

## COUNCIL ASSESSMENT REPORT

Panel Reference	2018NTH021
DA Number	2018 - 834
LGA	Port Macquarie-Hastings
Proposed Development	Additions to Educational Establishment (Stage 2 Charles Sturt University Campus)
Street Address	11 Ellis Parade, Port Macquarie
Applicant/Owner	Charles Sturt University CARE King & Campbell Pty Ltd
Date of DA lodgement	10 October 2018
Number of Submissions	NIL
Recommendation	Consent subject to conditions
Regional Development Criteria (Schedule 4A of the Environmental Planning and Assessment Act 1979)	Crown development over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land</li> <li>• State Environmental Planning Policy No.62 – Sustainable Aquaculture</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Port Macquarie-Hastings Local Environmental Plan 2011</li> <li>• Development Control Plan 2013</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Development plans (including amendments)</li> <li>• Traffic report</li> <li>• Noise report</li> <li>• Draft consent conditions as agreed to with Applicant (on behalf of Crown)</li> <li>• Landfill gas reports</li> <li>• Approved Koala Plan of Management</li> <li>• Bushfire risk advice from NSW Rural Fire Service</li> </ul>
Report prepared by	Pat Galbraith-Robertson
Report date	20 March 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

**Yes**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**N/A**

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Not  
Applicable**

## Conditions

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## RECOMMENDATION

**That DA2018 – 58 for Additions to Educational Establishment (Stage 2 Charles Sturt University Campus) at Lot 1 DP 1240488 No. 11 Ellis Parade, Port Macquarie, be determined by granting consent subject to the recommended conditions (Attachment 1).**

## Executive Summary

This report considers a Development Application for Additions to an Educational Establishment (Stage 2 Charles Sturt University Campus) at the subject site. The proposal is a Crown Development.

Following exhibition of the application, no submissions have been received.

Part of the Stage 2 proposal has already been assessed and determined as Early Works pursuant to Part 5 of the *Environmental Planning & Assessment Act 1979*. Construction has not yet commenced on this component of the development.

The Stage 2 Early Works are shown below and include an at grade car park comprising 96 car parking spaces, road and pedestrian connections from completed Stage 1, sewer and electricity service extensions as well as stormwater management and removal of vegetation associated with these works.

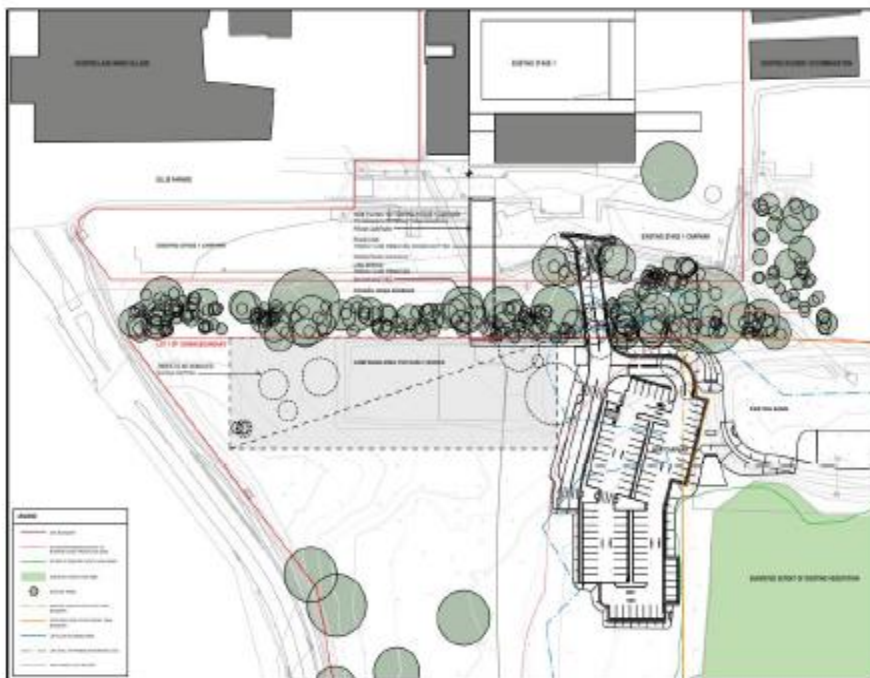


Figure 11: The Stage 2 Early Works Plan (BVN)

Division 4.6 of Part 4 of the *Environmental Planning & Assessment Act 1979* includes provisions relating to Crown development. Section 4.32 defines a reference to the Crown as:

*(a) Includes a reference to a person who is prescribed by the regulations to be the Crown for the purposes of this Division*

Clause 226(1)(c) of the *Environmental Planning & Assessment Regulations 2000* provides that an Australian university within the meaning of the *Higher Education Act 2001* is prescribed. CSU, the Applicant, is listed as an Australian University under Schedule 1 of the *Higher Education Act 2001*. As the development will be carried out by the University, the application is considered a Crown Development Application for the purposes of the *Environmental Planning & Assessment Act, 1979*.

In accordance with Section 4.33(1) of the *Environmental Planning & Assessment Act 1979*, the consent authority (JRPP) must not refuse its consent (except with the approval of the Minister) or impose a condition on its consent (except with the approval of the applicant or the Minister).

