

COUNCIL ASSESSMENT REPORT

Panel Reference	2019WES004
DA Number	DA 118/2019(1)
LGA	Orange City Council
Proposed Development	Educational Establishment
Street Address	346 Leeds Parade, Orange
Applicant/Owner	Charles Sturt University c/- Premise NSW Pty Ltd
Date of DA lodgement	29 April 2019
Number of Submissions	Nil
Recommendation	Approval (subject to conditions)
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV >\$5m for Crown development
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Orange Local Environmental Plan • Orange Development Control Plan • relevant regulations e.g. Regs 92, 93, 94.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Crown concurrence • Notice of Determination • DA assessment report
Report prepared by	Rishelle Kent, Senior Planner
Report date	23 May 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? **Found in body of report**

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? **Found in body of report**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

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

Conditions

Have draft conditions been provided to the applicant for comment? **Yes, concurrence attached**
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

2019/ REPORT TO	WESTERN REGION PLANNING PANEL
FROM	SENIOR PLANNER (KENT)
DATE	23 MAY 2019
ON	DEVELOPMENT APPLICATION 346 LEEDS PARADE, ORANGE EDUCATIONAL ESTABLISHMENT (NEW BUILDING, ALTERATIONS AND ADDITIONS TO EXISTING BUILDING) AND ELECTRICITY GENERATING WORKS
PR18701 - IC19/8847	
Application Lodged	29 April 2019
Development Application No	DA 118/2019(1)
Plan No/s	Brewster Hjorth Architects drawings DA01, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA12, DA13, DA14, DA15, DA16, DA17, DA18, DA19, DA21, DA22 (19 sheets) Urbis Landscape Plans drawings 6.0 Tree Retention Plan, 7.0 Site Wide Master Plan, 8.0 Academic Hub Illustrative Plan, 9.0 Early Learning Hub Illustrative Plan, 11.0 Planting Strategy (5 sheets)
Applicant	Charles Sturt University C/- Premise NSW Pty Ltd PO Box 1963 ORANGE NSW 2800
Owner/s	Division of Facilities Management Charles Sturt University Panorama Avenue BATHURST NSW 2795
Land Description	Lot 301 DP 1047282 - 346 Leeds Parade, Orange
Proposed Land Use	Educational Establishment (new building, alterations and additions to existing building) and electricity generating works
Value of Proposed Development	\$10,213,000
Provisions of LEP 2011 (amended)	Zone SP2 Infrastructure
Details of Advertisement of Project	Advertised in Orange City Life on Thursday, 16 May 2019 and neighbouring properties notified. Exhibition closed on Friday, 31 May 2019.
Recommendation	Approval

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EXECUTIVE SUMMARY

Council's consent is sought for a new building, alterations and additions to an existing building and electricity generating works at 346 Leeds Parade, Orange. The land is described as Lot 301 DP 1047282 and is known as the Charles Sturt University, Orange Campus, identified in Figure 1 below. The land is subject to a heritage item pursuant to Schedule 5 of the Orange LEP.

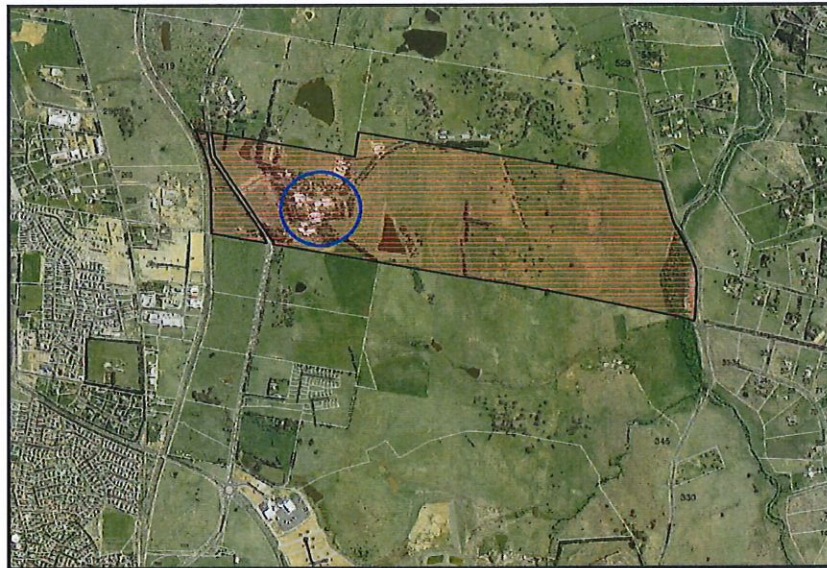


Figure 1: locality plan

The proposed development will occur in two locations upon the site, in an established educational precinct with existing buildings, pathways and plantings throughout the site. Three distinct developments are proposed as part of the application, being:

- (a) Development of a new academic hub building, a three level building designed to integrate with the topography of the location and minimise earthworks.
- (b) Alterations and additions to the existing Health Sciences Active Based Learning Building by extending to the east and south.
- (c) Installation of roof mounted solar panels on both roofs of the academic hub building with an estimated capacity of 110 (kW).

The application is nominated development by/or on behalf of the Crown. Relevantly, Council's obligations for Crown development are discussed below.

Pursuant to Schedule 7 of the State and Regional Development SEPP, the development is considered regionally significant development due to the development having a capital investment value over \$5 million for Crown development, and is therefore required to be determined by a Joint Regional Planning Panel, as per Section 4.5(b) of the *Environmental Planning and Assessment Act 1979*.

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

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RECENT LEGISLATIVE CHANGES

On 1 March 2018 the *Environmental Planning and Assessment Act 1979* was substantially amended. The most immediate change involves the restructuring and renumbering of the Act, with other more substantive changes to be phased in over time. However, for some applications (particularly where an application was lodged prior to the changes coming into effect) the supporting documentation may still reference the previous numbering regime. In the drafting of this report the content and substance of the supporting material has been considered irrespective of which legislative references were used.

FINANCIAL IMPLICATIONS

Nil

POLICY/GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the Western Joint Regional Planning Panel consents to development application DA 118/2019(1) for *Educational Establishment (new building, alterations and additions to existing building) and electricity generating works* at Lot 301 DP 1047282 - 346 Leeds Parade, Orange pursuant to the conditions of consent in the attached Notice of Approval.

THE LAND

The land is legally described as Lot 301 DP 1047282, known as 346 Leeds Parade and is located to the north of the City of Orange, accessed from Leeds Parade. The land also has secondary road frontage to Ophir Road. The site has a long-established land use for the purpose of tertiary education, with a vast number of buildings and supporting infrastructure to enable this use. The land is surrounded primarily by agricultural use.

Approval to remove buildings currently occupying the site of the Academic Hub is being separately addressed as development without consent pursuant to State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

THE MASTER PLAN

A Master Plan has been prepared for the Charles Sturt University Orange Campus by Jackson Teece, issued in May 2010. The plan seeks to provide a 30 year vision for the campus and provides a framework to guide the future growth of the campus in terms of spatial planning, the management of demand on infrastructure services, traffic and parking among other strategies and services. The Master Plan also serves to assist with the preparation and consideration of future development applications for the campus.

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The Master Plan (cont)

The proposed works are in keeping with the Master Plan, specifically the expected increase in staff and student numbers, a social hub for the campus (being the Academic Hub), the indigenous student services facility proposed in the Academic Hub building, and buildings to be removed or refurbished, in line with the current proposal.

THE APPLICATION/PROPOSAL

Development consent is sought to carry out the following works:

- (a) Development of an academic hub. This building will comprise three levels, connected by stairs and a lift. The building will comprise a collection of spaces for research, study, meeting rooms and social lounges, amenities and plant and equipment.
- (b) Development of a health sciences active based learning building (Building 1002). Building 1002 is an existing multi storey building requiring alterations and additions, specifically internal demolition at Levels 1 and 2, and single storey extensions for classroom, study and tea room purposes. The external material selection will integrate with the appearance of the existing building.
- (c) Installation of roof mounted solar panels on the roof of the proposed Academic Hub building of approximately 110 kW capacity, which will provide around one third of the power needs of the buildings.

The proposal will result in the provision of sufficient facilities to accommodate an additional 74 students and 50 staff. The campus currently accommodates 517 students and 157 staff.

MATTERS FOR CONSIDERATION**Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

The proposal is located on land that has been identified on the LEP Terrestrial Biodiversity Map as partially comprising "High Biodiversity Sensitivity" land, as identified in Figure 2 below. The proposed development of the site is located clear of the sensitive area, which is approximately 500m to the north west of the proposed development works. Additionally, the proposed vehicular access to the development is clear of the sensitive areas.



