

JOINT REGIONAL PLANNING PANEL

NORTHERN

JRPP No	2014NTH008
DA Number	DA-53-2014
Local Government Area	Armidale Dumaresq
Proposed Development	Construction of a Two Storey Educational Research and Teaching Building
Street Address	Land within the University of New England Campus 60 Madgwick Drive, Armidale 2350
Applicant/Owner	University of New England C/- Urbis
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Crown Development over \$5 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - SEPP 44 Koala Habitat Protection, - SEPP 55 Remediation of Land, - SEPP (Infrastructure) 2007, - SEPP (State and Regional Development) 2011, - Armidale Dumaresq Local Environmental Plan 2012 • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C(1)(a)(iii)

	<ul style="list-style-type: none"> - Armidale Dumaresq Development Control Plan 2012 • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) - Not Applicable • List any coastal zone management plan: s79C(1)(a)(v) - Not Applicable • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 - Not Applicable to this Application.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> - Section 79c Assessment Report including proposed conditions of consent. - Written concurrence to the proposed conditions of consent from the Applicant Urbis acting on behalf of the University of New England.
Recommendation	Approval with Conditions
Report by	John Goodall – Town Planner- Armidale Dumaresq Council

Assessment Report and Recommendation Cover Sheet



Further Application Details:

DA Lodgement Date:	3 April 2014
Additional Information received? / date?	Car parking analysis submitted 5 May 2014 Revised BCA assessment confirming building type submitted 6 May 2014
Estimated Construction Value of Development:	\$18,405,750.00
Capital Investment Value:	\$23.1 million

Glossary of terms used in this report

BCA – Building Code of Australia

DA – Development Application

DCP - Armidale Dumaresq Development Control Plan 2012,

EP& A Act – Environmental Planning and Assessment Act 1979

JRPP – Joint Regional Planning Panel

LEP – Armidale Dumaresq Local Environmental Plan 2012

SEE – Statement of Environmental Effects

SEPP – State Environmental Planning Policy

UNE – University of New England

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Assessment Report and Recommendations

DA-53-2014 / JRPP Ref 2014NTH008

Executive Summary

Consideration by Joint Regional Planning Panel

The Northern Joint Region Planning Panel is the determining authority for this DA pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011, as the proposed development is a Crown development with a capital investment value of more than \$5 Million.

The capital investment value of this project, as estimated by the Applicant's Consultant, is \$23,100,000.

Proposal

The Development Application seeks consent for the construction of a two storey Agricultural Education Building to be used for the purposes of a educational research and teaching facility.

The Agricultural Educational building will feature state-of-the-art teaching and research laboratories, research space, science teaching museum, open plan workspace, learning and tutorial spaces, lecture facilities and staff/student amenities together with the following associated site works:

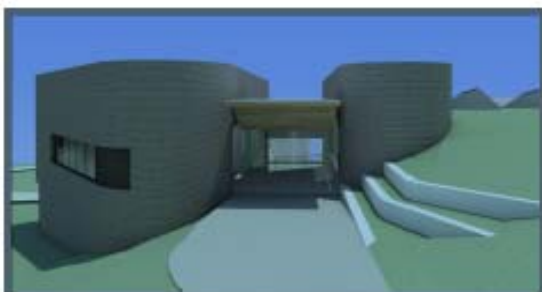
- Modification of existing road infrastructure within proximity to the proposed development site,
- Stormwater management works,
- Hard and soft landscaping around the development,
- Improved parking facilities within close proximity to the development for people with disabilities,
- New pedestrian walkways providing direct and level access to the building



Aerial view from the west of the site



South west elevation from Trevenna Road



Building entry from the east



North west elevation

Figure 1- (Images by Urbis Pty Ltd)

Permissibility

The proposed development is considered permissible with development consent pursuant to cl.28 of SEPP (Infrastructure) 2007 and to Part 2 of Armidale Dumaresq LEP 2012, under which the site is zoned SP2 Infrastructure – Educational Establishment.

Key Issues

From the attached Assessment Report, key issues for this project can be summarised as follows:

- The proposed development is considered compliant with applicable statutory planning provisions and with the relevant chapters of Council's DCP 2012;
- Although no further statutory approvals are required for water, sewerage and drainage works relating to this Crown development, UNE and its contractors / consultants should undertake appropriate liaison with Council and other relevant utility service providers regarding the detailed arrangements for relevant infrastructure/services for the project;
- Demolition of existing structures on the development site is not include in the scope of this application and is currently being undertaken by the University under the provisions of Clause 29(1)(d) of *SEPP (Infrastructure) 2007* as 'Development permitted without consent'.
- Precautionary measures are recommended in relation to asbestos removal during demolition of the existing building on the site. A visual surface inspection of the site is to be undertaken on completion of demolition works and a site clearance report is to be provided prior to works commencing, confirming that the site is clear of any hazardous materials.
- Part of Lot 10 DP 1142199, to the north and south of the development site, has been identified as potentially bushfire prone land on Council's Bushfire Prone Land Map. As such, the development is integrated under s91 of the EP&A Act 1979 as it is for a special fire protection purpose under s100B of the Rural Fires Act 1997. The proposed development was referred to the NSW Rural Fire Service, who subsequently issued a bush fire safety authority together with their general terms of approval for the proposal on 5 May 2014.
- The development will result in a net loss of nine car parking spaces within the campus.

No submissions were received as a result of public notification of the Application.

As a result of this assessment, the proposed development is recommended for conditional consent. The **Appendix** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

Recommendation

- (a) That having regard to the assessment of the Application and having now received the written concurrence of the Applicant to the proposed conditions of consent, pursuant to Section 89(1)(b) of the EP & A Act, that DA-53-2014 (JRPP ref 2014NTH008) be granted conditional consent in the terms set out in the Appendix to this report.**
- (b) That the NSW Rural Fire Service be notified of the determination in writing.**

Subject site and locality

The site comprises land within UNEs Armidale campus at 60 Madgwick Drive, Armidale. The campus is located approximately 5km to the north west of Armidale CBD.

The main UNE campus in north-west Armidale lies within Lot 10 in DP 1142199. Lot 10 is irregular in shape, and according to the Title Plan has a total area of 179.2 hectares.

The campus facilities are broadly divided into the following three precincts:

- Academic Precinct: situated in the northern section of the campus some considerable distance from unrelated residential properties. The Precinct primarily accommodates learning and research spaces as well as academic staff support and some recreational and commercial spaces.
- Sport Precinct: accommodates the site's principal sports facilities and the University's sports science building.
- College Precinct: Location of the majority of on campus student accommodation and associated facilities.

