

2022/3

**REPORT TO WESTERN REGIONAL PLANNING PANEL
1 FEBRUARY 2022**

FROM SENIOR PLANNER (B.HICKS)

DATE 18 JANUARY 2022

**ON DEVELOPMENT APPLICATION
1584 AND 1610 FOREST ROAD, ORANGE
RECREATION FACILITY (MAJOR) – CONCEPT AND STAGE 1**

PR14151 - IC21/21865

Application Lodged 8 September 2021

Development Application No DA 390/2021(1)

Plan No/s Landscape Masterplan by Taylor Brammer, Bulk Earthworks and Trunk Stormwater Drainage Package and Bulk Earthworks Civil Engineering Design Report prepared by Baker Ryan Stewart.

**Applicant Orange City Council
c/- Mr David Walker- Premise
154 Peisley Street
ORANGE NSW 2800**

**Owner/s Orange City Council
PO Box 35
ORANGE NSW 2800**

**Land Description Lot 1 DP 1142713 and Lot 209 DP 42900,
1584 and 1610 Forest Road, Orange**

Proposed Land Use Recreation Facility (Major) – Concept and Stage 1

Value of Proposed Development \$25,000,000.00

Provisions of LEP 2011 (amended) RE1 Public Recreation and RE2 Private Recreation

Details of Advertisement of Project Nominated Integrated Development Advertised and notified for 28 Days in accordance with the EP&A Regulations. 34 submissions received.

Recommendation Approval

EXECUTIVE SUMMARY

Application lodged	8 September 2021
Applicant/s	Orange City Council
Owner/s	The State of NSW
Land description	Lot 1 DP 1142713 and Lot 209 DP 42900, 1584 and 1610 Forest Road, Orange
Proposed land use	Recreation Facility (Major) – Concept and Stage 1
Value of proposed development	\$25,000,000.00

Orange City Council has lodged a concept development application under Section 4.22 of the *Environmental Planning and Assessment Act 1979* for the carrying out of a three-stage project associated with the development of the proposed Orange Regional Sporting Facility located at 1610 and Lot 209 Forest Road, Orange. The consent authority for the application is the Western Regional Planning Panel pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

The site is currently occupied by Sir Jack Brabham Park sporting fields (Lot 1) and the former Orange Ex-Services Country Golf Club (Lot 209). Lot 209 forms part of the state significant Orange Bloomfield Hospital Site (State Heritage Register Number 01745) and is listed via Schedule 5 of the Orange Local Environmental Plan 2011 as item I21. The site is Crown Land. The Crown has consented to the lodgement of the DA.

The application provides an overarching concept for the sporting facility which sets out key design parameters for how the site will be developed, together with full details for Stage 1 of the project. Stages 2 and 3 will be addressed by future development applications. Staging of the scheme is outlined as follows:

- Stage 1** - Bulk earthworks, tree clearing, building demolition and category 1 remediation;
- Stage 2** - Athletics stadium and car parking; and
- Stage 3** - Football stadium and residual works.

The development is classified as Integrated Development under the provisions of Clause 4.46(1) of the *Environmental Planning and Assessment Act 1979* and is referred to as Nominated Integrated Development under the *Environmental Planning and Assessment Regulation 2000*. An approval is required under Section 60 of the *Heritage Act 1977* for works within the curtilage of a State Heritage Listed item (being Bloomfield Hospital). The Heritage Council at its meeting on 30 November 2021 resolved to grant their general terms of approval for the application subject to conditions.

The proposal is also identified as Traffic Generating Development Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, requiring referral and concurrence from Transport for NSW. TfNSW raised no significant concerns with the proposal subject to imposition of recommended conditions and completion of road/intersection upgrading works.

The proposal comprises advertised development pursuant to Schedule 1 of the Environmental Planning and Assessment Act 1979 requiring advertisement for a minimum of 28 days. This application was advertised between Wednesday, 15 September 2021 and Wednesday, 13 October 2021. At the completion of the notification period, 34 submissions had been received. The issues raised in the submissions relate to Community Consultation, Site Selection and Use, Visual Impacts, Traffic, Parking and Transport Impacts, Environmental Impacts, Noise, Heritage, Social Impacts, Economic Concerns, Utility

Infrastructure/Services and Strategic Planning and Policy Alignment. These matters are discussed in detail in the body of the report.



Figure 1 - Locality and Site Context Plan

RECOMMENDATION

That the Western Regional Planning Panel consents to development application DA 390/2021(1) for *Recreation Facility (major)* – Concept and Stage 1 at Lot 1 DP 1142713 and Lot 209 DP 42900, 1610 Forest Road, Orange pursuant to the conditions of consent in the attached Notice of Determination.

DECISION FRAMEWORK

Development in the Orange LGA is governed by the Environmental Planning and Assessment Act 1979 and the accompanying Environmental Planning and Assessment Regulations 2000. Sitting below the Act and Regulations is the Orange LEP 2011 and other State-wide Environmental Planning Instruments (SEPPs). Subordinate to the LEP and SEPPs is the Orange Development Control Plan 2004 which is a guiding document used to inform decision making. In addition, the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

The development (recreational facility – major) is regionally significant development pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, being a Council related development with a Capital Investment Value over \$5 million and thus the Western Regional Planning Panel is the consent authority for the application.

The proposed development is not designated development as defined under Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The application is however classified as nominated integrated development pursuant to Section 4.46 EP&A Act requiring approval under Section 60 of the Heritage Act 1977.

ENGAGEMENT

The Development Application was notified to the adjoining landowners and publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979 for a period of 28 days. A public information session was also held for interested persons. A total

of 33 formal submissions were received during the exhibition period. One (1) additional submission was received outside the exhibition period.

Council's 'Your Say' website analytics show that 109 people visited the site during the period to read exhibition documents, plans and articles. 29 people watched the video recording of the community information session on the Zoom platform. One written comment was received on the website platform.

BACKGROUND INFORMATION

State Government Funding

Since 2017, the NSW Government is enabling regional communities to attract investment, generate jobs, grow local economies and improve lifestyles through once in a lifetime funding under the \$2 billion Regional Growth Fund. This fund targets projects that boost business activity, communications technology, sports infrastructure, cultural facilities and local amenities to ultimately deliver jobs and attract investment in regional areas.

In 2019, the NSW Government committed \$25 million to Orange City Council through this fund to deliver a purpose-built sporting precinct that would be capable of hosting/supporting local sporting demands while also being capable of attracting and supporting regional, state and national level sporting events. Since the commitment was announced, Orange City Council have come a long way in the planning of this precinct through site selection and constraint assessment, preliminary design, business cases and community consultation with Council now seeking planning approval (this application) for the development of the precinct.

Site Selection

Orange City Council and its consultants have investigated, through schematic design and constraint assessment, potential sites within the Orange Local Government Area to host the purpose-built sporting precinct. A total of seven (7) sites were identified and analysed to identify the development constraints and opportunities. The sites included the Northern Distributor, Gateway, Huntley Road, Jack Brabham, DPI, Mitchell Highway and CSU. Council originally resolved to progress concept design of the sporting precinct at the northern distributor site. However, in the wake of the amalgamation of the Orange Ex-Services Country Golf Club with Wentworth Golf Club and subsequent termination of golfing activities at the Bloomfield Reserve, the former Golf Club was identified as the preferred and most logical option due to the following:

- (a) It would allow for expansion of existing operations i.e., proximity to sporting fields at Sir Jack Brabham park, providing economies of scale for the maintenance and operation of sporting facilities.
- (b) Access to existing and adequate power and water services.
- (c) Adjacent to the Southern Feeder Road and medical precinct.
- (d) Reduced establishment costs (geography of the land, proximity to services, facilities etc.)
- (e) The increase in population growth in South Orange (Shiralee Urban Release Area) driving demand for such sporting facilities in this area.