Figure 2: high biodiversity sensitivity plan

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Section 1.7 (cont)

In this regard the proposal has been designed to site the buildings and their access in a manner that seeks to avoid adverse consequences. Accordingly, the proposal is unlikely to fragment, diminish or disturb the biodiversity structure, ecological functions or composition of the land and does not reduce habitat connectivity with adjoining sensitive areas as mapped.

An ecological assessment submitted with the application identifies a remnant patch of the Tablelands Snow Gum Woodland Endangered Ecological Community on the site, to the southeast of Building 1002. This is depicted in Figure 3 below, extracted from the FloraSearch assessment submitted with the application. The proposed works will not intrude into, or require part removal of, the EEC. Therefore, the assessment considers the project is unlikely to have a significant impact on the Tablelands Snow Gum Woodland EEC, provided adequate precautions are taken to avoid damage to trees through the erection of access barriers. A proposed condition of consent is attached to this effect.



Figure 3: EEC located in the bottom right corner

Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

Division 4.6 – Crown Development

The application has been made on behalf of Charles Sturt University as a Crown development.

Crown Development means *a development application made by or on behalf of the Crown.*

The Environmental Planning and Assessment Regulations lists Australian Universities as a prescribed person for the purposes of Crown development. As such, CSU is considered a Crown body.

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Section 4.33 Determination of Crown development applications

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

In response to Section 4.33 of the Act, Council staff are recommending approval of the development with a recommendation that the development be approved subject to agreement of the imposed conditions detailed on the draft Notice of Approval. Concurrence from the Crown was received on 6 June 2019 and is attached to this report.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)**Orange Local Environmental Plan 2011****Clause 1.2 - Aims of Plan**

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

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

The application is considered to be consistent with aims (a), (b), (c) and (f) as listed above. The proposed development will enhance the character of Orange as a major regional centre whilst creating employment opportunities through the additional educational facilities and increase of students to the site. Construction works will be required to comply with relevant standards for the protection of water resources. Landscaping will be carried out in conjunction with the development to complement the landscaped setting of the site. As discussed below, the proposed development will not detract from the item of heritage upon the land.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP. However, pursuant to Schedule 7 of the State and Regional Development SEPP and 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the development is required to be determined by a Planning Panel. Accordingly, the Western Region Planning Panel is the consent authority responsible for determining this application.

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Clause 1.7 - Mapping

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

Land Zoning Map:	Part SP2 Infrastructure (Educational Establishment) and B7 Business Park
Lot Size Map:	Minimum Lot Size 2000m ² (relating to the B7 portion only)
Heritage Map:	Heritage item – Water Tower
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	High sensitivity
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Within a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

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

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

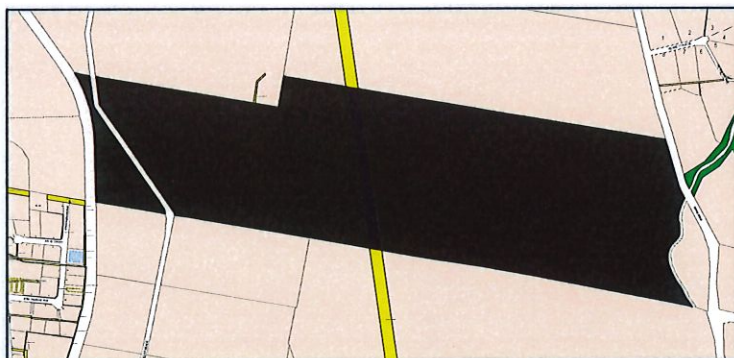


Figure 4: easements

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Clause 1.9A - Suspension of Covenants, Agreements and Instruments (cont)

The title of the subject property is affected by easements for the purpose of electricity (45m wide) and underground power lines (6m wide). Building works have been sited clear of the easements.

Part 2 - Permitted or Prohibited Development**Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

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

An educational establishment is defined as:

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

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

The development is also defined as an electricity generating works which means:

a building or place used for the purpose of making or generating electricity.

and is permissible pursuant to Clause 31(1)(b) of the Infrastructure SEPP.

Objectives of the SP2 Infrastructure Zone

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

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

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

Consent for demolition is being separately dealt with pursuant to the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

5.9 - Preservation of Trees or Vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

A tree removal permit has been submitted separately to Council.

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5.10 - Heritage Conservation**(1) Objectives**

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Orange,*
- (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.*

The development is not inconsistent with the objectives of the clause.