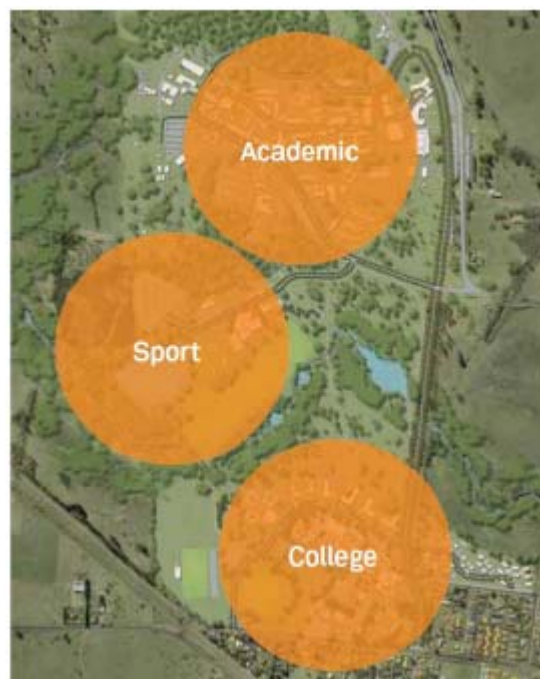


Figure 2 – Campus Precinct image provided by *Urbis Pty Ltd*

The actual site of the proposed development on the campus is shown below in an annotated aerial photo of the Academic Precinct on the northern portion of the University campus:



Figure 3 – Annotated aerial photo

The proposed development site is located on land within the University's Academic Precinct which is located on the northern portion of Lot 10. The existing buildings surrounding the development site comprise of a mix of institutional buildings which vary in architectural style and age and are generally two to four storeys in height.

Apart from the demolition of the existing structures located on the proposed building envelope all other buildings are to be retained. Demolition of the existing structures located on the building envelope are not the subject of this application and are being undertaken by the University under the provisions of Clause 29(1)(d) of *SEPP (Infrastructure) 2007* as 'Development permitted without consent'.

As such, the proposed building envelope is in the process of being cleared of former structures and is largely devoid of vegetation.

The nearest unrelated residential property is located approximately 750 metres to the east of the proposed building site on the campus.

Vehicular access to the subject site will be via an internal loop road which connects onto Trevenna Road. Apart from the provision of three new accessible car parking spaces adjacent to the proposed development, existing on-site car parking is readily available in the western car park area of the University which is located approximately 150 metres to the west of the development site. No additional car parking is proposed as part of the development.

Utility services, including reticulated water and sewer, telecommunications and electricity are readily available to the site and will be extended and modified where necessary to service the new building.

The site and locality has been inspected as part of this assessment.

Proposed development

The DA seeks consent for the construction of an educational research and teaching facility within the University of New England's Armidale Campus, to be known as the 'Agricultural Education' building. The Applicant has advised that the Agricultural Education building will feature state-of-the-art teaching and research laboratories, research space, science teaching museum, open plan workspace, learning and tutorial spaces, lecture facilities and staff / student amenities.

UNE has been successful in securing Federal funding under the Regional Priorities round of the Education Investment Fund (EIF), announced by the Australian Government in January 2013. To qualify for this funding the project must be achieved within a critical timeframe with determination of the DA required prior to the end of 2013/2014 financial year.

The proposed development will be an integral part of the University's "Integrated Agricultural Education Precinct" (IAEP) project. The primary objective of the IAEP project is to target the current and long term regional, national and global need for workplace ready graduates trained in agricultural and animal sciences. In all there are 4 'components' of the IAEP project.

The Agricultural Education building will be the flagship of the University's IAEP project, and is intended to supplement and progressively replace some of the existing facilities which currently accommodate the University's School of Rural and Environmental Science and the School of Science and Technology.

The IAEP project is a direct response to a recognised need for the University to upgrade its existing facilities to increased competition and the emergence of new technology to ensure that UNE continues to be a leading education and research institution.

The project is expected to greatly enhance education for students of the University and deliver skilled graduates to agribusiness nationally and ongoing education in support of vital regional industries and communities.

The proposed development involves:

- Construction of a purpose built two storey educational research and teaching building,
- Modification of existing road infrastructure including new entry loop,
- Minor excavation works,
- Stormwater management works,
- Parking for people with disabilities,
- Hard and soft landscaping surrounding the development site,
- New pedestrian walkways providing direct and level access to the building

Submitted Documents and Plans

Project documentation has been coordinated on behalf of the Applicant by Urbis Pty Ltd and a range of other specialist consultants. Specific documents and plans relied upon for this assessment, are as follows:

- Statement of Environmental Effects Job Code SA5372 and dated April 2014 by Urbis, including the following appendices:
 - A. *Architectural Drawings - francis-jones morehen thorp – see list below*
 - B. *Flora and Fauna Assessment Report – Eco Logical – Project No. 14ARMECO-0004- (17/3/14)*
 - C. *Bushfire Protection Assessment – Eco Logical – Project No. 14ARMECO-0004 -(20/3/14)*
 - D. *Stormwater Concept Plan – Taylor Thomas Whitting (NSW) Pty Ltd Consulting Engineers*
 - E. *BCA Compliance Statement –Group DLA*
 - F. *Fire Engineering Statement – ARUP Pty Ltd*
 - G. *Sustainability Report including ESD, mechanical services and electrical services- Steensen Varming*
 - H. *Heritage*
 - I. *Acoustic report – acoustic studio*
 - J. *Development Control Plan Compliance Schedule - Urbis*

Plans Drawn by **francis-jones morehen thorp (fjmt)**:

Plan Numbers	Content	Date
FJMT-SK-1030	Site Analysis Plan	31/3/2014
FJMT-SK-1031	Site Plan	31/3/2014
FJMT-SK-1032	Level 1 Plan	31/3/2014
FJMT-SK-1033	Level 2 Plan	31/3/2014
FJMT-SK-1034	Roof & Landscape Plan	31/3/2014
FJMT-SK-1035	Elevations	31/3/2014
FJMT-SK-1036	Sections	31/3/2014
FJMT-SK-1037	Rendered Perspective Views	31/3/2014

Referrals undertaken and other approvals required

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Rural Fire Service	5 May 2014	<p>Deemed Bush Fire Safety Authority issued under Section 100B of Rural Fires Act 1997, subject to conditions.</p> <p>Conditions include requirements regarding, water and utilities, evacuation and emergency management and landscaping.</p>

This proposal may also require separate Council approval under the *Roads Act 1993* for any work in Council's road reserves, as Trevenna Road is a public road, and may also require regulation under the *Public Health Act 2010* in terms of its air handling systems and under the *Food Act 2003* in regards to the proposed cafe.

Council's overview of required water, sewerage and drainage work connected with the proposal is also anticipated, as Armidale Dumaresq Council is the local Water and Sewer Authority, noting however that s.69 of the Local Government Act 1993 provides that "*Section 68 [which normally requires Council approval of water, sewer and stormwater work] does not require the Crown . . . to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building*".

Political Donations

The Applicant has indicated, pursuant to Section 147(4) of the Environmental Planning and Assessment Act 1979, that no reportable political donation or gift has been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Dumaresq Council.

Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:

(i) the provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs):

The following SEPPs have been considered in connection with this development:

SEPP 44 – Koala Habitat Protection

Clause	Subject	Comments
6 - 8	Determination of whether the land is potential or core koala habitat	<p>This Policy aims to encourage the proper conservation and management of natural vegetation that provides potential habitat for Koalas, to ensure a permanent free-living population are maintained over their present range and reverse the current trend of Koala population decline.</p> <p>SEPP 44 applies to this DA as it applies, per cl. 6, to applications for land that has either an area of more than 1 ha, or that has, together with any adjoining land in the same ownership, an area of more than 1 ha regardless of whether the DA applies to only part of all of the land.</p> <p>Under the SEPP, <u>potential Koala habitat</u> means areas of native vegetation where the trees of the types listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. <u>Core Koala habitat</u> means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.</p> <p>Part of the University site both to the south and north of the development site has been previously identified as potential and Core Koala habitat due to the presence of a resident population of koalas and evidence of breeding females and recent sightings.</p> <p>The proposed development site though is located in a previously cleared area of the campus within the Academic precinct.</p> <p>The Applicant has submitted a Flora and Fauna report and SEPP 44 Assessment prepared by Ecological Australia in support of the DA, refer Appendix B of the SEE.</p>

Clause	Subject	Comments
6 – 8 (cont.)	Determination of whether the land is potential or core koala habitat	<p>The report states that there is only one remnant <i>Eucalyptus viminalis</i> (Manna Gum), which is listed as a Koala feed tree under Schedule 2 of the SEPP, within close proximity to the proposed development site. No evidence of koala usage (e.g. scats or tree markings). This tree is not proposed to be removed and will be retained as part of the development.</p> <p>The Report concludes (p.16) that no koala habitat is present in the land immediately surrounding the proposed development site and as such, no further action is considered necessary under the SEPP.</p>

SEPP No.55 – Remediation of Land

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications	<p>The Policy introduces state-wide planning approach to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>The UNE campus is recorded in Council's Contaminated Land Information System on the basis of fuel storage elsewhere on the (northern part of the) campus. The development site has not been identified as being subject to any known contaminating uses.</p> <p>A site inspection undertaken for the purposes of this DA revealed site clearance and demolition works underway of the existing structures on the development site. As previously identified, these works are being undertaken by the University as 'Development permitted without consent' under Clause 29(1)(d) of <i>SEPP (Infrastructure) 2007</i>.</p> <p>The Applicant has advised that site investigations have been undertaken as part of the demolition process to determine the presence of any potential contaminants, including an asbestos audit and hazardous substances audit. They have also advised that a visual inspection and site clearance report will be provided prior to any further works on the site.</p> <p>It is recommended that any consent be conditioned for such Report to be obtained to confirm that the land is suitable for the proposed development prior to works commencing on the site.</p>

SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State

Clause	Subject	Comments
28	Development permitted with consent.	<p>Clause 28 of the SEPP provides that development for the purpose of educational establishments may be carried out by any person, with consent, on land in a “prescribed zone” (cl. 28(1)) or on land on which there is an existing educational establishment (cl. 28(2)(a)). The list of relevant “prescribed” Standard Instrument zones in cl. 27 of the SEPP includes the SP2 Infrastructure zone, which is the zoning for the subject site under Council’s LEP. The site is also within the existing UNE campus.</p> <p>On this basis, the proposed development is considered permissible with consent under the SEPP.</p>

State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Part 4 of the SEPP, in particular cl. 20, the EP&A Act Schedule 4A threshold for Joint Regional Planning Panel consideration of Crown development applies where projects have a capital investment value (CIV) of more than \$5Million.

UNE is a Crown agency for the purposes of the EP& A Act (refer s.88 of that Act and in turn cl.226 of the Regulation to the Act) and the project’s CIV is \$23.1Million.

In this case the DA is to be determined by the Northern Joint Regional Planning Panel.

Local Environmental Plans (LEPs):

The **Armidale Dumaresq Local Environmental Plan 2012** has been considered in connection with this development:

Clause	Subject	Comments
1.2 (2)	Aims of Plan	<p>Relevant aims of the LEP considered in this assessment include:</p> <p><i>“(a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving:</i></p> <p><i>(i) land of significance for agricultural production, and</i></p> <p><i>(ii) timber, minerals, soils, water and other natural resources, and</i></p> <p><i>(iii) areas of high scenic or recreational value, and</i></p> <p><i>(iv) native plants and animals, including threatened species, populations and ecological communities, and their habitats, and</i></p> <p><i>(v) places and buildings of heritage significance,</i></p> <p><i>(c) to facilitate development for a range of business enterprises and employment opportunities,</i></p> <p><i>(d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,</i></p> <p><i>(e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,</i></p>
2.1	Land use zones	<p>The subject site is zoned SP2 Infrastructure – Educational Establishment under ADLEP 2012.</p>
2.3	Zone objectives	<p>The consent authority must have regard to the relevant zone objectives in determining a DA.</p> <p>In the LEP’s Land use table the objectives for the SP2 zone are:</p> <ul style="list-style-type: none">• <i>“To provide for infrastructure and related uses; and</i>• <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.”</i> <p>The development is considered consistent with these objectives and also permissible with consent within the zone under part 3 of the relevant zone table, being <i>“ordinarily incidental or ancillary”</i> to the purpose identified on the Land Zoning Map under the Plan (see also 2.1 above).</p>