Previous Development Application/Consent

An initial integrated DA (DA 464/2020) was lodged with Orange City Council seeking the removal of 513 trees across the site, sufficient to facilitate the future development of the land. DA 464/2020 was local development for the purposes of the Environmental Planning and Assessment Act 1979 and did not trigger referral to the Panel.

Due to the heritage status of the site, section 60 approval from Heritage NSW pursuant to the Heritage Act 1977 was required. As part of the issuance of the general terms of approval, the heritage office only approved tree removal in the immediate area of the indicative stadiums equating to 203 trees. Heritage NSW advised that the removal of the remainder of the trees across the wider site would be the subject to the provision of a detailed landscape Masterplan to be provided as part of the development application for the wider civil works across the site.

The applicant has since prepared a detailed landscape masterplan in accordance with Heritage NSW requirements to support the removal of further trees on the site and to set the key design parameters for the re-development of the site as a mixed code sporting precinct and general use recreational facility. The landscape masterplan plan now forms the basis of this concept development application currently before Western Region Planning Panel.



Figure 2 – Extent of clearing undertaken via DA464/2020(1)

THE APPLICATION/PROPOSAL

This development application seeks the Western Region Planning Panel's consent for the development of the Orange Regional Sporting Facility (ORSF). The ORSF is a \$25 million project, funded by the state government, to provide a high quality, design compliant sporting facility that would be capable of supporting local, regional, state and national level sporting events. The project will comprise four main elements being:

1. One rectangular field suitable for the conduct of International Rugby League, Rugby Union and Soccer incorporating a 1,500 seat grandstand with disability access, change rooms, amenities, broadcast facilities, staff and storage areas and competition lighting for night games. An embankment surrounding the field will provide additional spectator capacity of 6,500.
2. Class 2 IAAF Athletic Track and Field facilities with grandstand accommodating up to 550 seats.

3. 8 multipurpose fields suitable for the conduct of International Rugby League, Rugby Union, Soccer, Softball and Cricket for summer and winter sports competition.
4. Associated Amenities, Parking, Public transport bays, Storage, Works shed, circulation tracks, meeting areas, bbq facilities, landscaping etc.

The development will be staged and carried out as follows:

Concept and Stage 1 (this application)

- **Concept** - seeking approval for the use of the site as a recreational facility (major), internal layout/design, landscape design, building envelopes/footprints, and quantum/capacity for the users of the site;
- **Demolition** – removal of the former golf starters hut located in the south-west section of the site and an amenities building located in the south-eastern section of the site.
- **Tree removal** – removal of 492 trees (695 trees in total to facilitate the redevelopment of the site noting that 203 of these were approved for removal via DA 464/2020)
- **Category 1 remediation works** - remediation is required in relation to elevated levels of lead, copper and zinc detected on the former 14th tee.
- **Bulk earthworks** – including:
 - Adjustment of utility services that will be impacted by the earthworks including the removal of infrastructure such as the piped channel crossing;
 - Management of stormwater;
 - Stripping and stockpiling of topsoil;
 - Cutting, filling, including achieving appropriate levels/grades for the eight centre fields
 - Compaction and testing operations;
 - Hydromulching for the stabilisation of the finished bulk earthworks surface

Stage 2 Application

Stage 2 of the proposal involves the development of the eastern side of the site which will host the athletics precinct. Specifically, Stage 2 will comprise the following:

- **Construction of athletic stadium, track and associated amenities** – including:
 - Covered tiered seating for approximately 450-550 people;
 - Canteen area including seating;
 - Male and female amenities;
 - Sporting offices;
 - Communications room;
 - Photo room;
 - Change rooms;
 - Storage;
 - Warm up area;
 - First aid area
- **Construction of athletics/playing field within stadium**
- **Construction of car parks** – Carparks 3, 4 and 5 totalling 879 parking spaces. This will also involve providing associated vehicular connections to Huntley Road.
- **Associated civil works** – provision/adjustment of utility services (i.e. electrical, comms, water and sewer, stormwater, etc.) improvement of soils etc.,
- **Landscaping, circulation tracks, wayfinding and information signage**

Stage 3 Application

Stage 3 of the scheme involves the development of the western side of the site which will host the main football stadium. Specifically, Stage 3 will involve the following:

- **Construction of football stadium, and associated amenities** – including:
 - Meeting rooms;
 - Change rooms;
 - Referees room;
 - Medical room;
 - Storage;
 - A gym
 - Café/servery;
 - Corporate boxes;
 - Media room;
 - Scoring room; and
 - Coach room
- **Construction of playing field within stadium**
- **Construction of earthen embankment surrounding the main field**
- **Construction of car parking** – Carpark 1 totalling 184 parking spaces. This will also involve providing associated vehicular connections to Forest Road.
- **Associated civil works** – provision/adjustment of utility services (i.e. electrical, comms, water and sewer, stormwater, etc.) improvement of soils, installation of playing surfaces
- **Landscaping, circulation tracks, wayfinding and information signage**

Stages 2 and 3 of the project will be the subject to separate development applications and assessment. These applications will need to be considered in the context of the Concept Development Application with respect to site layout and design, building envelopes/footprints and site capacity.

Figure 2 below provides graphical representation of how the site is intended to be developed.



Figure 2 – Conceptual site plan

Timing

As outlined above, the project is multifaceted and is proposed to be staged over a period of time. The masterplan anticipates the facility to be fully delivered in 2.5 years and projected for completion December 2023, pending timing of appropriate approvals. The overall staging timeframe is shown in figure 3 below (key stages highlighted).

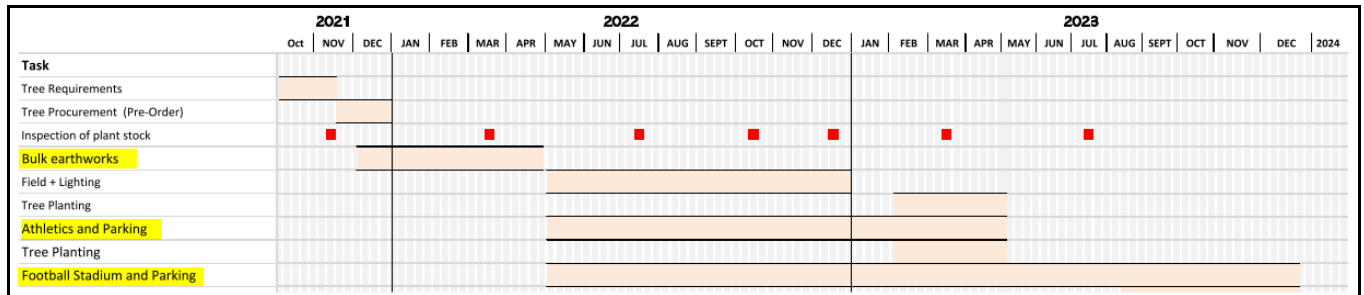


Figure 3 – Anticipated Staging Timeframe (Source: Masterplan, pg15)

Operations and Use

Once operational, the facility is expected to be utilised regularly by local sporting groups in Orange and surrounding region for training and local sporting competitions and events. It is understood that the two stadium precincts will be reserved for larger scale events and for use by local sporting clubs/organisations for training, specialist meets etc. The stadiums will have restricted access when not in use, while the remainder of the site – open playing fields, walking and cycling paths, meeting points, BBQ areas, water features etc. will be accessible year around for general public use. The expected peak operation times for structured sporting games and training will occur in the afternoon period between 5-8pm on weekdays and 9am–8pm on weekends with key user groups allocated sufficient time within those periods to conduct weekly training and competitions.