(4) Effect of Proposed Development on Heritage Significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under Subclause (5) or a heritage conservation management plan is submitted under Subclause (6).

The site is subject to a heritage item listing pursuant to Schedule 5 of the OLEP 2011. The heritage item in particular is the Water Tower, a concrete engineered element for providing water pressure, located within the campus. It acts as a visual landmark for the campus and is centrally located within the setting of lower scaled buildings.

The statement of significance for the heritage item conveys:

The distinctive water tower provides a header tank to supple pressure to the remote campus, and consists of a dramatic concrete column and square concrete tank with sloping roof. The tank structure was designed and located to provide a strong visual land mark for the campus, which was originally located in a rural setting, isolated from the City.

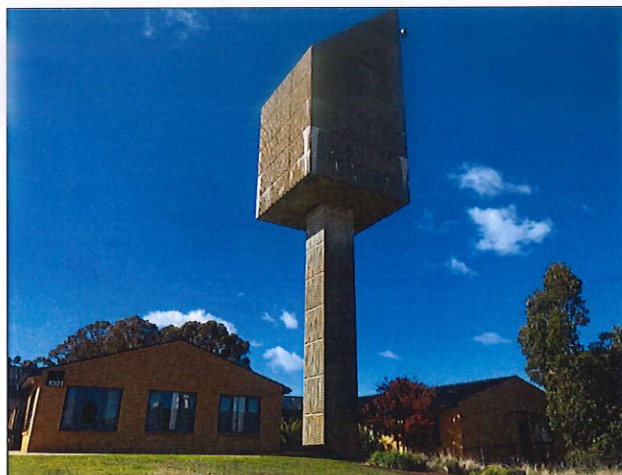


Figure 5: water tower

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(4) Effect of Proposed Development on Heritage Significance (cont)

The submitted plans make it very difficult to identify the location of the tower, with inadequate notations and elevation plans presenting no context to the heritage item. However, a site inspection can determine the location, and thus impact, of the proposed development with regard to the Water Tower.

The proposed Academic Hub building has been located such that there is no direct line of sight between it and the Water Tower when viewed from afar, and therefore will not impact upon the significance of the item.

The proposed eastern additions to Building 1002 are approximately 15m from the Water Tower and is designed to be an extension of the existing building form with matching materials. Single floor additions on both the southern and eastern elevations of the building are smaller than that of the host building, and therefore subordinate in scale in comparison to the water tower. Similarly, the southern extension is at a lower level than the lowest level of the water tower due to the slope of the land.



Figure 6: existing separation between water tower and Building 1002

Council's Heritage Advisor has reviewed the development application and advised that the level of impact upon the significance of the heritage item is acceptable, as follows:

- *The scale and locations of the two sets of works are sufficiently remote for the new buildings to have minimal impact on the visual significance – character and landmark status.*
- *One element of the works is located to the eastern side of the structure at a distance of 15m from the column.*
- *The scale and character – outline and materials are such that they will generally be visually subservient to the concrete water tower, allowing the heritage item to remain dominant within the local and broader setting.*

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(4) Effect of Proposed Development on Heritage Significance (cont)

- *In addition, the Landscape Proposal is comprehensive and addresses the important spaces between the buildings and will produce a setting which complements the existing and new buildings consistent with the Campus Plan and original Masterplan intent.*

Further to this, it is recommended by the Heritage Architect that:

- *The landscape treatment is to be extended to include the base of the pedestal and associated courtyard using appropriate materials such as crushed decomposed cement stabilised granite, and an interpretive plaque to a design and text to be prepared by a heritage consultant indicating the significance of the structure.*

(5) Heritage Assessment

The consent authority may, before granting consent to any development:

- on land on which a heritage item is located, or*
- on land that is within a heritage conservation area, or*
- on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

A heritage management document is not required in this instance, given the acceptable level of impact upon the heritage item.

(6) Heritage Conservation Management Plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Owing to the nature of the development, a Heritage Conservation Management Plan is not required in this instance.

(7) Archaeological Sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- notify the Heritage Council of its intention to grant consent, and*
- take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

The development is not an identified archaeological site.

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(8) Aboriginal Places of Heritage Significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

The site is not an identified Aboriginal Place of Heritage Significance.

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

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

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

Earthworks are limited to the extent of cutting and filling required for the building works. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways. The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

The site is not known to be contaminated. The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore the effect on the amenity of adjoining properties is considered to be minor.