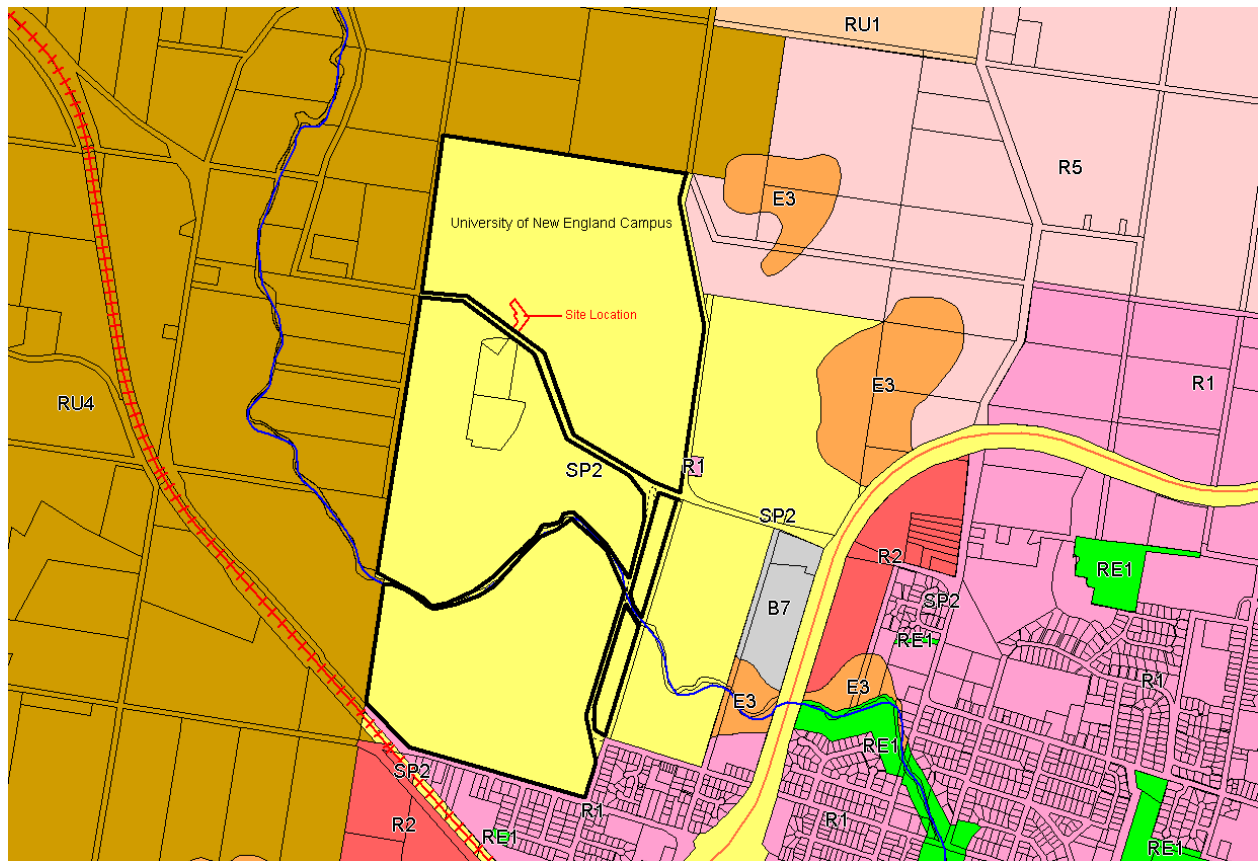


Figure – 4 Extract of zoning map for UNE

Armidale Dumaresq Local Environmental Plan 2012 (cont.)

Clause	Subject	Comments
2.7	Demolition	Demolition of existing structures on the development site is not the subject of this application and is being undertaken by UNE as 'Development permitted without consent' under Clause 29(1)(d) of <i>SEPP (Infrastructure) 2007</i> .
5.9	Preservation of trees or vegetation	<p>This clause provides for tree preservation controls as set out in a relevant development control plan.</p> <p>The proposed development is to be located within a portion of the university campus that has largely been cleared of native vegetation with only a few scattered isolated species within proximity to the development site.</p> <p>The proposed development site is currently developed with existing structures currently being demolished. This proposal does not involve the removal of any significant vegetation with additional landscaping also proposed as part of this DA.</p>

Armidale Dumaresq Local Environmental Plan 2012 (cont.)

Clause	Subject	Comments
5.10	Heritage Conservation	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of Armidale Dumaresq, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. <p>The University campus contains a number of state and locally significant heritage items but there are no heritage items within the development site or immediate vicinity of the proposed development.</p> <p>The proposed development site is located approximately 280m, Science Block, and approximately 400m, Trevenna, to the closest items on the campus.</p> <p>Given the significant separation from the proposed development to any of the site's heritage items and given the presence of existing buildings and vegetation, which provides natural screening to and from the development site, it is unlikely that there will be any adverse impacts from this proposal on any of these heritage items.</p>

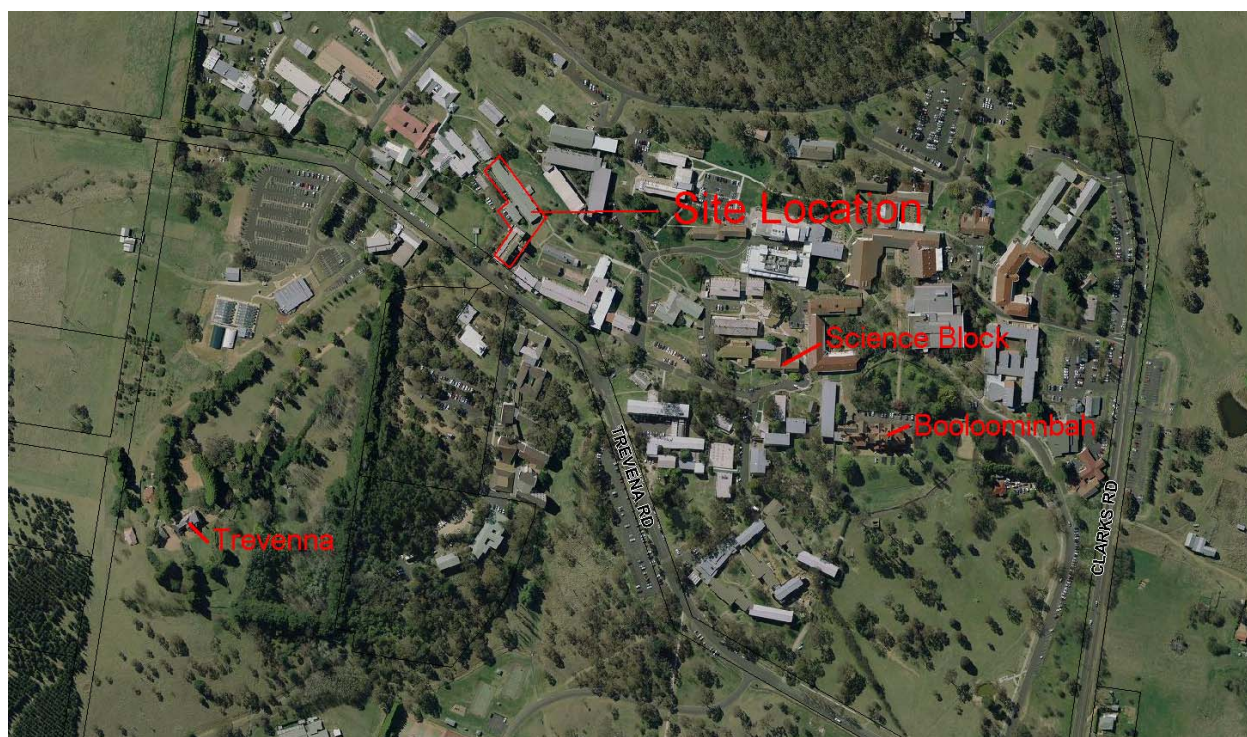


Figure 5 - UNE Campus and location of closest heritage items to the development site

Armidale Dumaresq Local Environmental Plan 2012 (cont.)

Clause	Subject	Comments
5.12 (1)	Infrastructure development	<p>This clause provides:</p> <p><i>“This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.</i></p> <p>The permissibility of the development under the SEPP has been noted previously in this report and is consistent with Council’s LEP.</p>
6.1	Earthworks	<p>This clause requires consent for earthworks unless exempt from the need for consent, permitted without consent, or considered in conjunction with development for which consent is sought and obtained.</p> <p>Earthworks will be required in connection with this development and relevant matters such as erosion, sedimentation, potential archaeological relics, drainage, source of fill material and nuisance impacts can be addressed by condition of any consent.</p>
6.6	Essential services	<p>This clause requires the consent authority to be satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. <p>The proposed development site is located within an already established area of the University campus and was previously occupied by other structures which have since been demolished.</p> <p>As such, all services are available to the development site, with existing infrastructure and utility services within the campus to be extended and/or modified to service the new Agricultural Education building.</p> <p>The Applicant has also submitted a stormwater management strategy as part of the SEE which has proposed to provide a piped system for minor flows and overland flow for major events.</p>

Armidale Dumaresq Local Environmental Plan 2012 (cont.)