It is understood that the proposed Orange Regional Sporting Facility will be capable of hosting state, regional and national sports games e.g., football grand finals, 1 Day Tournaments, championship events, specialist meets etc. The applicant has not sought an upper limit of sporting events during any year at the stadium precincts. The application outlines that when major sporting events are held at the athletics stadium and the football stadium e.g., an NRL game, the venue management will prepare and implement event specific plans e.g., traffic and crowd management, safety/emergency management etc. These matters are expected to be reinforced through conditions of consent e.g., Stadium Management Plan/Plan of Management. It is understood that large scale sporting events (up to 8,000 patrons) would however occur infrequently.

The site will be managed and maintained by Orange City Council and will require on going city presentation staff - grounds keepers, weed controllers etc., facility management and event promoting/tourism staff. Staffing levels during major events will depend on the type of event and expected attendance but may include customer service, crowd management, security, first aid, catering/food vendors, traffic control etc.

THE LAND AND HISTORY

The subject site is located approximately 3 kilometres to the south of Orange City Centre and just north of the new Orange Hospital precinct. The land is Crown Land with Orange City Council designated as the Crown Land Manager under the *Crown Land Management Act 2016*.

The site spans between Forest Road and Huntley Road and encompasses a former nine-hole golf course and part of Sir Jack Brabham Park. The land was formally part of a large area of land dedicated to a psychiatric hospital. Development of the site for an aerodrome begun in the 1930s and was completed in 1937. The aerodrome closed following the opening of an airport at Spring Hill 1961. Redevelopment of the site was undertaken between 1954 and 1974 to create a recreational area comprising sporting fields now known as Sir Jack Brabham Park. During this time, a racing circuit was also established around the site between 1952-1953, which incorporated the roads bounding the park (Huntley Road and Forest Road).

The establishment of the nine-hole golf course on the subject site followed some years later (late 70s early 80s). Bloomfield Country Club Ltd held a lease over land from around 1982 up until 2019 when the club amalgamated with Wentworth Golf Club. Since the site ceased being used for golf in 2019, the land has been accessed by walkers and people practicing golf.

The below aerial photograph was taken in 1972 and shows that the subject site (indicated by a red circle) was largely cleared of trees at this time. The nine-hole golf course constructed by the patients of Bloomfield Hospital is shown in the bottom of the picture (indicated by a blue circle). The avenue of Elms along the entry road to the golf club - the first entry road when coming from the town along Forest Road is evident at this time (indicated by a green circle).

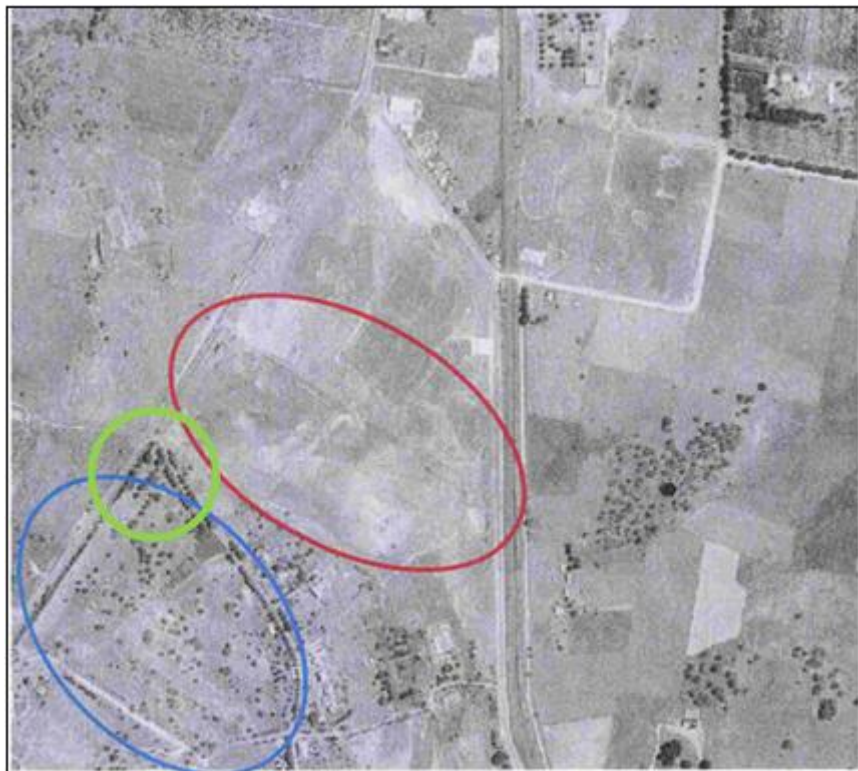


Figure 5 – 1972 aerial photograph (NSW Spatial Services)

STRATEGIC PLANNING CONTEXT/ALIGNMENT

Greener Public Spaces (DPIE)

The Greener Public Spaces framework focuses on delivering the premiers priority for the provision of attractive, safe and accessible parks and outdoor spaces throughout NSW. The overarching Greener Public Spaces framework is made up of three key strategies – Everyone Can Play, Parks for People and Greening Our City. The *Parks for People* and *Greening Our*

City strategies are focused on the greater Sydney area and thus have no relevance to the subject proposal.

The *Everyone Can Play* strategy aims to create world class play spaces designed to be inclusive of everyone in the community across NSW. Its three main themes of “Can I get there”, “Can I play”, and “Can I stay” are addressed by the project through the provision of inclusive play places and amenities catering to the needs of everyone in the community i.e. both passive and active recreational needs, meeting places, BBQ areas and water features. The proposal will also provide accessible recreational space to the emerging South Orange residential catchment area as well as providing adequate parking and pedestrian linkages for accessibility.

Greener Places Design Framework (GANSW)

Greener Places is a design framework produced by the Government Architect NSW to guide planning, design, and delivery of green infrastructure in urban area across NSW. It aims to create a healthier, more liveable, and sustainable urban environment by improving community access to recreation and exercise, supporting walking and cycling connections, supporting and maintaining indigenous cultural heritage and improving the resilience of urban areas.