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

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7.4 - Terrestrial Biodiversity

This clause seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal:

- (a) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*
- (b) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
- (c) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Additionally, this clause prevents consent being granted unless Council is satisfied that:

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

Biodiversity has been previously addressed above.

7.6 - Groundwater Vulnerability

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

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

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

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

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7.6 - Groundwater Vulnerability (cont)

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

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *storm water drainage or on-site conservation,*
- (e) *suitable road access.*

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

STATE ENVIRONMENTAL PLANNING POLICIES**State Environmental Planning Policy 55 - Remediation of Land**

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

State Environmental Planning Policy (State and Regional Development) 2011

As previously discussed, the proposed development is considered regionally significant development pursuant to Schedule 7, Clause 4 of the SEPP.

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

The site is located within an existing educational establishment and is zoned SP2 Infrastructure and as such, the proposed development is permissible with consent pursuant to Clause 45 of the SEPP.

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State Environmental Planning Policy (Infrastructure)

The Main Western Rail Line bisects the western extent of the subject site, however the development site is located some 300m from the railway line, with no activities listed in Clause 85 being proposed. As such, consultation with the Rail Authority is not considered relevant in this instance.

Electricity generating works are permitted with consent on any land within a special use zone pursuant to Clause 34(1)(b).

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

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

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)**Development Control Plan 2004**

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

- Part 0.4 Tree Preservation
- Part 2.1 Water Quality
- Part 2.4 Flora and Fauna, Biodiversity
- Part 3.2 Scenic, Landscape and Urban Areas
- Part 13 Heritage
- Part 15 Parking Requirements

Part 0.4 - Tree Preservation

The removal of trees has been addressed under a separate permit process.

Part 2.1 - Water Quality

The DCP planning outcomes for stormwater quality include avoiding downstream erosion or sedimentation, promoting onsite detention, and protecting natural watercourses and enhancing stream bank stability. The Statement of Environmental Effects (SoEE) prepared by Premise advises that:

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Part 2.1 - Water Quality (cont)

The development is not proposed to contribute to any erosion or sedimentation of waterways. Potential impacts are considered to be manageable via the implementation of standard mitigation measures.

Council staff concur with this assessment. Conditions of consent have been included to address soil and erosion control.

Part 2.4 - Flora and Fauna, Biodiversity

Impacts on the biodiversity of the site has been addressed in detail above.

Part 3.2 - Scenic, Landscape and Urban Areas

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

The SoEE advises: landscaping will be in accordance with the attached landscaping plans. Finishes, materials and colour schemes will complement the setting, as seen in the attached BHA drawings.

It is proposed to construct the new buildings in off form concrete, brickwork to match the existing, vertical profiled metal cladding and timber cladding and profiled metal roofing. The materials are considered to be in keeping with existing materials found on buildings at the site, and therefore will complement the setting.

Part 13 - Heritage

As mentioned above, the development will have an acceptable level of impact upon the significance of the heritage item on the land. The development is consistent with the relevant provisions under the DCP relating to heritage.

Part 15 - Parking Requirements

Part 15 establishes the parking requirements for an educational establishment as:

1 space for every 2 employees

+

1 space per 10 students over 17 years of age in attendance

+

additional parking determined by Council where on-site residential accommodation is provided based on the peak-parking demand anticipated for the development

The proposed development will increase student numbers by 74, and staff numbers by 50, with current numbers at 517 students and 157 staff. Therefore, the proposed development would require 7.4, or 8, car parking spaces for students, and 25 car parking spaces for staff, totalling 33 car parking spaces.

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Part 15 - Parking Requirements (cont)

Charles Sturt University have identified that current onsite parking provisions are higher than demand necessitates. An audit was undertaken in 2018 and provided in support of the application, which identified a total of 687 formalised car parking spaces, for 171 spaces as required for students and staff as per Council's DCP, and 109 spaces for student accommodation. This provides a surplus of 407 car parking spaces.

Actual parking is provided on the basis of 1 space per 0.98 persons using the site, which is well in excess of Council's DCP rate of provision. The audit further identified that parking usage at any one time is 64% of available capacity.

In light of the above, the SoEE justifies that additional parking is not required to support the proposed development. This assessment is supported, and the requirement for additional car parking spaces is not considered necessary in this instance.

INFILL GUIDELINES

The site is identified as a heritage item and as such Council's Infill Guidelines apply to the development application.