This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The consent authority must be satisfied in relation to a number of provisions in relevant environmental planning instruments applicable to the proposal before granting consent to the development. A detailed assessment of the relevant clauses is noted within the report. A summary is also provided below:

- **Part 2 and 3 of SEPP No.44 – Koala Habitat Protection**
- **Clause 7 of SEPP No.55 – Remediation of Land**
- **Clause 15B of SEPP No.62 – Sustainable Aquaculture**
- **Clause 13 of SEPP No.64 - Advertising and Signage**
- **Clause 11 of State Environmental Planning Policy (Coastal Management) 2018**
- **Clause 34 of SEPP (Infrastructure) 2007**
- **Part 5 and clause 34 of State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017**
- **Part 4 of Regional Development of SEPP (State and Regional Development) 2011**
- **Clauses 2.2, 2.3, 5.10 and 7.13 of Port Macquarie-Hastings Local Environmental Plan 2011**

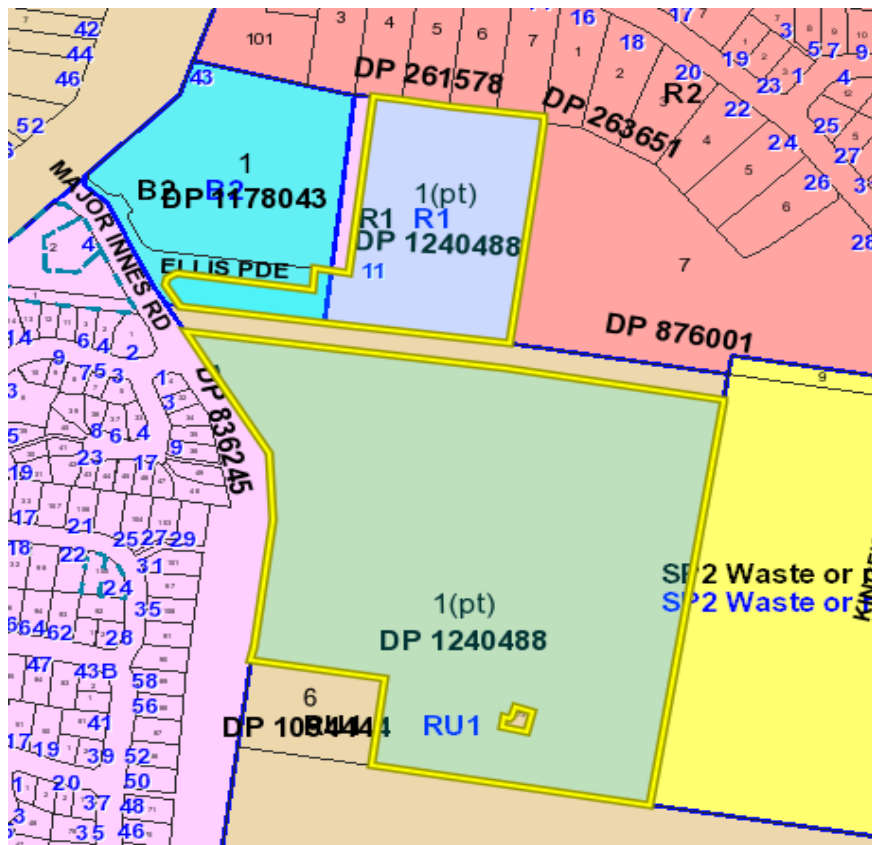
In summary, the assessment of the proposed development has adequately addressed all consent considerations required by the above environmental planning instrument clauses. It is therefore considered that the Panel can proceed with determining the Development Application by granting consent, subject to the recommended conditions of consent.

## **1. BACKGROUND**

### **Existing sites features and surrounding development**

The site has an area of 11.8485 hectares and has frontage to public roads Major Innes Road and Ellis Parade, Port Macquarie.

The land is zoned part R1 General Residential (Stage 1 building and car park), part B2 Local Centre (Stage 1 car park) and partly RU1 Primary Production (being all of the land south of and including the unformed Council road reserve) in accordance with Port Macquarie-Hastings Local Environmental Plan 2011. The zoning and site identification is shown below:



The proposed Stage 2 building is wholly contained within that part of the land zoned RU1 Primary Production. The proposed car park augmentation is located within land zoned R1 General Residential.

The CSU campus is located approximately 5km south-west of the Port Macquarie CBD.

The CSU campus is identified in Council's Urban Growth Management Strategy (UGMS) as being within a Health and Education Precinct. The campus is situated approximately 600m south of the Port Macquarie Base Hospital and is adjacent to the Lake Innes Village Shopping Centre. A student accommodation development and Council's Kingfisher Road Waste Transfer Station adjoin the eastern boundary of the campus.

St Columba Anglican School is located to the south. The land is bounded by Major Innes Road to the west, with residential subdivision located on the western side of Major Innes Road.

Stage 1 of the CSU campus was approved in 2014 under DA 2014/119 and DA2014/120. The Stage 1 approval provided for a building group comprising 7,600m<sup>2</sup> around a central courtyard. The approval also provided for the associated vehicle and bicycle parking.



Figure 8: Aerial image of Stage 1.

The permanent campus commenced operation in February 2016.

A sewer pump station and lead in gravity sewer has recently been constructed on the CSU land as part of the adjoining Student Accommodation development. A recent aerial image of the campus and surrounding uses is provided below. The image identifies the CSU land in red edging and shows the Stage 1 building, a separate lot recently created for the pump station and the adjoining Student Accommodation development.

A temporary recreation area is situated to the south of the unformed Council road reserve and is accessed by an existing footpath connection from the Stage 1 building. This temporary recreation area is in the process of being relocated.





As part of the development of Stage 1, CSU has implemented a Vegetation Management Plan (VMP) for the site, including the adjacent unformed Council road reserve. The VMP was prepared by SLR and includes an area identified as the Koala Offset Area (also known in the VMP as the Southern Offset Area).

CSU has engaged the services of local bush regeneration contractors Wild Things Native Gardens to implement the plan. A copy of extract of the *Vegetation Management Area* from the VMP is shown below. The Southern Offset Area is 3.59Ha in size.

The Southern Offset Area is designed to offset vegetation removal related to the Stage 1 DA and also for potential future offsets associated with later stages.



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal as shown in Attachment 2, as amended, include the proposed expansion of the existing Charles Sturt University campus and is known as Stage 2. To facilitate the delivery program, the Stage 2 development comprises two stages, being:

1. Stage 2 Early Works including a car park, road and pedestrian connections, utility services, temporary works compound and associated vegetation removal. The Stage 2 Early Works have been assessed and determined to proceed pursuant to Part 5 of the *Environmental Planning & Assessment Act 1979*. Construction has not commenced; and
2. The proposed Stage 2 Building & Associated Works include:
  - Two (2) storey teaching, learning and administrative building comprising Gross Floor Area of 2,935m<sup>2</sup> together with the associated hard and soft landscaping;
  - Adjustment to the Stage 1 car park to provide for service vehicle entry to the Stage 2 Early Works car park; and
  - Construction of a 2.5m wide shareway in John Oxley Drive from the existing path system in front of Coles to the Kingfisher Road intersection.