Clause	Subject	Comments
6.6	Essential services	Relevant matters have been considered in the report of Council's Development Engineer on the DA, which is on the relevant file (<i>ADC file DA-53-2014</i>). No objections have been raised in his assessment of utility services for the proposal, subject to further detailed design works being undertaken prior to construction to ensure compliance with relevant Australian Standards.

79c (1)(a)(ii) the provisions of any proposed [environmental planning] instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

No relevant draft instruments apply.

79c (1)(a)(iii) the provisions of any development control plan

The ***Armidale Dumaresq Development Control Plan (DCP) 2012*** applies to the land.

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment.

Chapter	Comment
1.1 – Introduction and Public Notification	<p>The Application was publicly exhibited in accordance with Chapter B3. This involved public advertisement in the local print media. No direct neighbour notification by mail was undertaken as the development site is located well within the UNE campus and does not directly adjoin third party property.</p> <p>At the closing date for submissions on 23 April 2014, no submissions had been received by Council.</p>
2.1 – Site Analysis	<p>The objectives of this chapter are:</p> <p>O.1 To encourage thoughtful planning, including lot layout and the design of new development, that considers the site advantages and constraints to maximise the effective use of the site.</p> <p>O.2 To reduce the risk to landowners and the public of loss of life; injury; or damage to property.</p> <p>O.3 To provide guidance on suitable passive and active protection measures relating to siting, layout, design and construction techniques, and landscaping where site constraints and hazards occur.</p> <p>O.4 To ensure that the lot layout and the design of new development minimises the environmental impact of development, and the impact on the amenity of the locality and the streetscape.</p> <p>The proposed development has been designed and located having regard to these objectives including any existing site constraints, hazards or conflicts.</p>

Armidale Dumaresq Development Control Plan (DCP) 2012 (cont.)

Chapter	Comment
2.1 – Site Analysis (cont.)	<p>In this regard, the proposed development has been designed and located to provide adequate separation between the development site and existing heritage items on the site. Given the significant separation between the development site and these heritage items it is unlikely that there will be any adverse impacts on these items as a result of this proposal.</p> <p>Additionally, part of Lot 10 DP 1142199, to the north and south of the development site, has been identified as potentially bushfire prone land on Council's Bushfire Prone Land Map. As such, the development is integrated under s91 of the EP&A Act 1979 as it is for a special fire protection purpose under s100B of the Rural Fires Act 1997.</p> <p>The proposed development was referred to the NSW Rural Fire Service, who have subsequently issued a bush fire safety authority together with their general terms of approval for the proposal on 5 May 2014.</p> <p>All other matters such as provision of essential services, site contamination, earthworks and erosion and sediment controls have been addressed elsewhere in this report.</p>
2.2 – Tree Preservation	<p>The proposed building envelope is currently developed with existing structures currently being demolished. This proposal does not involve the removal of any significant vegetation with additional landscaping also proposed as part of this DA.</p>
2.3 – European Heritage	<p>Refer comments above under cl.5.10 of Council's LEP in relation to the potential impacts on heritage items within the UNE campus.</p>
2.4 – Aboriginal Heritage	<p>A search of the NSW Aboriginal Heritage Information Management System has identified that the University site has no recorded sites located on the campus. Additionally, in terms of the site's potential to contain Aboriginal Heritage, Council's study identifies the development site as having 'low' potential. Given the degree of previous site disturbance, a review in this case concludes that an advising should be included in any consent requiring the appropriate process to be followed under Part 6 of the National Parks and Wildlife Act 1974 in the event that any Aboriginal object is discovered during the construction process.</p> <p>A similar advising is recommended in relation to any non-Aboriginal relic that may be discovered during construction, pursuant to the Heritage Act 1977.</p>

Armidale Dumaresq Development Control Plan (DCP) 2012 (cont.)

Chapter	Comment
2.5 – Contaminated Land	See comments above under SEPP 55 – Remediation of Land.
2.6 Earthworks and Geotechnical Investigations	<p>Some earthworks will be required in connection with this development and relevant matters such as potential for slope instability, spring activity and shrink-swell movements in the soil will need to be undertaken following site clearance by way of a geotechnical investigation to inform further detailed design of the building structure.</p> <p>An advising is recommended on any consent in regards to this matter.</p>
2.7 – Floodplain Protection and Stormwater Drainage	<p>The proposed development site is located well above the 1% AEP of Dumaresq Creek and hence no flood control measures apply to this DA.</p> <p>The submitted Stormwater Management Strategy Plan lodged with the DA (SEE Appendix D) has proposed to provide a piped system for minor flows and overland flow for major events. Additionally, the development includes a proposal for a green roof which will also help to reduce post development stormwater flows from the site.</p> <p>No objections have been raised by Council's Development Engineer in his assessment. See further comments above under cl.6.6 of Council's LEP.</p>
2.9 - Parking	<p>The Applicant has advised that this proposal will not result in any increase in employee or student numbers as it involves the consolidation of existing facilities into a new building.</p> <p>There are no changes proposed to existing parking provision other than the conversion of five existing parking bays to create three new spaces for people with a disability and the loss of seven bays to facilitate changes to the existing driveway.</p> <p>The Applicant has submitted a parking analysis of the University campus to support their statement that the net loss of nine spaces will have a negligible impact on the overall parking provision within the University.</p> <p>The analysis has identified that there are a total of 3,595 parking spaces within the University campus including 2,436 spaces in the Academic Precinct. Among these is the car park identified as the 'western car park' which is located approximately 150 metres to the west of the development site and which contains 336 parking bays. The University has stated that in peak times this car park is at most only half occupied.</p>

Armidale Dumaresq Development Control Plan (DCP) 2012 (cont.)

Chapter	Comment
2.9 – Parking (cont.)	<p>It has also further argued that the University operates a web-based car pooling service and there are cycle ways within the campus both of which have further reduced parking demand.</p> <p>Council's Development Engineer has assessed the parking analysis against the loss of nine spaces and advises:</p> <p><i>That the proposed loss of parking in this case is considered acceptable for the following reasons:</i></p> <ul style="list-style-type: none">• <i>The western car park which is located approximately 150 metres from the proposed development site has adequate spare capacity to cater for the loss of these spaces and any additional demand,</i>• <i>The University manages parking within the University campus itself and carries out regular inspections to enforce on-site parking,</i>• <i>Given the substantial distance between the proposed development site and any neighbouring properties the loss of these spaces is unlikely to adversely impact on surrounding residential streets.</i>

79C(1)(a)(iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not applicable.

Nor are any Council developer contributions plans applicable to this development.

Further, State Government Guidelines on Developer Charges on Water Supply, Sewerage and Stormwater (DLWC, 2002) provide that Crown development for community services including education and health projects are exempt from general developer charges of this nature.

79C(1)(a)(iv) the provisions of the regulations

Not applicable to this proposal as demolition of existing structures on the site are not the subject of this DA as they are being undertaken by the University as 'Development permitted without consent' under Clause 29(1)(d) of *SEPP (Infrastructure) 2007*.