The Greener Places is a design framework is underpinned by four key principles of Integration, Connectivity, Multi-functionality and Participation. The proposal is considered to be consistent with this framework as follows:

1. **Integration** - The principle of integration proposes to combine green space with urban development and grey infrastructure. The proposal effectively achieves this principle through combining ‘grey infrastructure’ (stadiums, hard surfaces etc.) with green infrastructure i.e., proposed extensive tree and shrub plantings, water sensitive urban design – permeable car parking and enhancing natural drainage systems/creation of dry creek beds, green meandering corridors etc.
2. **Connectivity** – The principle of connectivity promotes the creation of a network of high-quality open spaces that connect with town centres, public transport hubs, rivers, creeks, and employment and residential areas. The proposal makes use of a former golf course, and its redevelopment will provide a physical and functional connection to other recreational and green spaces in the locality including Gosling Creek, Hinton Park and Black Sallee Reserve creating an interlinked system. This interlinked system will support and enhance ecological, wildlife, and social connectivity. The site will also be easily accessible to the South Orange residential catchment area.
3. **Multi-functionality** - Multifunctionality represents the ability of green infrastructure to deliver multiple ecosystems, environmental, and social services simultaneously. The redevelopment of the site will cater for both active and passive recreational users, as well as providing areas for learning opportunities relating to indigenous cultural heritage and European heritage in a parkland setting. The re-establishment of native vegetation and introduction of WSUD measures will support and improve the ecological and hydrological functions of the land and surrounding areas.
4. **Participation** - The participation principle advocates for community involvement as well as participation across government agencies including at State and local levels in the development and implementation of the green infrastructure plans. The Orange Regional Sporting Hub Business Case outlines that the design of the precinct involved consultation with main user groups including local Football Associations, Softball and Cricket Associations, Orange Runners Club, Athletics Club, School Sports Association over a number of years. Heritage NSW have also been extensively involved in the landscape

masterplan design process. General community consultation in accordance with Council's CPP has been carried out as part of the development assessment process.

Community Strategic Plan

The Community Strategic Plan (CSP) is Orange City Council's chief planning document and blue-print for the City's long-term growth, community development and infrastructure renewal.

The Community Strategic Plan addresses social, environmental, economic and leadership goals for the Orange community over a period of ten years. These goals represent many of the big picture ideas that were raised by the community during the engagement period and include healthy lifestyles, community safety, education, transport and sustainability.

During the consultation process for the development of the 2018-2028 Community Strategic Plan the following items representing 51% of all responses were identified as the top community priorities:

- Develop Sport and Recreation 17%
- Grow Community 9%
- Protect Environment 8%
- Enhance Parks and Open Space 7%
- Improve Roads 5%
- Develop Employment, Education and Training 5%

The Community Strategic Plan outlines four key themes of 'live,' 'preserve,' 'prosper,' and 'collaborate' to guide the growth and development of the City over the next decade. Of particular relevance to this application is objective 2. Objective 2 provides the following:

A healthy and active community that is supported by sport and recreational infrastructure –

- *Identify and deliver sport and recreation facilities to service the community into the future*
- *Ensure the sporting and recreational facilities, programs and activities are accessible and affordable to support healthy lifestyle choices*
- *Partner with community groups, government agencies to provide recreational activities and programs that are inclusive and meet the needs of the community*

The delivery of the proposed Orange Regional Sporting Precinct responds to the need to develop sport and recreation infrastructure in the City as identified in the consultation process for the preparation of the Orange Community Strategic Plan 2018-2028. The project once completed will enable the use of the site simultaneously by all age groups and genders and also enable the conduct and inclusion of people with a disability. The project is also expected see increased health benefits for all members of the community and increased social cohesion and thus directly aligns with the above objective.

Local Strategic Planning Statement

Orange Local Strategic Planning Statement is a 20-year vision for land use planning for the Orange Local Government Area and outlines how growth and change will be managed to maintain the high levels of environmental amenity, liveability and landscape quality that characterises Orange. The LSPS identifies 19 Planning Priorities to achieve the Council's vision for Orange, along with actions and the means for monitoring and reporting on the delivery of the actions.

The LSPS highlights the importance and value of investing in sporting and cultural infrastructure, including its role in attracting visitors to the city. Specifically, the LSPS identifies the former golf course at Bloomfield as the site for a new sports complex. This development application is therefore consistent with the vision for this area.

Furthermore, the LSPS also lists climate resilience and ecological protection as key environmental objectives/goals for the City. Whilst the removal of a large amount of mature vegetation from the site to facilitate the proposal might seem counterproductive to these goals, the project has been designed in accordance with the 'avoid, minimise, offset' hierarchy as evident in the submitted landscape masterplan and associated biodiversity assessment report. The project has taken into account the age and health of existing trees and the need to ensure more of the right kind of trees and vegetation i.e., native vegetation is planted in the city that will thrive in a climate that is anticipated to be more variable with cycles of prolonged dry spells and acute water shortages. Native trees not only offer carbon sequestration for a longer period of time but reflect cultural values and unique biodiversity of the area. They also offer better soil and water conservation when compared to exotic species, especially the existing pines. Overall, a total of 792 trees comprising a majority of native species with some exotics are proposed to be replanted at the site which represents a net increase in trees. The proposed offsetting also directly aligns with Council's Climate Change Management Plan 2020-21 where it identifies the need for replacement trees where clearing is proposed as part of a project.

ENVIRONMENTAL PLANNING ASSESSMENT

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 identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

Biodiversity Conservation Act 2016 and Regulation 2017

There are four triggers known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

Trigger 1 (Vegetation Mapping)

The subject land is not mapped on the OEH Biodiversity Values Map (Figure 4) and is also not identified as biodiversity sensitive on the Orange Local Environmental Plan 2011 Terrestrial Biodiversity Map.

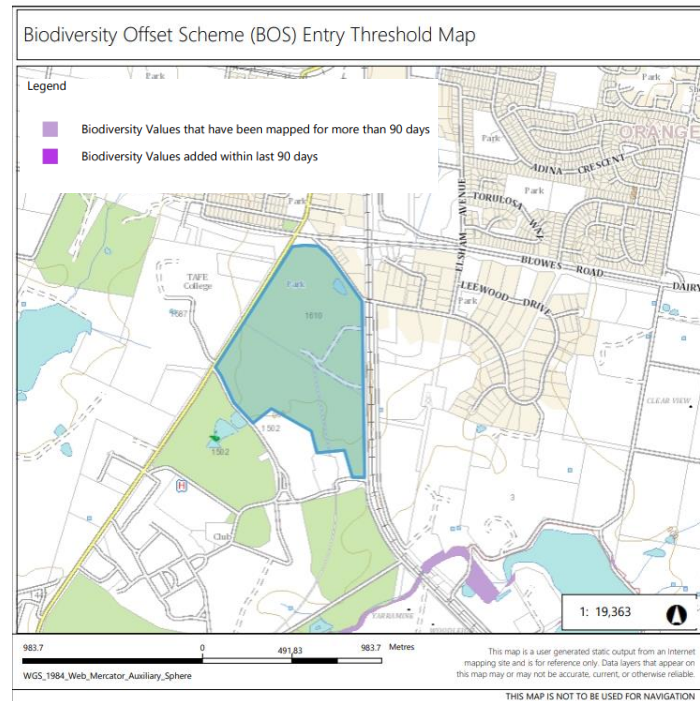


Figure 4 - excerpt from OEH Biodiversity Values Report

Trigger 2 (Clearing Thresholds)

The land is zoned RE1 Public Recreation (Sir Jack Brabham Park) and RE2 Private Recreation (Former Country Club) and does not carry a minimum lot size under the Orange Local Environmental Plan 2011. Given that the land does not carry a minimum lot size, Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides that the actual size of the allotment of land on which the proposed development is to be carried out is to be used. In this case, Sir Jack Brabham Park and the former golf course have a combined land area of 65.53 hectares and therefore the prescribed native vegetation clearing threshold for land over 40ha in size but less than 1,000ha is 1ha (10,000sqm):