Figure 1: Impression of the northern façade as viewed from the Pedestrian Conn from Stage 1 car park (Ellis Parade, BVN).



Figure 2: Impression of the north-west corner looking south-east (BVN).



Figure 3: Impression of the north-east corner looking south-west (BVN).

The Stage 2 building comprises the following key numerical features:

- Gross Floor Area of 2,935m<sup>2</sup> (excluding verandahs and areas of circulation);
- Teaching space of 1,152m<sup>2</sup> including lecture rooms and laboratories;
- A footprint of approximately 24m by 133m (including verandahs);
- Finished floor levels of RL7m AHD (level 1) and 11m AHD (level 2); and
- The building height between the existing natural ground level and the parapet level varies from a minimum of 7.4m to a maximum of 12.7m.

The Stage 2 building is anticipated to provide capacity for the campus to increase student numbers by a further 840, bringing the campus total to 1,800 when fully operational. Staff numbers are anticipated to increase from 160 to 170. The minor increase in staff numbers occurs as a result of the proposed conversion of a number of part-time staff to full time staff.

Similarly to Stage 1, it is intended that the Stage 2 building will be accessible to students 24 hours a day.

To permit service and emergency vehicle access to the Stage 2 car park it is proposed to augment the existing entry to the southern portion of the Stage 1 car park. The proposed augmentation, will result in the demolition of 1 general space and 2 accessible spaces.



The existing CSU car park comprises 331 car parking spaces. Following the augmentation outlined above, the Stage 1 car park will comprise 328 car parking spaces. The car park approved as part of the Stage 2 Early Works comprises 96 parking spaces, including 2 accessible spaces. However, a bin storage area is proposed within the Stage 2 car park as a part of this application, which will reduce the capacity of the car park to 95 spaces.

Therefore, at the completion of Stage 2, the campus will provide a total of 423 car parking spaces, inclusive of 5 accessible spaces.

The Stage 2 car park is proposed to be constructed prior to the works considered within this application. The Stage 2 car park will however, not be utilised as a formal car park until completion of the proposed Stage 2 building works. The car park will be utilised as a car park for construction workers and vehicles, as well as a site and works compound during construction of the proposed works.

The proposed Stage 2 Building & Associated Works has a Capital Investment Value of \$26,977,000. The application is a Crown Development Application and is also a Regionally Significant Development.

### **Application Chronology**

- 10 October 2018 - DA lodged with Council.
- 25 October to 7 November 2018 – Neighbour notification and public advertising.
- 5 November 2018 – Referral to the NSW Rural Fire Service.
- 20 November 2018 – Copy of Review of Environmental Factors for early works received.
- 27 November 2018 – Additional traffic information and proposed John Oxley shareway details received.
- 28 November 2018 – Update on assessment provided to Applicant.
- 11 December 2018 - Additional traffic information requested.
- 13 December 2018 - Additional traffic information received.
- 14 December 2018 – Advice received from the NSW Rural Fire Service.
- 17 December 2018 – Referral of Koala Plan of Management to the Department of Planning and Environment.
- 24 December 2018 - Additional traffic information requested.
- 25 January 2019 – Department of Planning and Environment requested additional information on Koala Plan of Management and forwarded to Applicant same day.
- 4 February 2019 – Additional information received – landfill gas monitoring report, plan showing water tank, traffic and parking and shareway details.
- 5 February 2019 – Additional information on Koala Plan of Management forwarded to Department of Planning and Environment.
- 26 February 2019 – Approval of Koala Plan of Management by Department of Planning and Environment.
- 28 February 2019 – First version of draft conditions sent to Applicant.
- 5 March 2019 – Second version of draft conditions sent to Applicant.
- 11 March 2019 – Koala Plan of Management approved by Council.
- 19 March 2019 - Final feedback on draft conditions.

### **3. STATUTORY ASSESSMENT**

#### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

Pursuant to the provisions of Clause 6, the policy applies to land which is the subject of a development application and has an area of more than 1 hectare. As the subject land is greater than 1 hectare, the policy therefore applies to this application.

The Applicant has submitted details that although no individual Koalas were observed on site during the flora and fauna site assessment prepared by SLR as a part of the Part 5 assessment

of the Stage 2 Early Works, the existing vegetation within the site was deemed to be core koala habitat due to the following:

- The vegetation is considered potential koala habitat based on the percentage of Koala feed trees present; and
- Evidence of recent sightings, scats and scratches on trees.

In accordance with the provisions of the policy, where development is proposed on land containing core Koala habitat, a Plan of Management must be prepared. A Koala Plan of Management (KPoM) has therefore been prepared in accordance with the provisions of Part 3 of this policy. This KPoM was prepared as a part of the Part 5 assessment of the Stage 2 Early Works to inform the design of the proposed expansion. A copy of the KPoM prepared by King & Campbell Pty Ltd in consultation with SLR is attached to this assessment report.

The KPoM applies to the existing university campus (Lot 1 DP1240488) and the adjacent unformed Council road reserve (4,554.43m<sup>2</sup>). The KPoM is considered consistent with the aims and objectives of this policy as it identifies and protects the land areas within the site that are koala habitat and ensures that the habitat is offset and managed.

The KPoM has been approved by the Department of Planning and Environment (DPE) and Council in accordance with clause 13. An appropriate condition of consent is recommended to give effect to the requirements for compliance with the KPoM.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

This policy applies to the state. Pursuant to clause 7 of this policy, contamination and remediation are to be considered in the determination of any development application.

The Applicant has submitted a Limited Phase 2 Environmental Site Investigation undertaken by RCA Australia over the whole of the CSU land holding in 2013. The investigation concluded that the land is suitable for use as a university campus. However, it is noted that the investigation did not include samples from a stockpile of material which was located to the south of the unformed Council road reserve.