79C(1)(a)(v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable.

79C(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This assessment has been undertaken having regard to various issues, as follows:

Construction Impacts

As the project is expected to involve a lengthy construction phase and is located in the existing Academic Precinct, a detailed construction management plan should be required as a condition of any consent. This should address such issues as:

- Hours of building work (to be consistent with NSW State Guidelines);
- Parking and Traffic Management;
- Waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Site hoardings and public/worker safety;
- Signage.

Urban and Building Design

As part of the submitted SEE Part 3 & 5, the Applicant has included the following statements:

UNE, and the work to be undertaken within the Agricultural Education (AE) building, is focussed on excellence in teaching standards. The proposed development, its location, design, construction methods, engineering systems and the work methods employed within it are aligned with the University's commitment to this purpose.

The development adopts the following design principles:

- *Integration: Considering the AE building as an integral feature of the Academic Precinct rather than an isolated object building.*
- *Public face: Approaching the building's orientation, façade treatment and relationship to neighbouring buildings so that way finding is intuitive and allows time for recognition / orientation from Trevenna Road and the new entry loop.*
- *Accessibility: Utilising the existing servicing road as the access to new back of house functions of the AE building to minimise disturbance to the existing buildings and functions and minimise pedestrian /service vehicle conflict.*
- *Connectivity: New walking routes that will connect the new facility other areas of the Precinct.*
- *Culturally and environmentally sustainable structure: The building takes into account the cultural and environmental issues associated with the site, appropriate orientation for sun control and external site considerations.*
- *Landscape: The proposal provides a functional and aesthetically pleasant environment for users and visitors to the building which is consistent and sympathetic to the adjacent development.*
- *Design Integrity: Consideration of building design and layout, massing, materials and finishes, building form, appropriate separation between buildings to create a user friendly environment for staff,*

students and visitors and best practice approach to compliance with building standards.

- Environmental Efficiency: A building with a minimal environmental footprint over its lifetime through sensitive design and changes to work practices.

The proposed development is compatible with existing development in terms of its use and bulk and scale relationships. The AE building has evolved following detailed consideration of the site and its context. The development provides the opportunity to enliven the existing Academic Precinct and integrate it effectively with the existing buildings of the university campus.

The new AE building is fully contained within the university campus and has been designed with strong regard to its unique setting. The regional importance of the building has been used as an opportunity to create a building of outstanding architectural design which is responsive to site context and demonstrates an extremely high level of energy efficiency.

The new building has been positioned to complement the existing natural features of the site and capitalise on existing vegetation. Of particular note, the proposed green roof forms a natural extension that will integrate the new building with the surrounding landscape.

It is considered that the proposed development will have a positive visual impact on the university campus

The proposed development will make a positive contribution to the University campus and is consistent in bulk and scale with adjacent buildings. The proposed development is considered appropriate for the Precinct and sympathetic in design, scale and mass to the site's natural features.

Consideration of Crime Prevention through Environmental Design (CPTED)

The Application has been assessed having regard to the CPTED Guidelines issued by the former Department of Urban Affairs and Planning (2001) and the current NSW Police "Safer by Design" Manual (2010). These documents promote the key principles of effective surveillance from buildings, access control, territorial reinforcement through design, and effective space management.

Furthermore the Applicant advises that:

the proposed development has been designed with regard to the principles of Crime Prevention Through Environmental Design. In this regard, a number of security features will be introduced as follows:

- *Landscaped areas will be maintained to a good standard.*
- *Clear delineation between public and private areas.*
- *Signage, site maps and location of activities to avoid conflict between uses.*
- *Effective sightlines between public and private spaces.*
- *Effective use of lighting.*
- *Landscape, building position and activities orientated to maximise natural surveillance.*
- *Physical or symbolic barriers to control or restrict pedestrian and vehicle movement.*
- *Design minimises public access to restricted areas.*
- *Secure storage of chemicals and other supplies will be undertaken.*
- *Car parking areas are well lit at night and are located in easy walking distance of the building.*

Utility Infrastructure Impacts

See discussion previously under s.79C (1)(a)(i) and (iii), above, re Council's LEP and DCP.

Traffic and parking impacts

See discussion previously under s.79C (1)(a)(i) and (iii), above, re Council's LEP and DCP.

Social and Economic Impacts

This development represents a further major investment in education infrastructure for Armidale and the region, with the continued improvement of facilities and infrastructure which will strengthen the University's position to attract new graduates in a competitive market place and ensure that UNE continues to be a leading education and research institution.

Furthermore, the University is a major local employer and the new development is expected to bring with it social and economic benefits both during the construction phase, with the creation of additional construction related jobs and the multiplier benefits for the local economy, and also on completion of the development with the University being able to attract both students and staff with the new state-of-the-art facility.

Other potential environmental impacts

The proposal is essentially infill development within an established area of the academic precinct. The development zone comprises previously developed land that has been cleared of vegetation with the immediate surrounds consisting largely of maintained mown lawns and isolated stands of vegetation.

The DA has been supported by a flora and fauna assessment undertaken by the Applicants consultant, Eco Logical, which has concluded that no threatened flora or fauna species had been observed within the immediate study area.

Eco Logical have also stated that:

The database searches and site assessment confirm that the study area supports low levels of ecological value and is not representative of an EEC. No threatened flora or fauna species were observed within the study area during field survey.

As no remnant trees are proposed for removal, no impact on threatened fauna species (such as Koalas) or ecological communities (such as White Box Yellow Box Blakely's Red Gum Woodland) will occur as part of the proposal. Therefore, no Assessment of significance (7-part test) under the TSC Act or EPBC Act assessment under the EPBC Act Significant Impact Guidelines was required.

Cumulative impacts

The development will further reinforce the function of this northern part of the campus as the principal academic precinct of UNE. The proposed development is considered as appropriate for the site and relevant issues such as traffic and parking arising from the development, have been considered as part of the SEE and in this assessment.

79C(1)(c) the suitability of the site for the development

The subject site is considered suitable for the proposed development. The location is part of an established academic precinct on the UNE campus and adjoins other educational, teaching and research facilities.

The site is well served by both public road and public transport services. These local services connect with the Armidale Railway Station, suburban and commercial areas of Armidale, and the Airport.

As indicated previously, the site is also well served by utility service infrastructure, with electricity and telecommunications services also available to the site. Detailed arrangements for connection to these utility services will need to be made as part of the construction / engineering design process for the project.

The issue of site contamination has been discussed under SEPP 55 and there has been no basis identified for any remediation activity in connection with this development. Other than part of Lot 10 DP 1142199 being identified as potentially bushfire prone, which has been addressed earlier in this Report with a deemed Bush Fire Safety Authority being issued by the NSW RFS under Section 100B of Rural Fires Act 1997, there are no other known site hazards from Council's records.

Nor is the proposed development considered to be constrained by natural, Aboriginal or other archaeological or built heritage considerations identified during the assessment process.

79C(1)(d) any submissions made in accordance with the Act or the Regulations

Agency submissions

Agency submissions have been addressed in previous sections of this report.