Column 1	Column 2
Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

Figure 5 – clearing thresholds (C7.2 BC Reg 2017)

The development requires the removal of 492 trees (695 trees in total to facilitate the redevelopment of the site noting that 203 of these were approved for removal via DA 464/2020). The Biodiversity Assessment Report prepared for the project identified that only 64 trees have been classified as remnant or cultivated native vegetation and would require removal. The remaining trees are exotic species and are not captured by the Biodiversity Offset Scheme. The removal of the 64 native trees does not trigger the clearing threshold (i.e., clearing below 1ha) established under the *Biodiversity Conservation Regulation 2017*. Furthermore, the biodiversity assessment report identifies that ground cover over the site is dominated by exotic grasses sown in order to produce fairways and putting greens for the golf course. Weedy forbs are also present throughout the site. The composition of the

ground cover indicates that the study area does not comprise native vegetation and thus clearing of the existing ground cover is also not captured by the Biodiversity Offset Scheme.

Trigger 3 (Threatened Species)

Regardless of whether or not the development has triggered entry into the Biodiversity offset scheme under the forgoing thresholds, a Test of Significance is required to be undertaken in accordance with Section 7.3 of the *Biodiversity Conservation Act 2016* to determine if the proposal would have a significant impact on any threatened species and determine if there is a need to undertake a Species Impact Statement or Biodiversity Assessment Method (BAM). In this regard, Orange City Council commissioned Dr Colin Bower (Premise Pty Ltd) to prepare a Biodiversity Assessment Report to assess the ecological impacts associated with the proposed tree removal inclusive of a Test of Significance in accordance with Section 7.3 of the *Biodiversity Conservation Act 2016*. The assessment included an initial desktop study and field surveys. The desktop study involved searches of online databases and review of various other information sources to identify the likely biodiversity values, vegetation types, threatened species and threatened ecological communities that may occur within the study area.

The report outlines that the database searches returned eleven (11) threatened flora species and thirty-nine (39) threatened fauna species have the potential to occur within the broader region around the study area. Through a process of habitat filtering, the number of potential threatened flora species that may occur on the site was reduced to (1) being the *Eucalyptus canobolensis* (Silver-leaf Candlebark). Similarly, six (6) fauna species being the *Glossopsitta pusilla* (Little Lorikeet), *Polytelis swainsonii* (Superb Parrot), *Ninox connivens* (Barking owl), *Petroica boodang* (Scarlet Robin), *Petroica phoenicea* (Flame Robin) and *Pteropus poliocephalus* (Grey-headed Flying Fox) were identified to potentially occur on the study site.

Onsite surveys undertaken during September 2020 by Premise confirmed that there were no individuals of the threatened *Eucalyptus canobolensis* (Silver-leaf Candlebark) present at the site. In addition, there were no confirmed sightings of the six identified fauna species. Notwithstanding, the report confirmed that it is expected that these species are likely to forage occasionally on the project footprint throughout the year as part of much larger foraging ranges; however, are unlikely to breed there due to unsuitable habitat conditions. During site surveys, it was identified that there were primarily four (4) habitat types occurring on the subject site including the ornamental amenity plantings, scattered planted/cultivated and remnant eucalypt trees, mown exotic grassland/forbland and a Pond. The report provides the following assessment against these habitat types:

Ornamental amenity plantings

Ornamental plantings dominate the study area and mostly comprise tall mature Monterey Pines. There are also a variety of other coniferous species and deciduous ornamental trees. These have relatively low value for native wildlife, providing little or no food resources and few nesting opportunities, since they lack hollows.

Scattered planted and remnant eucalypt trees

The planted and remnant native trees are mostly scattered or planted in rows or open patches that provide little shelter for terrestrial wildlife. They may provide food in the form of insects and nectar for native birds and flying foxes. However, only one remnant tree has hollows suitable for nesting or roosting. Birds that nest amongst foliage may find breeding opportunities in the denser foliated species, such as Narrow-leaved Black Peppermint, but the foliage is too open in most. The habitat lacks a shrub layer and there

is no dense ground cover habitat either. Structural habitat diversity is also lacking; there being no fallen branches, logs or surface rocks. In addition, the linear nature of this habitat and its isolation in the landscape mean it is unsuitable for native species requiring large areas of continuous woodland habitat. The native habitat on the study area is suitable only for a few generalist species that thrive in open and disturbed environments.

Mown exotic grassland/ forbland

Open mown grassland comprising mainly exotic grass and forb species is prominent on the study area. Fauna habitat features are poor in this habitat type, which caters only for species with preferences for open spaces. Fallen timber, hollow logs and surface rocks are absent.

Pond

A small dam in the south east corner of the study area provides water for wildlife, refuge for some water birds and potential habitat for the Long-necked Turtle, *Chelodina longicollis*.

The environmental report acknowledges that the removal of vegetation from the site would result in the reduction in habitat and foraging areas for the identified fauna species; however, this reduction would be minor in the context of the poor quality of the existing environment and considering the amount of higher quality habitat that would remain in the local area for potential foraging for these species. The expert report also confirms that the reduction in the potential foraging habitat would not significantly affect local population of the six threatened fauna species, should they occur. Accordingly, a Species Impact Statement is not required to be prepared for further consideration for these six fauna species.

Furthermore, the report advises that the nine (9) remnant native trees that remain on the site are from the original woodland that covered the site prior to European settlement. These tree types comprise three Apple Box, five Ribbon Gum and one Candlebark (*Eucalyptus rubida*). These remnant trees indicate the original vegetation belonged to Plant Community Type 732 or similar - *Broad-leaved Peppermint - Ribbon Gum grassy open forest in the north east of the South Eastern Highlands Bioregion*. The Office of Environment and Heritage Vegetation Information System database indicates that Plant Community Type 732 is not part of any listed Threatened Ecological Community in New South Wales. Nor is it listed nationally. The report concluded that no ecologically viable remnants of this community remain on the study area.

Of the fifty-five (55) planted/cultivated eucalypt trees, thirty-three (33) represent species that are threatened in their natural habitats. These include 25 Wallangarra White Gums (*Eucalyptus scoparia*) and eight Narrow-leaved Black Peppermints (*Eucalyptus nicholii*). The *Eucalyptus nicholii* is listed as Vulnerable and the *E scoparia* is listed as Endangered under the Biodiversity Conservation Act 2016.

The Office of Environment and Heritage database specifies that the Wallangarra White Gum is known in the wild from only three locations near Tenterfield in NSW, including Bald Rock National Park and some other locations within Queensland, while the Narrow-leaved Black Peppermint is sparsely distributed but widespread on the New England Tablelands from Nundle to north of Tenterfield, being most common in central portions of its range. The report acknowledges that these species should be maintained and protected wherever possible; however, the development would affect only cultivated trees and their removal does not directly impact on the viability of natural populations in the wild. Consequently,

the action would not place any viable local wild populations at risk of extinction and a Species Impact Statement is not required for further assessment.