As indicated on the Detail and Level Survey, the landform in the location of the stockpile has been altered since the investigation and the stockpile is no longer as prominent. Preliminary geotechnical investigations have revealed the presence of fill in this location however it is concluded that no significant areas of contamination were identified under this assessment.

#### Landfill gas

In September 2016, GHD provided Council with a Landfill Gas Investigation Update with respect to the Kingfisher Road Waste Transfer Station (previous land fill site). The report identified that insufficient data was available to definitively comment on the migration of landfill gas from the site and recommended that a temporary buffer of 250m be imposed from the landfill and that further monitoring be carried out. The temporary 250m buffer does not preclude the construction of buildings within the buffer, subject to certain site and building considerations. As part of the further monitoring, CSU worked with Council to provide for a suitable monitoring location on the CSU land. A monitoring bore was placed on the CSU land in May 2017. It is understood that the monitoring of this bore has been occurring monthly from this time. Council has recently engaged the services of Arcadis to review the status of the landfill gas matter following the additional monitoring recommended by GHD. Arcadis's review was not available at the time of writing.

The Applicant has advised that in the absence of Arcadis's review, CSU commissioned JBS&G Australia Pty Ltd (JBS&G) to undertake a separate review of the available information in order to inform the design and location of the Stage 2 building. As part of this work it has been identified that the risk associated with the sub surface migration of methane from the landfill to the CSU Stage 2 development site is low, however there is a moderate risk associated with carbon dioxide. JBS&G initially recommended that additional monitoring be undertaken and that monitoring bores should be located along the perimeter of, and within the area proposed for new enclosed structures. This monitoring had commenced at the lodgement of the DA.

JBS&G state that '*...the undertaking of additional ground gas assessment should not preclude development approval within the landfill buffer zone. The results of the monitoring on the boundary of the landfill indicate that potential risks to the Stage 2 development are limited to the*

*presence of carbon dioxide. Low/negligible risks were identified for methane on the western/northern boundary of the landfill. Given this, any potential requirement for gas mitigation measures for the proposed development will likely be limited to those required to manage carbon dioxide and not explosive risks associated with methane’.*

During the assessment of the DA additional information including the results of additional monitoring has been submitted. The additional information includes a further report by JBS&G has found that the reported methane, carbon monoxide and hydrogen sulphide concentrations are low and are not considered to be a risk to future development at the site. In addition, JBS&G found that carbon dioxide concentrations were variable, with two monitoring locations exceeding 5%v/v. In preparing the report, JBS&G has referenced the *Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases* (EPA 2012). In line with this document, JBS&G has identified that the maximum calculated gas screening value (GSV) was 0.65L/hr resulting in a characteristic gas situation (CS) of 2 which, for uses such as public buildings, schools and hospitals, requires a gas protection level of 3.

JBS&D’s report identifies that there are a number of strategies available to achieve a gas protection level of 3. CSU is currently considering the most appropriate strategy to achieve the required gas protection level for the Stage 2 building. As such, the following proposed condition of consent is provided for Council’s consideration: *“Building work cannot be commenced on the Stage 2 building unless the building work is certified by or on behalf of the Crown to meet a gas protection level of 3 or greater in accordance with Table 8 of Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases (EPA 2012)”*.

Council staff have made specific recommendations to require monitoring and construction standards to be implemented. The Applicant has agreed to a monitoring condition.

#### **State Environmental Planning Policy No. 62 – Sustainable Aquaculture**

This policy requires development to consider the potential effects on oyster aquaculture. The site is not located within close proximity to any known aquaculture industries.

The proposal includes stormwater control measures on-site to manage and control stormwater. Based on the above, the proposed development is therefore considered unlikely to have any identifiable detrimental impact on existing aquaculture industries.

#### **State Environmental Planning Policy No. 64 – Advertising and Signage**

The application does not seek consent for any free standing advertising or signage.

The proposed building incorporates signage into the façade of the building. The signage is a building identification sign and is considered consistent with the aims and objectives of this policy for the following reasons:

- The proposed sign has been incorporated into the design of the building and is considered compatible with the desired amenity and visual character of the urban area;
- A signage structure exists at the intersection of Major Innes Road and Ellis Parade. This sign is located just north of the proposed Stage 2 building and is considered to effectively communicate the presence of Charles Sturt University on the land;
- The proposed sign is considered to be of a high quality design and finish;
- The proposed signage is not considered likely to impact on any traffic signals or impact any views or vistas to the surrounding land; and
- The sign is not proposed to be illuminated.

#### **State Environmental Planning Policy (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011**

The site is part mapped coastal wetlands and the development itself is located within a proximity area to those mapped wetlands.

In accordance with clause 11, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

As shown in the below image, part of the subject land has been mapped as Coastal Wetland.



No work is proposed in the area recently mapped as Coastal Wetlands under this policy. Work is proposed in the location identified as 'Proximity Area for Coastal Wetlands'.

An assessment of these matters has been undertaken by SLR Consulting to inform both the Stage 2 Early Works assessment process and the proposed Stage 2 Building and Associated Works assessment process which concludes that no adverse environmental impacts will result to the mapped wetlands.

## State Environmental Planning Policy (Infrastructure) 2007

The proposal includes a rooftop solar energy system which is permissible in accordance with clause 34. The roof top solar system proposed is suitably located and no adverse environmental impacts can be identified.

## State Environmental Planning Policy (State and Regional Development) 2011

This policy aims to identify state and regionally significant development or infrastructure and confer functions on Joint Regional Planning Panels.

Clause 20 of this SEPP - regional development is triggered by the development. Schedule 7 identifies the development for which a regional panel is authorised to exercise the consent authority function.

Clause 4 of Schedule 7 reads as follows:

*4 Crown development over \$5 million*  
*Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act)*  
*that has a capital investment value of more than \$5 million.*

The proposed development meets Clause 4 as the proposal has an estimated construction value greater than \$5 million and is Crown Development.

The proposed Stage 2 Building & Associated Works has a Capital Investment Value of \$26,977,000.