The objectives of infill design are as follows:

Objectives of Infill Design

- *Retention of appropriate visual setting (Article 8 Burra Charter).*
- *To ensure new buildings respond to and enhance the character and appearance of the streetscapes of the Heritage Conservation Areas.*
- *To ensure contributory heritage items retain their prominence and are not dominated by new development within a Heritage Conservation Area and do not compromise the heritage values of the existing area.*
- *To ensure new buildings do not adversely affect the significance, character or appearance of the Heritage Conservation Area or heritage items.*
- *To allow for reasonable change within a Heritage Conservation Area while ensuring all other heritage objectives are met.*
- *To ensure new development facilitates the retention of significant vegetation that contributes to the tree canopy, especially within the Central Orange Heritage Conservation Area.*

The infill guidelines provide guidance for new buildings in a heritage sensitive site, and for the installation of solar panels in a heritage context. The proposed development is consistent with the above guidelines, with the development involving new buildings reflective of their time with no adverse impact upon the significance of the water tower, and the installation of the solar system on new buildings with no heritage significance.

The development is not considered to be contrary to the objectives of infill development.

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PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 92)

The proposal involves the demolition of building works upon the site in order to carry out alterations and additions. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 1991: The Demolition of Structures*.

Fire Safety Considerations (clause 93)

A BCA and disabled access capability statement has been provided with the application. There do not appear to be any obvious issues that will prevent compliance with the BCA or the DDA.

Buildings to be Upgraded (clause 94)

A condition has been attached requiring building work to be carried out in accordance with the provisions of the Building Code of Australia.

BASIX Commitments (clause 97A)

BASIX is not applicable to the proposed development. Section J of the Building Code of Australia will apply to all new works.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context and Setting

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

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

The proposed buildings will be consistent with the built form of the precinct, with complementary bulk, scale, height and materials. The proposed development will not detrimentally impact upon the context and setting of the locality.

Visual Impacts

The development site is characterised as an isolated site on the northern fringe of the LGA. Buildings within the site are well separated from adjoining land and as such; the likelihood of the development giving rise to visual impacts is low. Similarly, the electricity generating system will not cause a detrimental visual impact to neighbouring properties.

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Access, Transport and Traffic

Access to the site is from Leeds Parade, a local sealed road which connects to the Northern Distributor further south of the development site. A dedicated right turn lane into the site is established for north-bound traffic on Leeds Parade. The proposed development will generate additional traffic movements to the site. The increase in traffic is capable of being dispersed and absorbed into the surrounding road network, with minor impact on the existing traffic facilities and without the need for upgrading as a result of the proposed development.

As previously discussed, additional car parking spaces will not be required as a result of the proposed development, given the existing surplus car parking spaces available on the site.

Utilities

The existing reticulated water and sewer facilities, as well as the natural gas, telecommunications and electricity supply, would be augmented to support the proposed development. Given the increase in demand for water and sewer, appropriate Section 64 contributions have been levied to cater for the predicted demand. In particular, for the additional 50 staff and 74 on-campus students, the Assistant Development Engineer has calculated additional ETs based on 0.015W and 0.024S per person (1.86 water ET and 2.98 sewer ET).

Heritage

Heritage impacts have been addressed in detail above.

Energy

The development is considered a positive in terms of sustainable energy principals.

Noise

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

Safety, Security and Crime Prevention

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

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

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

Social and Economic Impact on the Locality

The proposed development would not have any unfavourable impact on the way of life or culture of the local community. The proposed development is not considered to create any adverse economic impacts as a result of the proposal.

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Construction

Suitable conditions of consent are recommended to be imposed upon the development to ensure the construction phase is carried out with the least possible impact upon the surrounding environment.

THE SUITABILITY OF THE SITE s4.15(1)(c)

Suitability is determined by two primary considerations:

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

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

All utility services are available to the site and are adequate for the proposal (subject to augmentation) pursuant to the requirements of DCP 2004. There are no physical attributes of the land that would constrain the development. The site is not subject to known technological or natural hazards. The development will have acceptable impacts upon the heritage setting of the site, as well as representing sound ecological sustainable development principles.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

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

PUBLIC INTEREST s4.15(1)(e)

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

SUMMARY

The proposed development is permissible with consent. The proposed development complies with the relevant aims, objectives and provisions of Orange LEP 2011 (as amended) and DCP 2004. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner. The proponent has agreed to the imposition of these conditions pursuant to Clause 4.33 of the Act.

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COMMENTS

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

Rishelle Kent
SENIOR PLANNER