Based on the foregoing consideration and supporting ecological assessment by Dr Colin Bower, a Species Impact Statement or Biodiversity Assessment Method is not required to be undertaken. The proposal suitably satisfies the relevant matters under Clause 1.7 EPAA 1979 and is acceptable in the context of the Biodiversity Conservation Act 2016. Notwithstanding, the environmental assessment recommended a number of measures that should be implemented to offset the impacts of the project including:

- (a) Where possible, valuable ornamental species would be removed and transplanted on other OCC parklands.
- (b) The trunk of the old growth Ribbon Gum tree with wildlife hollows would be utilised for wildlife habitat in another reserve where it would be stood vertically against a sound tree.
- (c) It is recommended that offset plantings be made of the Wallangarra White Gum and Narrow-leaved Black Peppermint to replace the losses of these threatened species from the project area. It is recommended that plantings be made at a ratio of three to one to ensure survival of an equivalent number of trees to those that would be lost.

It is noted that these recommendations have been addressed by the proponent in the masterplan. The proponent also has advised that further detailed investigation of the old growth Ribbon Gum tree failed to determine the location of any hollows. Advice was sought from the ecologist who advised that initial observations were conservative in terms of calling markings/scars a hollow and that if the GPS reading has identified the tree, and no hollow is evident, it is reasonable to assume the initial recordings were simply a case of conservatism. In addition, further design resolution of the car park 3 has been able to avoid the clearing of the collection of native trees including the identified Ribbon Gum tree, shown as items 12 and 13 on the landscape masterplan, page 17.

Section 4.15 of the Environmental Planning and Assessment Act 1979

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.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

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,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The proposal relates to the development of the Orange Regional Sporting Precinct which is appropriate to the use of the land in both the open space zones (Private and Public Recreation). The use of the land for a sporting facility will enhance and augment the function of the land as a recreation area, and in this way will contribute to the social wellbeing of the community whilst having a minimal effect in terms of the environment and positive outcomes relating to economic issues as discussed throughout this report. Lastly, the proposed development will have minimal impact on the site's importance as an element of the City's heritage – indigenous and European heritage values of the site have been acknowledged in the design of the precinct and will be enhanced through various forms e.g., heritage interpretative signage, landscape features etc.

Clause 1.7 - Mapping

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

Land Zoning Map:	RE1 Public Recreation and RE2 Private Recreation
Lot Size Map:	No Minimum Lot Size
Heritage Map:	Old Aerodrome, Sir Jack Brabham Park – Gnoo Blass and curtilage of the Bloomfield Hospital site
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No mapped biodiversity
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within a mapped 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:

- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
- (b) *to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or*
- (c) *to any conservation agreement under the National Parks and Wildlife Act 1974, or*
- (d) *to any Trust agreement under the Nature Conservation Trust Act 2001, or*
- (e) *to any property vegetation plan under the Native Vegetation Act 2003, or*
- (f) *to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or*
- (g) *to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.*

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The site of the proposed development is zoned RE1 Public Recreation and RE2 Private Recreation under the Orange Local Environmental Plan 2011. The proposed development is defined as a Recreation Facility (Major). The RE1 Public Recreation and RE2 Private Recreation zones permit a recreation facility (major) with consent. Pursuant to the Orange Local Environmental Plan 2011:

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

The proposal satisfies the above definition as follows:

- a) The proposal includes 10 sporting fields including two purpose built stadiums (Football and Athletics) catering for a mix of sporting codes that can be used simultaneously;
- b) The proposal comprises 1,193 car parking spaces and is traffic generating development under the State Environmental Planning Policy (Infrastructure) 2007;
- c) The use of the development/site has the potential to attract large number of people –spectators, participants, organisers. By reference to the SoEE, the main stadium will have a capacity of 8,000 persons (stadium seating and earth mound) plus additional 450-550 persons at the athletics stadium;
- d) It is understood that the precinct could be used periodically for large-scale events e.g. football grand finals, 1 Day Tournaments, championship events, specialist meets etc.

Clause 2.3(2) of the Orange Local Environmental Plan (OLEP) 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RE1 Public Recreation and RE2 Private Recreation are:

Objectives of the RE1 Public Recreation Zone (Sir Jack Brabham Park)

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.*

Objectives of the RE2 Private Recreation Zone (Former Orange Ex-Services Country Golf Club)

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*

- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.*

The proposed development will be compatible with the zone objectives of both the RE1 Public Recreation and RE2 Private Recreation zones. The existing recreational use of the land will be maintained, albeit for different sporting and recreation activities. The re-development of the site for the purposes of a major recreation facility will provide high level sporting and recreation amenities to the community which will include multiple playing fields for football, soccer, athletics etc. including two purpose-built stadiums, amenities, walking and cycling tracks, meeting points/seating areas and BBQ facilities. The proposal will also provide accessible recreational space to the emerging South Orange residential catchment area as well as providing adequate parking and pedestrian linkages for accessibility for the broader community. The natural environment has been protected (where possible) and enhanced as evidenced through the submitted masterplan and associated DA documents. Conditions of consent can also be imposed to further protect important environmental features if necessary. Direct access to the Southern Feeder Road will not be available.

The following provisions of the OLEP 2011 have been especially considered in the assessment of the proposal:

Clause 2.7 – Demolition requires Development Consent - Clause 2.7 of the OLEP 2011 states that the demolition of a building or work may be carried out only with development consent. Accordingly, the applicant has applied for development consent (this application) for the demolition/removal of an additional 492 trees from the site as well as the removal of two existing amenities buildings. Impacts associated with the proposed tree removal have been addressed in detail throughout this report. The existing amenity buildings have no significance and were only used in conjunction with the operation of the golf course.

Clause 5.10 Heritage Conservation - Clause 5.10(4) of the Orange Local Environmental Plan 2011 requires the consent authority, before granting consent under this clause in respect of a heritage item or heritage conservation area, to consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site of the proposed development contains two locally listed heritage items pursuant to Schedule 5 of the Orange Local Environmental Plan 2011 being Sir Jack Brabham Park – Gnoo Blas (I173) and the former Aerodrome (I172). Additionally, the land also forms part of the curtilage of the state listed Bloomfield Hospital site, SHR item no 01745.

Council's Heritage Inventory and the State Heritage Register provides the following description and statement of significance with regard to these heritage items:

I172 Former Aerodrome (Council depot)

The Aerodrome site retains relics sufficient to identify and interpret the use and provides an historic and rare example of the first formal air transport activity from the late 1930s. A landscaped area approximately 60m x 30m, divided by a cyclone fence, which encloses a depot area used by Council for storage of equipment and materials. The area also includes mature trees which have been allowed to grow through the area previously dedicated as an aerial identification sign with concrete lettering.

I173 Sir Jack Brabham Park (Gnoo Blas)

The site has historic and social value for the motor racing groups and associated history within Australia, is named to celebrate Sir Jack Brabham and is worthy of further interpretation. The site consists of grassed landscapes set out as sporting fields. A sign panel describes the historic use. There are no known [original] structures on the site. The steel pedestrian over-bridge from the site was relocated to another park site in central Orange.

State Heritage Item 01745 Bloomfield Hospital

The Bloomfield Hospital is of State heritage significance. It has high historic, associative and aesthetic significance as an example of a mental hospital designed according to the philosophy and treatment regimens of the late Nineteenth and early Twentieth Century. It was the last of the large purpose-built mental hospitals in NSW and one of only three built in rural areas. It has remained largely intact with regard to its original intention and layout as little development of the site has occurred since the completion of the original hospital buildings.