Clause 20 identifies the Northern Joint Regional Planning Panel as the consent authority. The purpose of this report is to provide an assessment of the Development Application in accordance with section 4.15 of the Act.

## State Environmental Planning Policy (Rural Lands) 2008

This policy applies to the PM-H local government area and aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes.



Clause 7 of this policy outlines the rural planning principles to be considered when developing rural land. The land subject land is surrounded mostly by urban land uses. In addition, the land is identified within Council's *Urban Growth Management Strategy 2017-2036* as being within the Port Macquarie health and education precinct and the growth of the campus has been anticipated by Council.

The use of the land for a rural or agricultural activity would therefore not be consistent with the surrounding land uses or growth management strategy. The proposed works are therefore considered to be an appropriate use of the land.

### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.**

The aim of *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017* (the Education SEPP) is to facilitate the effective delivery of educational facilities by: improving certainty and efficiency through a consistent planning regime; and simplifying and standardising planning approval pathways.

The Stage 2 Building and Associated Works are permissible with consent within the boundaries of the existing university, being Lot 1 DP1240488, pursuant to clause 45 of this Policy.

### **Port Macquarie-Hastings Local Environmental Plan 2011**

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, The land is zoned partly R1 General Residential (Stage 1 building and car park), partly B2 Local Centre (Stage 1 car park) and partly RU1 Primary Production (being all of the land south of and including the unformed Council road reserve) in accordance with Port Macquarie-Hastings Local Environmental Plan 2011. As detailed above, the two (2) storey teaching, learning and administration building is permissible with consent on the land pursuant to the provisions of Clause 45 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

The objectives of the RU1, B2 and R1 zones respectively are as follows:

#### *Zone RU1 Primary Production*

##### *1 Objectives of zone*

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

#### *Zone B2 Local Centre*

##### *1 Objectives of zone*

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment.*

#### *Zone R1 General Residential*

##### *1 Objectives of zone*

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- the proposal is a permissible landuse under State legislation; and
  - The part RU1 zoned section of land is not planned to be reserved for agricultural purposes.
- Clause 5.5 - Development within the coastal zone - relevant objectives of this clause are addressed by SEPP (Coastal Management) 2018 section (see above).
  - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance. Aboriginal Heritage Information Management System searches undertaken by the Applicant for the site also did not reveal any known items of Aboriginal significance.
  - Clause 7.1 - Part of the low lying eastern sections of the land are identified in the LEP mapping as containing class 2 Acid sulfate soils. No work is proposed in this location, therefore no adverse impacts are expected to occur to the acid sulfate soils found on site.
  - Clause 7.3 - the site is land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
    - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
    - The proposal will not result in a significant adverse affects on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
    - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
    - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
    - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
  - Clause 7.13 - satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(a)(iii) Any DCP in force**

**Port Macquarie-Hastings Development Control Plan 2013:**

<b><i>DCP 2013: General Provisions</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.2.2.1	Advertising and signage	The proposal includes business identification signage integrated into the design of the building. The application does not seek consent for any advertising structure or additional signage.	N/A
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the	Earthworks will either be retained within the footprint of the building or by associated landscape walls, with	Yes & No – see comments

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	external building walls	the exception of a batter to the southern elevation. This elevation will adjoin the central courtyard which is to be developed as part of the next building element of this building group. It is considered that the proposed works are consistent with the objectives of this development provision for the following reasons: - The extent of site disturbance has been minimised and is limited to the building footprint and immediate surrounds; - The proposed earthworks are not likely to cause any damage or instability to adjoining properties; - The proposed earthworks are not considered to impact on the privacy or private open space of any dwellings; and - Adequate stormwater drainage is proposed to maintain existing flow paths.	beside this column
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Retaining walls are proposed as part of the landscaping elements situated adjacent to the northern façade of the building. No retaining walls are proposed along the road frontage of Major Innes Road. No fences are proposed as part of the landscape retaining walls. The proposed retaining walls are functional and safe and will positively contribute to the development by providing attractive outdoor spaces adjacent to the building.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.7	Parking layout	The proposal does not seek to construct a car park. In this regard, it is noted that a 96 space car park has been approved as part of the assessment of the Stage 2 Early Works under Part 5 of the <i>Environmental Planning &amp; Assessment Act, 1979</i> . This car park, in conjunction with the existing campus car park is	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
		considered suitable for the proposed campus expansion with respect to design and number of spaces. Minor augmentation of the existing campus car park is proposed as a part of this application. This work is proposed to permit service vehicle access to the Stage 2 car park.	
2.7.2.1	Social Impact Assessment	Social Impact Comment submitted – refer to details later in this report under Social Impacts	Yes
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	A Crime Prevention Through Environmental Design (CPTED) assessment has been prepared by the NSW Police. The assessment is supportive of the proposed works. No significant concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

Based on the above assessment, the variation relating to the proposed to the cut and fill standard performance based provisions of the DCP is considered acceptable and the relevant objectives have been satisfied. The variation does not amount to an adverse impact or a significance that would justify refusal of the application.

**(a)(iii)(a) Any planning agreement or draft planning agreement**

No planning agreement has been offered or entered into relating to the site.

**(a)(iv) The regulations**

No additional specific regulations require specific consideration.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality**

**Context and Setting**

There are no specific development controls currently in place on the section of land zoned RU1 primary production to which the proposal relates to.

The Applicant has been requested to provide merit justification as to how the proposal is compatible with the existing context and likely future desired character for the site and locality.

The Applicant has provided a satisfactory architectural statement and submitted that the proposed building is consistent in height, bulk and scale with the adjacent Stage 1 building and Lake Innes Village Shopping Centre as well as other recent buildings in the Health and Education Precinct such as the Sienna Grange Residential Aged Care building fronting John Oxley Drive. The proposed setback of 6.5m from the Major Innes Road boundary allows the single storey western elevation to address and engage with Major Innes Road and provides sufficient space for a generous and well-designed pedestrian forecourt to activate the streetscape. In addition, it is noted that the proposed setback is similar to the approved 6m setback for the Sienna Grange Residential Aged Care building on John Oxley Drive. Furthermore, the setback is generally consistent with the setback provisions applying to residential development of a similar height.