Public submissions

The submitted DA was publicly exhibited in accordance with Council's DCP 2012 – Chapter 1.1. This included public advertisement in the local print media. No direct neighbour notification by mail was undertaken as the development site is located well within the UNE campus and does not directly adjoin third party property.

The period for response was from 9 April 2014 to 23 April 2014.

No public submissions were received by Council in response to the public notification of the proposal.

79C(1)(e) the public interest

The proposed development is considered to be in the public interest for the following reasons:

- It is consistent with the aims of ADLEP 2012 and compliant with applicable statutory planning provisions,
- The development has been designed to minimise its environmental footprint over its lifetime through incorporation of ESD strategies and initiatives,
- The development represents a significant investment in educational facilities at the campus and contributes to the University's ability to attract and retain students and staff,
- The development will provide a new state-of-the art facility and strengthen the University's position as a leading education and research institution,
- The development is located well within the University campus and will not adversely impact on any adjoining properties, and
- It will generate significant social and economic benefits both during construction and on completion to Armidale and its surround.

BCA requirements

The new building will need to comply with relevant requirements of the BCA.

Section 109R(2) of the EP& A Act provides that:

"Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:

- (a) the date of the invitation for tenders to carry out the Crown building work, or*
- (b) in the absence of tenders, the date on which the Crown building work commences, except as provided by this section."*

Under cl.227 of the Regulation to the Act, the provisions of the BCA are prescribed as technical provisions of the State's building laws.

Obtaining certification of compliance with the BCA for this project before and during construction will be the responsibility of UNE. At the time of completing this report, no advice had been received as to whether Council would be requested to provide this service. Consent conditions in the Appendix to this report have been drafted accordingly.

Access for People with Disabilities

As a new, Class 9b (BCA) building, the development is expected to be fully compliant with the BCA, which is now directly aligned with the Disability (Access to Premises — Buildings) Standards 2010 ('the Standards') made under the Commonwealth Disability Discrimination Act 1992.

The proposed development also makes provision for three new accessible parking bays immediately adjacent to the development.

Food safety and Environmental Health matters

Council's Health Surveyor has considered the application and made recommendations in relation to trade waste, the *Public Health Act 2010* in terms of its air handling systems and under the *Food Act 2003* in regards to the proposed cafe.

State Plan 2021

The development is considered consistent with the State Plan which includes, inter alia, Goal 3 (Drive economic growth in regional NSW), Goal 6 (Strengthen the NSW skill base), Goal 15 (Improve education and learning outcomes for all students) and Goal 19 (Invest in critical infrastructure).

Other Plans

Council's Community Strategic Plan 2011

This Plan identifies (p.10) that *"The education and training sector is one of Armidale Dumaresq's strongest sectors representing over a fifth of the LGA's industry value add and employment"*.

Ecologically Sustainable Development

A relevant aim of the Council's LEP (clause 2(f)) is to ensure that development has regard to the principles of ecologically sustainable development (ESD). ESD is defined in NSW Legislation (for example the Dictionary to the Local Government Act 1993), and involves consideration of the following principles and programs:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms,*

that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

In response to ESD considerations being incorporated within the development the Applicant has submitted a sustainability report addressing ESD initiatives within the building, in Appendix G of the SEE, and also provided the following advice:

UNE is committed to following ecologically sustainable design principles during the design, construction and operation of the facility.

Energy efficient and environmentally sustainable development practices have been incorporated into the design of the proposed development to ensure that the most energy efficient solutions using available technology have been incorporated where practicable. Lighting, ventilation and insulation will adhere to current guidelines (Section J – Energy Efficiency of the national Construction Code (NCC) 2013) and will incorporate environmentally sustainable design principles.

The project aims to develop a low-energy facility founded on passive design and suited to the microclimate in Armidale. The scope and approach for sustainable design include:

- *A project specific energy assessment tool will be developed in order to ensure ESD targets are achieved by all disciplines.*
- *A high performance facade will be incorporated.*
- *Daylight availability will be maximised in both perimeter and core areas (except in laboratories that are photosensitive).*
- *Daylight glare control treatments, such as internal blinds, will be considered.*
- *Energy efficient glazing will be incorporated to improve facade thermal performance.*
- *Access to external views will be maximised.*
- *There will be minimal removal of top soil.*
- *Green roof is being incorporated to enhance the site ecological value, and also to provide thermal benefit.*
- *Landscape design will be appropriate to the site conditions.*

As indicated previously, the development represents a major investment in education infrastructure for Armidale and region and is supported in consolidating UNE's role as a major education provider throughout Australia and overseas, and improving the region's sustainability on that basis.

The development will need to meet the energy efficiency requirements of the BCA (Part J) and its location as part of an established college precinct is also considered appropriate.

Assessment Conclusion

This development involves a major investment in providing new educational infrastructure for Armidale and region and is considered to be strongly in the public interest.

The proposed development is for a use which is permissible with consent under the SEPP (Infrastructure) 2007 and would comply with other applicable statutory planning provisions, including those in Armidale Dumaresq LEP 2012; and with Council's DCP 2012.

The proposal was referred to the NSW Rural Fire Service, who have subsequently issued a bush fire safety authority together with their general terms of approval for the development.

No submissions were received as a result of public notification of the Application.

As a result of this assessment, the proposed development is recommended for conditional consent. The **Appendix** to this report contains all relevant conditions identified throughout the assessment process and as discussed in the Council officer's report.

Recommendation

- (a) That having regard to the assessment of the Application and having now received the written concurrence of the Applicant to the proposed conditions of consent, pursuant to Section 89(1)(b) of the EP & A Act, that DA-53-2014 (JRPP ref 2014NTH008) be granted conditional consent in the terms set out in the Appendix to this report.
- (b) That the NSW Rural Fire Service be notified of the determination in writing.

John Goodall

Town Planner, Armidale Dumaresq Council

Armidale, 9 May 2014

APPENDIX – PROPOSED CONDITIONS OF CONSENT

PRESCRIBED CONDITIONS

For the purposes of section 80A (11) of the Act, the following conditions are prescribed condition of development consent:

Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Armidale Dumaresq Council approval stamp); and all other documents submitted with the application, and subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

Plan Drawer	Plan Numbers / Revision	Date
francis-jones morehen thorp	FJMT-SK-1030 to FJMT-SK-1037 inclusive	31/3/2014

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. Existing trees on the site are to be retained and protected from damage during work on the site (unless identified for removal on the approved FJMT architectural drawings), to maintain the visual amenity of the locality and no buildings constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

Any approved tree removal shall be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.

CONDITIONS REQUIRING ACTION BEFORE CONSTRUCTION WORKS COMMENCE

4. A Structural Engineer is required to design the footings for the building and to confirm that the site has been assessed for possible spring activity and slope instability prior to works commencing on the site.

