirements**

Part 15.4 establishes the parking requirements for an educational establishment as:

*1 space for every 2 employees*  
 +  
*1 space per 10 students over 17 years of age in attendance*  
 +  
*additional parking determined by Council where on-site residential accommodation is provided based on the peak-parking demand anticipated for the development*

The proposed development comprises 99 residential units and a small office of 24m<sup>2</sup>. Whilst the development will increase student numbers residing on the site, it will not increase overall enrolments at the University. Employee numbers have not been provided for the application.

The proposed design provides adequate car parking numbers for the number of residential accommodation units and office floor space proposed. The provision of 99 residential units could require 99 spaces at maximum occupancy. The proposed works comprise an additional 83 spaces to the east of the existing car park, 19 new spaces in the existing car park from modified line marking, and seven spaces to the immediate east of Building D, thus resulting in 109 additional car parking spaces (including two disabled parking spaces). These spaces will adequately cater for the additional vehicles predicted to require parking as a result of the development, whilst providing additional spaces for future use.

Part 15.4 also requires that delivery and service vehicles be provided for onsite and this has been accommodated in the design with the creation of a service vehicle manoeuvring area to the north of the new complex.

**Part 15.5 - Parking Area Design and Layout**

Part 15.5 requires the design and layout of parking areas to comply with AS2890.1-2004. The SoEE advises "*the proposal provides adequate car parking in accordance with .... AS2890.1 and 2890.6*".

**Part 15.6 - Parking Area Construction**

Part 15.6 outlines construction standards for car parking areas, including lighting, landscaping and loading bays.

The SoEE advises that lighting of the car park, pedestrian footpaths and accessways/roads will be provided in accordance with AS1158 – Lighting for Roads and Public Spaces. Landscaping and loading facilities have been previously addressed.

The proposed development is considered to comply with Part 15 of the DCP.



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**PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)****Fire Safety Considerations (clause 93)**

The proposal can comply with the provisions of the Building Code of Australia.

**THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)****Context and Setting**

The subject site is located on the northern outskirts of the City of Orange in an established complex developed specifically for tertiary education. The site is surrounded by agricultural land and is relatively well connected to the urban area through the provision of sealed roads and footpaths. The site has a high level of scenic quality for its setting given the suitable integration of buildings into the natural and modified landscape.

The intensification of the site for the purpose of an educational establishment is consistent with the long established land use of tertiary education. The land use of the neighbourhood comprises agricultural land, of which the proposed development is not considered to conflict with given the siting of the units well within the university grounds.

The proposed buildings will be consistent with the built form of the precinct, with complementary bulk, scale, height and materials. The buildings will be sited around a central courtyard, with the common room building centrally placed between the new accommodation complex (as proposed) and the existing units.

The proposed development will not detrimentally impact upon the context and setting of the locality.

**Access, Transport and Traffic**Travel Demand and Generation

The proposed development will generate additional traffic movements to the site, with peak demand resulting from a 100% occupancy rate of the 99 student rooms. The increase in traffic is capable of being dispersed and absorbed into the surrounding road network, with minor impact on the existing traffic facilities and without the need for upgrading.

Parking Spaces

As previously discussed, the addition of 109 additional car parking spaces (including two disabled parking spaces) will adequately cater for the additional vehicles predicted to require parking as a result of the development, whilst providing additional spaces for future use.

Pedestrian Access

A series of pedestrian footpaths will link the car park to the accommodation complex (both proposed and existing).

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**Utilities**

The existing reticulated water and sewer facilities, as well as the natural gas, telecommunications and electricity supply, would be augmented to support the proposed development. Given the increase in demand for water and sewer, appropriate Section 64 contributions should be levied to cater for the predicted demand.

**Heritage**

The site is not listed as an item of environmental heritage in Schedule 5 of Council's LEP 2011, nor is the site listed on the State Heritage Register or located within a heritage conservation area.

**Energy**

The proposed development is required to comply with Section J of the Building Code of Australia, which aims for environmental sustainability with regard to energy efficiency of the building.

**Noise**

The proposed development is not considered to generate a detrimental noise impact upon surrounding residential receivers.

**Safety, Security and Crime Prevention**

An assessment of the proposal using the Crime Prevention through Environmental Design (CPTED) principles has been provided below.

Adequate surveillance will be provided through building siting and design, which allows for natural connections for occupants and visitors. Distinct entrances have been provided to ensure positive territorial reinforcement, whilst a suitable number of windows and doors directed towards the courtyard will maximise natural surveillance and therefore increase the risk to potential offenders. Defined footpaths will channel people to the entrances of the facility.

The SoEE advises that lighting of the car park, pedestrian footpaths and accessways/roads will be carried out in accordance with *AS11585 – Lighting for roads and public spaces*.

The proposed development is not predicted to have an adverse impact on safety, security or crime prevention.

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**Social and Economic Impact on the Locality**

The proposed development would not have any unfavourable impact on the way of life or culture of the local community.

The proposed development is not considered to create any adverse economic impacts as a result of the proposal.

**Construction**

Suitable conditions of consent are recommended to be imposed upon the development to ensure the construction phase is carried out with the least possible impact upon the surrounding environment. These conditions are in line with the proposed operational matters during construction found in Table 2 of the SoEE.

**ORANGE DEVELOPMENT CONTRIBUTIONS PLAN 2012**

The provisions of the Orange Development Contributions Plan 2012 do not apply to the proposed development. The development is defined as an 'educational establishment', which is not contained within the 'residential accommodation' definition as prescribed by the Standard Instrument.

**THE SUITABILITY OF THE SITE s79C(1)(c)**

Suitability is determined by two primary considerations:

- whether the proposal fits the locality; and
- whether the site attributes (zoning, extent of site and configuration) are conducive to the proposed development.

The proposal is consistent with the development pattern of the locality and represents an intensification of the existing use of the land. The location is considered suitable to support the expanded use of the site, and is appropriately zoned to allow such expansion.

All utility services are available to the site and are adequate for the proposal (subject to augmentation) pursuant to the requirements of DCP 2004. There are no physical attributes of the land that would constrain the development. The site is not subject to known technological or natural hazards.

**ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)**

The proposed development is defined as "advertised development" under the provisions of the LEP. The application was advertised for the prescribed period of 14 days and at the end of that period no submissions were received by Council.



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**PUBLIC INTEREST s79C(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

**SUMMARY**

The proposed development is a permissible use within SP2 Infrastructure with consent. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner. The proponent has agreed to the imposition of these conditions pursuant to section 89 of the Act.

**COMMENTS**

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval.

Rishelle Kent  
**SENIOR PLANNER**  
enc