The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation is proposed.

There is no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

### **Roads**

The site has road frontage to Major Innes Road and Ellis Parade. Both Major Innes Road and Ellis Parade are two-lane two-way road collector roads under the care and control of Council with Ellis Parade being upgraded to a two-lane two-way divided road as part of CSU, Stage 1.

Since the development of CSU Stage 1, Council has acquired the unnamed and unformed road currently between CSU Stage 1 and CSU proposed Stage 2. The primary intent for this acquisition was to allow for east-west pedestrian connectivity in the area (future access to the Googik track).

Ellis Parade currently connects to Major Innes Drive in an intersection yielding to Major Innes Road traffic with an existing northbound bus bay on the western side of the intersection. As part of CSU Stage 1, this intersection was upgraded to include a “keep clear” area. Future intersection plans proposed in the John Oxley Drive Concept Upgrade Plans propose that this intersection be upgraded to a two-lane roundabout at some stage in the future. The Major Innes Road upgrade plans are still in the early investigation stage and are not sufficiently developed so as to be factored into the assessment of the subject application.

Ellis Parade currently serves as the primary access to (CSU Stage) and is proposed to remain as the primary access for Stage 2. Further expansion beyond Stage 2 proposes to relocate the primary access from Ellis Parade to a new intersection connecting to Major Innes Road south of Ellis Parade.

### **Traffic and Transport**

Traffic impacts associated with a regional tertiary education (university) campus can vary significantly depending on land uses, demographics, and availability of travel modes.

CSU held a prelodgement with Council staff for the proposed Stage 2 development in June 2018. Minutes from this meeting advised that a traffic impact assessment would be required:

- to quantify the traffic and parking impacts associated with the development;
- to evaluate the capacity, safety and operational development impacts to the road network including the operations at John Oxley Drive and Major Innes Road intersection, and Major Innes Road and Ellis Parade intersection and any proposed driveway intersecting the public road network; and
- to evaluate of pedestrian and bicycle connectivity with the site.

In addition, Council staff raised concerns regarding the capacity and operations at the Major Innes Road and Ellis Parade intersection in its current form to facilitate the CSU, Stage 2 expansion and requested the applicant to review and consider possible upgrades to this intersection or providing an alternative site access.

The Applicant engaged TEF Consulting to evaluate the traffic and parking impacts of the proposed expansion. To support the analysis, TEF conducted traffic surveys in March 2018 at the exiting CSU Stage1 campus and adjoining facilities at the Cole's shopping centre and Student accommodation site. Capacity analysis was conducted using SIDRA and AIMSUN and summarised in the October 2018. Further analysis was conducted upon Council's review and provided in subsequent analysis on the 1 February 2019.

Upon review of information, Council staff have concluded that:

- The existing CSU Stage 1 is generating similar traffic conditions as originally projected as part of the Stage 1 traffic study;
- CSU Stage 2 is anticipated to add 84 vehicle trips to the exiting morning peak and 81 vehicle trips to the afternoon peak;
- John Oxley Drive & Major Innes Road are currently experiencing significant congestion, primarily due existing background traffic growth;
- CSU Stage 2 contributes to a minor proportion of the background growth
- Future conditions with the implementation of proposed road improvements defined in the "John Oxley Drive Concept Upgrade Plan" are required to alleviate traffic congestion regardless of CSU Stage 2; and
- Exiting traffic conditions queue though the Major Innes Road & Ellis Parade intersection during peak periods of the day.

As queuing is observed on Major Innes Road through Ellis Parade, Council staff requested further review of this intersection for capacity upgrades including evaluating an interim one-lane roundabout upgrade. Findings of this analysis determined that although average delays for the critical movements would be improved with the roundabout however the level of service with the current intersection treatment is satisfactory. Additional delays would be created to the northbound Major Innes Road through movement however since queuing through the intersection occurs on the northbound approach the westbound approach has good sight lines to find gaps in traffic in the "Keep Clear" section of the intersection. Council engineering staff accept the existing intersection condition at this time and note that this traffic impact will be further assessed with future road widening and additional stages to CSU.

Council engineering staff raised queries regarding the proximity of the current existing indented northbound bus bay at the Major Innes Road and Ellis Parade intersection. TEF has reviewed this concern and determined that the existing bus bay located at the intersection is not highly used during the peak periods. Furthermore analysis by the applicant has shown limited suitable areas along Major Innes Road for relocation. Any future widening plans will likely make any relocated bus bay redundant. As buses stop primarily on the approaching side of this intersection and existing conditions and the existing intersection has been demonstrated to operate acceptably by the Applicant, engineering staff accept the bus bay remaining in its current location.

### **Site Frontage and Access**

Vehicle access to the site is via the existing access on Ellis Parade, with internal changes to the Stage 1 carpark design to facilitate a new driveway accessing the Stage 2 carpark. Carpark was assessed as part of the Part 5 assessment in accordance with relevant standards. As such the carpark requirements are not relevant to this application.

### **Pedestrian and Cycle Facilities**

Pedestrian and cycle connectivity are important around university facilities to encourage alternative modes of travel and reduce car dependency. Currently there is a significant pedestrian and cycle network around the area, however some gaps currently exist along John Oxley Drive connecting the CSU campus to the Base Hospital. As part of Stage 2, CSU has offered to construct a missing link of the 2.5m wide concrete shareway along John Oxley Drive between the Major Innes roundabout and the recently completed Bunnings development works, consistent with Council's proposed John Oxley Drive Concept Upgrade Plan. Council acknowledges the importance of this missing link to be constructed, and has recommended its construction with this stage.

### **Parking and Manoeuvring**

A total of 331 carpark spaces were constructed as part of CSU Stage 1, and proposes to create an additional 95 parking carpark spaces with Stage 2 as part of an existing Part 5 assessment for the site.