Note: Should spring activity or slope instability require additional design considerations by the Structural Engineer, a management plan is to be prepared by an appropriately qualified person. The management plan shall take into account the hazard categories identified in the Council's Development Control Plan 2012 Chapter 2.6; provide strategy and implementation procedures to ensure the stability of all structures associated with the development (such as roads, utilities, house foundations, basements, landscape terracing, in-ground pools and the like); and minimise risk during the building phase.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

5. A visual surface inspection of the development site is to be undertaken on completion of site clearance works and a site clearance report is to be obtained from a suitably qualified consultant prior to works commencing, confirming that the site is clear of any hazardous materials and is appropriate for the proposed use.
6. The design and construction of food premises must:
 - be appropriate for the activities for which the premises are used;
 - provide adequate space for the activities to be conducted on the food premises and/or the fixtures, fittings and equipment used for those activities;
 - permit the food premises to be effectively cleaned and sanitised; and
 - exclude dirt, dust, fumes, smoke and other contaminants; and
 - not permit the entry of pests, and not permit any harbourage for pests,in accordance with the Australia and New Zealand Food Safety Authority *Food Safety Standards* and to ensure the public health and safety of patrons and staff. A copy of the Standards can be downloaded from the ANZFA website <http://www.foodstandards.gov.au>
7. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"*, shall be completed prior to works commencing on the site. The ESCP controls shall be implemented and inspected by a suitably qualified/experienced person prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:
 - Provision for the diversion of runoff around disturbed areas;
 - Location and type of proposed erosion and sediment control measures;
 - Location of and proposed means of stabilisation of site access;
 - Approximate location of site sheds and stockpiles;
 - Proposed staging of construction and ESCP measures;
 - Clearance of sediment traps on a regular basis and after major storms;
 - Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
 - Standard construction drawings for proposed erosion and sediment control measures.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

8. Parking areas and driveways proposed in connection with the development of the Agricultural Education building (as shown on the Francis-Jones Morehen Thorp architectural plans) are to be provided with an all-weather, nuisance-free surface for pedestrians and vehicles. The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb. Proposed turning area adjacent to the loading/unloading area on the north western side of the building is to be designed to allow turning within the site for intended largest service vehicle.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012. A detailed design is to be prepared prior to works commencing. All works are to be completed prior to occupation/use of the building.

9. Protection of the development by provision of underground drainage pipelines to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing stormwater infrastructure on site. Capacity of existing stormwater pipe needs to be assessed and if required upgraded or detention system installed to restrict stormwater flow to predevelopment stage. Detailed designs are to be prepared prior to works commencing. All works are to be completed prior to the occupation/use of the building.

ADVISING: The proposed green roof shall have high quality water proofing and root repellent, a drainage system, filter cloth, a lightweight growing medium and plants suitable for the local climate.

10. Prior to works commencing a detailed Construction Management Plan is to be prepared for the site, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
- Public parking during construction.
- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management Plan.
- Provision of sanitary amenities and ablution facilities for employees.
- Fire precautions during construction.
- Dust suppression.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
 - Public footpath being protected from any paint spillages or other damage while work is being carried out.
 - Details of all construction-related signs.
 - Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
 - Location of all public utility facilities and methods of protecting them
 - Method of support to any excavation adjacent to adjoining properties, or the road reserve.
11. For all construction work required on Council road reserves (eg. vehicular footpath crossings utilities and stormwater work, footpath paving, kerb and gutter etc.), the Applicant is to submit an Application to Council as the roads authority pursuant to s138 of the Roads Act 1993 and obtain approvals for all such proposed work. These Application(s) must be approved prior to works commencing on Council road reserves, to ensure that pedestrian and vehicular safety during construction has been addressed and that the work meets Council's relevant Engineering Code and other design standards for work in road reserves.
- The proposal which will involve work/activity over public land, is to be protected by public liability insurance with a minimum cover of \$10 million, or such other amount as may be advised by Council.
12. Adequate consultation, with a minimum of 21 days' notice, must be undertaken with the Council as the local water supply, sewer and stormwater drainage authority in connection with all relevant public utility services to be affected by the development before works commence.

In relation to these services:

- All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 (current edition) and be completed only by a licensed plumber and drainer.
- Council's approval must be obtained by a detailed application under the Local Government Act 1993, for the discharge of any trade waste or chemical material into Council's sewerage system, to prevent any unauthorised use of the system.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

DURING CONSTRUCTION WORKS

13. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for new paving of public areas within the development, to ensure safe public use of these areas.
14. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. A suitably qualified consultant shall:

- identify the source of the fill and certify that it is free from contamination; and
- classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).

15. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

16. The hours of building work on the development site are to be restricted to between 7.00am and 6.00pm on Monday to Saturday and only non audible building works are permitted between 8.00am to 1.00pm on Sundays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

17. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

Any proposed retaining wall is not to impede overland stormwater flows from adjoining properties. Provision is to be made within the site to redirect stormwater at ground level from the rear of the retaining wall to a legal point of discharge, to protect the site and adjoining property from the effects of flooding.

ADVISING: Should excavation identify any Aboriginal or European relics you will be required to cease work and follow the relevant procedures in the National Parks and Wildlife Act 1974 or the Heritage Act 1977. Further details are provided under the heading 'ADVICE' in this consent.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

18. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
19. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.
20. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) - Temporary fencing and hoardings and be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.
21. Roof and surface stormwater from paved and impervious areas is to be collected and directed to the existing stormwater infrastructure on site, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately after the roof and guttering is installed.
22. Lighting is to be provided to pedestrian ways, building entries, driveways and carparks in accordance with relevant Australian Standards to ensure a high level of safety and security for residents and visitors at night. Lighting is to be designed to ensure the amenity of adjoining properties is maintained.
23. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the “Blue Book” and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

BEFORE OCCUPATION / USE OF THE BUILDING

24. A written notice is to be provided to Council advising of the commenced use of the food premises prior to the occupation/use of the café (within the ground floor of the proposed building as shown on the FJMT architectural plans), in accordance with the Food Act 2003 and to ensure the business is placed on Council's register of food premises.
25. Construction of the food premises is to be completed in accordance with the approved design and inspected by Council's Environmental Health Officer prior to the occupation/use of the café, to ensure the public health and safety of patrons and staff.
26. A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to Council prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.
27. Access/facilities for people with disabilities is to be provided in accordance with the Building Code of Australia before the occupation/use of the building, and maintained thereafter.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

28. The proposed development being landscaped to enhance its appearance and provide shade and environmental benefits prior to occupation/use of the building.

New tree planting to be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs, roots, etc.

OPERATIONAL MATTERS

29. An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building.
30. All loading and unloading being carried out on-site or in the loading bay, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

ADVICE

In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Office of Environment and Heritage) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW: <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

In the event that any relics, being any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance,

are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Dumaresq Council, of the find and await further advice before proceeding with the development.

APPENDIX – PROPOSED CONDITIONS OF CONSENT

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979 - Nil:

General terms of other approvals integrated as part of this consent:

- Bush fire safety authority under Section 100B of the Rural Fires Act 1997, issued by NSW Rural Fire Service on 5 May 2014 and subject to the following general terms of approval:
 1. The following conditions are based on the plan prepared by Francis-Jones Morehen Thorp, titled 'Agricultural Education Building - Site Plan', numbered FJMT-SK-1031 and dated 31 March 2014.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Electricity and gas services are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. An Emergency /Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'.

Landscaping

4. Landscaping to the development is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.