TEF evaluated existing parking demands as part of the October 2018 report and determined:

- The peak parking demands for the site is 291 spaces in the middle of the day
- Average peak demand between 11:00 AM and 2:00 PM was determined to be 268 vehicles, thus creating an additional surplus of 63 spaces available from the existing CSU Stage 2 facility during most of the middle of the day.
- Adequate parking facilities are available based upon floor area of teaching space.

Whilst it has been noted with the Applicant during the assessment of the DA that the existing parking is limited, and synergies have been created with adjoining sites (i.e. student accommodation) so as to reduce the dependency on vehicles on the site, this helps to contribute positively to the lower parking demand for the site. In addition, if parking becomes an issue in the future, there is adequate room on the site to address through overflow parking facilities.

### **Water Supply Connection**

Council records indicate that the development site does not currently have a water service.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

### **Sewer Connection**

Council records indicate that the development site is currently connected to sewer via a sideline junction to the 300mm sewer trunk main that runs along the eastern boundary.

Council's sewer infrastructure shall be extended past the extent of works for this development (west of manhole PM82P008MH) to allow for a future sewer main extension. Detailed engineering plans are to be submitted to Water and Sewer Section for approval.

The existing sewer manholes located in the proposed car park shall be upgraded to facilitate trafficable conditions at no cost to Council.

### **Stormwater**

Stormwater runoff from the Stage 2 development will be directed to the existing stormwater management facility on the land comprising an above ground on site detention and bioretention basin via a pit and pipe system. The existing runoff from Major Innes Road and the unformed road reserve shall continue on its current path toward the Swamp Sclerophyll Forest in the eastern part of the land.

With respect to stormwater quality, the bioretention treatment area within the existing basin will be extended by 50m<sup>2</sup> as part of the Stage 2 Early Works. This increase in bioretention treatment area coupled with the provision of a 25kL rainwater re-use tank has been modelled in MUSIC and is capable of meeting the desired stormwater quality targets.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to construction commencing.

### **Other Utilities**

Telecommunication and electricity services are available to the site.

Standard condition recommended to require the proponent to provide any upgrades to utilities as necessary.

## **Heritage**

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

## **Other land resources**

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource given future planning for the precinct.

## **Water cycle**

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

## **Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

## **Air and microclimate**

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition is recommended.

## **Flora and fauna**

The Applicant has submitted a specialist Flora and Fauna Assessment prepared by SLR Consulting to consider the potential ecological impacts of the proposed development. The assessment summarises and highlights the ecological findings of the flora and fauna assessment undertaken as a part of the Part 5 assessment of the Stage 2 Early Works. The assessment also addresses the potential impacts specific to the proposed Stage 2 building and associated works.

The following key matters are identified in the SLR report:

- A total of 175 plant species were recorded on the subject site including 131 native plant species and 44 exotic plant species. No threatened plant species listed under the NSW Biodiversity Conservation Act or Commonwealth EPBC Act were identified;
- Three vegetation communities were identified within the study area, including:
  - Exotic grassland. Comprising the majority of the study area.
  - Blackbutt Pink Bloodwood Shrubby Open Forest of the Coastal Lowlands of the NSW North Coast Bioregion. This vegetation community is an Endangered Ecological Community listed under Schedule 2 of the BC Act as 'Subtropical Coastal Floodplain Forest of the North Coast Bioregion'; and
  - Swamp Mahogany swamp forest of Coastal Lowland of the NSW North Coast bioregion and north Sydney Basin Bioregion. This vegetation community is an Endangered Ecological Community listed under Schedule 2 of the BC Act as 'Swamp Sclerophyll Forest on Coastal Floodplains on the NSW North Coast, Sydney Basin and South East Corner Bioregions'.
- A total of 47 fauna species were identified during the fieldwork, comprising 33 birds (including Swift Parrots), 10 mammals, 2 reptiles and 2 amphibians;
- Koala food trees were identified within the site. However, no trees are proposed to be removed as a part of this application;
- A total of 30 hollow bearing trees were identified containing 46 hollows.
- Four hollow bearing trees were identified in the unformed Council road reserve and 26 in the Paperbark Swamp Forest which is within the VMP Offset Area.

SLR state that the impacts on biodiversity values are limited to potential indirect impacts on adjacent areas of vegetation and fauna habitat.



SLR provide recommendations with respect to the mitigation of these indirect impacts and conclude that *'...the DA works are not likely to have a significant impact on any threatened biota listed under the BC Act, pursuant to s.7.3 of the Act'*.

The SLR report has been reviewed by Council staff who have concluded that construction of the proposed development will not require any removal/clearing of any significant vegetation and together with the proposed offset areas to be managed will therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

### **Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition is recommended.

### **Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

### **Noise and vibration**

The Applicant has submitted a specialist noise impact assessment prepared by WSP Australia Pty Ltd (WSP). The assessment has been prepared in accordance with the Council's Development Control Plan, the NSW Noise Policy for Industry and the NSW Road Noise Policy.

WSP identify that as a result of the existing traffic along Major Innes Road and a comparatively minor predicted increase in traffic volume resulting from Stage 2, the overall acoustic environment is anticipated not to be impacted by the increase of road traffic. The impact to the residential receivers adjacent the site will therefore be negligible. WSP's assessment concludes that the environmental noise emissions from the car park, waste collection, pedestrian traffic, and operational road traffic will not be adverse. However, as the development is in the early design stages a detailed environmental noise emissions assessment has not been undertaken. WSP recommend that during the detailed design phase that the proposed development be designed to achieve compliance with the applicable environmental noise limits. The location of mechanical plant on the eastern side of the building's roof is supported by WSP. Subject to the implementation of suitable acoustic treatments WSP identify that compliance with the relevant criteria will be achievable.

No adverse impacts anticipated. Conditions recommended to restrict construction to standard construction hours and comply with the recommendations of the WSP report.

### **Bushfire**

The land is mapped as being bushfire prone, however, it is noted that the Bushfire Prone Land mapping does not reflect recent changes to the vegetation in this location, including the vegetation removal associated with Stage 1 of CSU and the adjoining Student Accommodation development. It is noted that some of the completed vegetation removal has changed the bushfire status of some of the vegetation in this location.

The Applicant has submitted a specialist bushfire report prepared by BlackAsh Bushfire Consulting which has been forwarded to the NSW Rural Fire Service for consideration and advice. The report includes hazard modelling to determine the existing status of the bushfire hazard in this location and the suitability of the proposed works. The narrow strip of vegetation within the unformed Council road reserve, situated to the immediate north of the proposed Stage 2 building, is identified to be low risk and more accurately classified as Category 2 vegetation.

The predominant vegetation is classified by BlackAsh as Low-hazard (remnant corridor) to the north and a combination of managed and forested wetland (Swamp Mahogany/Forest) to the east. The land to the south and west is considered managed land.

BlackAsh recommend a 9.2m asset protection zone (APZ) to the north and a 37m APZ to the east. The proposed building is located to exceed the recommended APZ dimensions. Utilising an APZ performance outcome in accordance with Method 2 of AS3959, BlackAsh recommends that all elevations of the Stage 2 building be constructed in accordance with Bushfire Attack Level (BAL) 19, including the roof.

BlackAsh provide the following recommendations with respect to the proposed Stage 2 building:

1. **Construction Standard:** The proposed new Stage 2 development (as per the site plans in Figure 3) and based on the Method 2 BAL/Radiant Heat Analysis undertaken in section 7.6 of this report, shall be constructed to a minimum standard of BAL 19 to all building elevations and roof (based on a minimum 9.2m APZ to north, and 37m APZ to the east).  
In accordance with AS3959, 2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 of the NSW Rural Fire Service Addendum to Appendix 3 of 'Planning for Bushfire Protection 2006'.
2. **Asset Protection Zones:** At the commencement of building works and in perpetuity, a 9.2m Asset Protection Zone shall be established and maintained to the northern boundary with the remnant corridor, and a 37m APZ shall be established to the eastern forested wetland (Swamp Mahogany) interface. These APZs shall be established and maintained as an inner protection area as outlined within PBP and the NSW RFS document 'Standards for Asset Protection Zones'.
3. **Access Arrangements:** New access roads are to be designed and constructed in accordance with the aims and objectives of PBP, and as per the internal access road requirements of PBP section 4.2.7, as per section 10 and Table 5 of this report.
4. **Water Supplies:** New water supply networks are to be designed and constructed in accordance with the aim and objectives of PBP, and as per AS 2419:2005, and as referenced in section 8 of this report.
5. **Services:** New electricity and gas supply arrangements shall comply with the requirements of PBP, and as referenced in section 9 of this report.
6. **Updated Emergency Plan:** Prior to occupation an updated emergency management plan will be completed, reflecting the new Stage 2 TED arrangements.

The RFS have reviewed the proposal and made recommendations which will be required to be imposed via conditions of consent.

Management of bushfire risk is acceptable subject to BAL construction levels being implemented and APZ being maintained. Appropriate conditions are recommended in this regard.

### **Social and Economic impacts in the locality**

A Social Impact Comment was prepared as a part of the Stage 1 Development Application (January 2014) which established the campus on the land. The comment determined that the potential social impacts of the campus were considered to be of a minor nature. This was based on the fact that the university provides opportunities for tertiary education and generates increased demand for retail, recreation and community facilities in the local community.

Council's Urban Growth Management Strategy identifies the CSU campus as being within a Health and Education Precinct and recognises the campuses expected growth.

The UGMS states '*...the new campus of Charles Sturt University (CSU) in Port Macquarie is planned to expand to service around 5,000 equivalent full time students by 2036. The growth of the health and education sectors presents an opportunity to increase the number of young people in our community, diversify our economy, increase labour force participation and build on Port Macquarie's growing status as a regional city.*

The proposed expansion of the university campus is considered likely to generate a significant positive impact on the socio-economic environment of the Port Macquarie-Hastings region. In support of this statement recent economic impact modelling of the Port Macquarie campus has estimated that CSU contributes the following:

- 0.5% of gross regional product;
- 0.5% of household income;
- 0.5% of full-time equivalent employment in the Port Macquarie-Hastings;
- Campus operations generated the largest contribution to full-time equivalent employment in the Port Macquarie-Hastings region at 77.1% of the overall employment impacts;
- Student expenditure, the second largest contributor to full-time equivalent employment, made up 20.5% of the overall full-time equivalent impact (note that this does not include the economic impact expenditure by internal local students attending the Port Macquarie campus); and
- 513 students studied internally at the Port Macquarie campus in 2016, of which 242 (47%) were local.

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

No adverse economic impacts can be identified. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

#### **Site design and internal design**

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

#### **Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

#### **Cumulative impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

#### **(c) The suitability of the site for the development**

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints of bushfire risk, flooding and potential land fill gas migration on the site has been adequately addressed and appropriate conditions of consent recommended.

#### **(d) Any submissions made in accordance with this Act or the regulations**

No submissions have been received following public exhibition of the application.

#### **(e) The public interest**

The continued expansion of the campus in the appropriate manner proposed is considered to ensure that the Port Macquarie-Hastings improves the number of tertiary educated persons as well as those of a typical university age (17-24).

The proposed campus expansion is considered to offer increased opportunities for tertiary education by improving course options as well as further demand for retail, recreation and community facilities in the local community.

The proposed development satisfies relevant planning controls as justified and is not expected to adversely impact on the wider public interest.

### **Ecologically Sustainable Development and Precautionary Principle**

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

### **Climate change**

Refer to comments provided earlier in this report under Port Macquarie-Hastings LEP addressing climate change.

## **4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

### **Section 94 Contributions**

No - The development does not involve the creation of an additional residential component.

### **Section 94A Contributions**

Yes - The development contains commercial components however the Applicant on behalf of the Crown has proposed to not accept a development contributions condition. It is noted however that the proponent is proposing a new concrete shareway in John Oxley Drive as detailed earlier in this report.

### **Section 64 Water and Sewer Contributions**

Yes – Condition recommended and agreed to by Applicant on behalf of Crown. An estimate of Notice of Payment is attached to this report.

## **5. CONCLUSION AND STATEMENT OF REASON**

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.