The Hospital has a strong association with Frederick Norton Manning and Eric Sinclair who were pioneers in the treatment and management of mental health in NSW in the late Nineteenth and early Twentieth Centuries. It is a landmark in the area as a fine ensemble of buildings in a village-like landscape setting and demonstrates through its physical fabric, layout and park-like setting, a humane method for the treatment of the mentally ill that is no longer carried out on such a large scale.

Its continual use as a place of treatment for the mentally ill also makes the place significant as does its tradition of promoting a close association with the local community through social, cultural and sporting activities.

Assessment of heritage impacts

I172 Former Aerodrome (Council depot)

The remnants of the former aerodrome is mostly confined to one part of the site, located approximately in the centre between Sir Jack Brabham Park and the former golf course (Figure 6). The proposed development will have no impacts on the remaining aerodrome relics being the aerial identification sign in concrete lettering. The development of the site is expected to enhance the heritage values of Sir Jack Brabham Park and the former aerodrome relics as it will allow greater access to the area through the provision of access paths, meeting/seating area and heritage signage.



Figure 6 – aerodrome site relics

1173 Sir Jack Brabham Park (Gnoo Blas)

The Gnoo Blas circuit encompasses the subject site and potentially the land area further to the south towards the Bloomfield hospital precinct. The description of Gnoo Blas in the heritage inventory sheet indicates that the site holds more archaeological potential rather than built-heritage potential. The proposed development is not expected to have a significant impact on the roads that previously formed part of the Gnoo Blas car racing circuit, excepting some disturbance is required for the provision of new vehicle accesses into the site; however, these works will not drastically alter the layout/structure of the former racing circuit. Furthermore, most of the existing trees and structures on the land that are proposed to be removed post-date the active years of the racing circuit, the circuit having closed in 1961 and the formation of the golf course and Jack Brabham sports fields believed to have occurred some years later (late 60s through to the early 80s). In this regard, the historic values of the Gnoo Blas racing circuit are expected to be retained. The existing heritage interpretation signage will also remain on the land and will continue to communicate information to visitors about a site and give an explanation of the origins and former use of the area.



Figure 7 – Existing Heritage Interpretation Signage Gnoo Blas Circuit

State Heritage Item 01745 Bloomfield Hospital

The relationship between the former golf course (northern nine holes) and the state listed Bloomfield Hospital site has been examined within the Heritage Impact Statement (HIA) submitted with the application. Following a review of historical photographs, the Bloomfield Conversation Management Plan, site visit and review other relevant documentation, the HIA provides that the golf course:

- (a) is not part of Bloomfield Hospital Primary Heritage Curtilage and does not provide any understanding of the history to mental health treatment in Australia
- (b) is not part of the structural layout of Bloomfield Hospital
- (c) does not demonstrate the role of landscape in treatment of mental health - it is not part of the parkland setting of the hospital buildings
- (d) has no association with a significant person as it was an area excluded from the hospital (as was the area further to the north).

Furthermore, the State Government's *Bloomfield Hospital Site Conversation Management Plan 2020* states that although the surrounding land to the north of hospital site formed part of the original land allocation set aside for the hospital, the area does not contain any

structures or landscape features of particular heritage significance and does not provide a visual setting for the Hospital. It is also not intrusive on the significance of the Hospital. As such, the land is a neutral space in terms of the overall heritage significance of the place.

The Heritage Impact Statement also provides that the proposed development is expected to have minimal impact on the surrounding heritage setting due to the following:

- The proposal is consistent with the existing sporting character of Sir Jack Brabham Park, a dominant element in the setting of Bloomfield Hospital
- The visual impact of the proposed new grandstands will be minimised by being set below natural ground level (on newly excavated levels). Their visual impact will be further reduced by the appropriate selection of external materials and finishes. The proposed new grandstands are also set some distance from the Bloomfield Hospital site.
- The avenue of Elm trees along the entry road to the golf club (the first road when coming from town) will be retained.
- The sense of gentle enclosure of buildings in Bloomfield North by the surrounding landscape will be retained.
- Sufficient area will remain around the buildings of Bloomfield North to provide an outlook to trees and grassed expanses;
- Views from the buildings of Bloomfield North over the institutional parklands will remain.
- Views from the rear of the former Administration building, former Men's Admissions building and former Female Admissions building are primarily to the east. There will be a negligible impact on these views as: the buildings are single storey; the adjacent section of the subject site is set well away from the buildings; the view is already interrupted by an existing building; and a number of trees will be retained along the site boundary with this area.
- Views in relation to the former staff houses and nurses' accommodation building have not been identified as having heritage value and were not part of the philosophy of treatment of mental patients. The staff houses are single storey with their orientation and main vistas to the south over the institutional parklands (now the golf course built by patients in the 1960s). The views from the windows out to the surrounding landscape will be retained. There will be some limited impact on views from the nurses accommodation as this building is two storey, however the landscape area around the building will be retained and there will be sufficient trees kept and additional trees planted to ensure an outlook to tree canopies. Also, these views were not important with regard to patient treatment.

Existing and historic views, as identified within the *Bloomfield Hospital Site Conversation Management Plan 2020* are shown in Figure 8 which clearly indicates that the proposal would have minimal impact on these views.

Given the development involves works within the curtilage of a state listed heritage item, the application required assessment and approval from NSW Heritage pursuant to the Heritage Act 1977. NSW Heritage have undertaken extensive assessment of the application and have provided their support for the project as outlined in their General Terms of Approval. The General Terms of Approval do however require some changes to the landscape masterplan in order to obtain a good heritage outcome for the site and surrounds mainly relating to tree species selection, tree protection measures, priority plantings and

further consultation with local Aboriginal communities to identify opportunities for community land management practices and interpretation.

Council's heritage advisor also supports the proposal and provided recommendations regarding interpretive spaces. These requirements have been incorporated into the consent or advisory notes as appropriate.

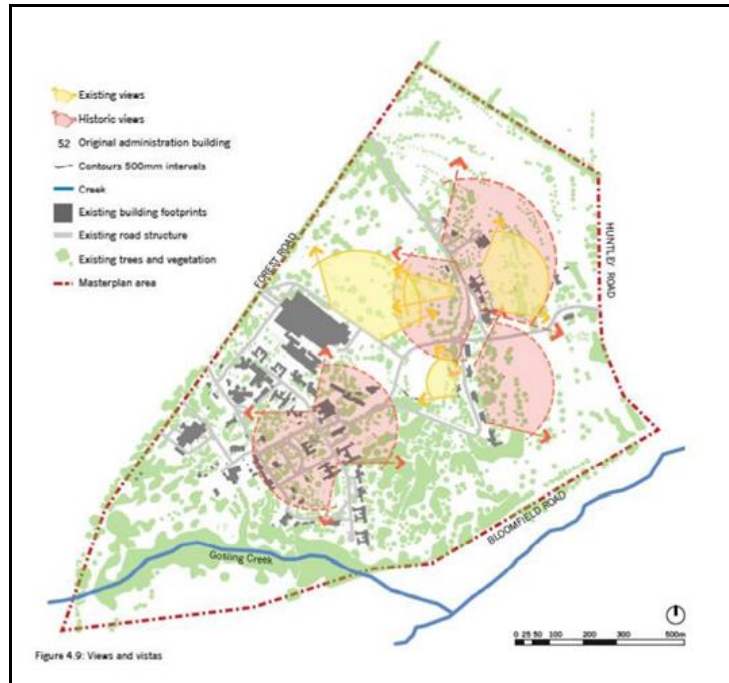


Figure 8 – Existing and Historic Views

Clause 7.1 Earthworks – The proposed development is expected to involve significant ground disruption to the extent of removing the trees, stump, and root systems as well as site levelling and construction of earth mounds. Before granting development consent for earthworks, the consent authority must take the following into consideration:

- (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).*

In consideration of the relevant matters:

- The site is not in proximity to any mapped waterway, drinking water catchment or sensitive area under the Orange Local Environmental Plan 2011 or mapping provided under the Water Management (General) Regulation 2018. Small dams exist upstream of

the site and at the northern boundary of Jack Brabham Park. The dams are linked by a semi-formal channel that flows north through the proposed site and existing Jack Brabham Park. The drainage channel captures the discharge/overflow from the upstream dam as well as overland flows. Given the extent of the proposed earthworks, disruption to the existing natural drainage patterns on the land is expected; however, a hydraulic engineer has designed the finished ground levels, subsoil drainage network and water storages to manage pre and post development stormwater volumes and to ensure minimal impact on natural overland flow directions and soil stability.

- The likely future use of the land will be for recreational purposes. The proposed earthworks will facilitate the use of the land as a multipurpose recreational facility for use by the community. In addition, the proposed earth mounds provide an acoustic barrier between the proposed stadiums and nearby sensitive receivers while also reducing the potential visual impact of the proposed new hard surfaces.
- The site is known to be contaminated in two locations being golf hole 4 and 14, which have been identified as containing elevated levels of copper, lead, and zinc. These areas will need to be remediated prior to any earthworks being carried out on the land. All excavated material will be reused onsite, except the contaminated soil which will be required to be taken to a licensed facility. Additional fill material is not anticipated to be required. In the event that additional fill is needed, clean fill material (virgin excavation natural material) can be sourced from Council's stockpiles.
- The proposed earthworks are not expected to have a significant impact on the amenity of adjoining properties. Whilst it is acknowledged that there will be some visual impact while works are being carried and during the period that material is stockpiled, these impacts will be short term. Finished ground levels have been designed to be integrated in to the natural landform and setting. Batters to existing ground have generally been designed at 4H:1V while the earth spectator mounds will have a typical slope of 3H:1V. These are considered to be low to moderate slopes and will have no obvious junctions (i.e. will appear as a continuation of the landscape). The proposed earthworks will also be suitably revegetated which will assist in reducing any visual impact. Furthermore, conditions in relation to sediment controls, stockpile management and waste disposal can be imposed to ensure adjoining lands are protected.
- An archaeological investigation was carried out by Apex Archaeology. The investigation notes that there is potential for footings associated with the former Orange Municipal Council Crematory to remain in the area. It is understood that the former crematory was located at the current intersection of Park Drive and Forest Road (location of heritage gates), with Park Drive constructed over the original lot. Given no works are proposed in this location, it is unlikely for any archaeological footings or deposits associated with the former crematory to be uncovered or disturbed. No other Aboriginal, European, or Archaeological relics are known or believed to be present on the land. However, as per usual practice it is recommended that conditions be imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

Clause 7.6 - Groundwater Vulnerability – The site has been mapped as being groundwater vulnerable. 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.

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 are adequate or can be made adequate for the proposal. It is noted that the existing underground utilities need to be relocated for the purposes of this development. Relevant conditions of consent are attached.

STATE ENVIRONMENTAL PLANNING POLICIES

The following State Environmental Planning Instruments (SEPPs) apply to the Orange Local Government Area:

- SEPP 21 - Caravan Parks
- SEPP 33 - Hazardous and Offensive Development
- SEPP 36 - Manufactured Home Estates
- SEPP 50 - Canal Estate Development
- **SEPP 55 - Remediation of Land**
- SEPP 64 - Advertising and Signage
- SEPP 65 - Design Quality of Residential Flat Development
- SEPP 70 – Affordable Rental Housing (Revised Schemes)
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Concurrences and Consents) 2018
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- **SEPP (Infrastructure) 2007**
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Primary Production and Rural Development) 2019
- **SEPP (State and Regional Development) 2011**
- **SEPP (Vegetation in Non-Rural Areas) 2017**

The following SEPPs are specifically relevant to the assessment of the proposed development:

SEPP 55 Remediation of Land - State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated, is satisfied that the land is suitable in its contaminated state for the development that is proposed, and

if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

The historical land-use of the site is recreation with a golf course in the southern section and soccer fields in the northern section. Prior to the current use of the land for recreation purposes, the land was used as an aerodrome.

A preliminary site contamination assessment has been completed by Envirowest Pty Ltd. Initial findings of the investigation indicated elevated levels of a number of copper, lead, and zinc. Soil testing confirms these materials were identified in a layer of fill used within the construction of the green on golf hole 14, while Zinc impacted material was identified in a layer of fill used within the construction of the tee box on golf hole 4. On this basis, conditions are recommended that require the proponent to prepare and submit a Remedial Action Plan for approval prior to the commencement of any works on the land with remediation works carried out prior to bulk earthworks. A validation report must also be provided indicating that the hotspots have been suitability remediated.

Furthermore, the contamination investigation advises water pipes containing asbestos are known to be located within the adjoining Sir Jack Brabham Park and potential exists for asbestos cement pipes to be present within the investigation area; In this regard, an unexpected finds protocol is recommended to be implemented in the event that asbestos or other contaminants are uncovered during works and to ensure that appropriate procedures management actions are undertaken when dealing with such materials.

State Environmental Planning Policy 55 (Infrastructure) 2007

Division 15 of the ISEPP provides commentary regarding development involving railways. The proposed work is on Lot 1 DP 1142713 & Lot 209 DP 42900, both of which are separated by Huntley Road from the operational rail corridor from Tarana to Orange Junction which is part of the CRN. However, the land is still considered adjacent to the rail corridor for the purposes of the ISEPP provisions. Therefore, in consideration of the provisions contained within 85, 86 and 87 of the ISEPP are to be considered.

Clause 85 provides the following:

- 1) *This clause applies to development on land that is in or adjacent to a rail corridor, if the development -*
 - a) *is likely to have an adverse effect on rail safety, or*
 - b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - c) *involves the use of a crane in air space above any rail corridor, or*
 - d) *is located within 5m of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

In consideration of the above matters:

- a) The proposal is unlikely to have an adverse effect on rail safety due to the separation between the site and rail corridor by Huntly Road. The proposal will not involve placing a metal finish on a structure where the rail corridor is used by electric trains.
- b) The use of cranes is not anticipated as part of site works or be required in the vicinity of the rail network; however, in the event a crane is required to be used in air space above the rail corridor, approval is to be obtained from TfNSW and the Country

Regional Network (CRN) Manager. This matter has been addressed via conditions of consent.

- c) The site is not located within 5m of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

Furthermore, Clause 86 of the SEPP states:

- 1) *This clause applies to development (other than development to which Clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land -*
 - a) *within, below or above a rail corridor, or*
 - b) *within 25m (measured horizontally) of a rail corridor, or*
 - c) *within 25m (measured horizontally) of the ground directly below a rail corridor, or*
 - d) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

The plans submitted with the Development Application identify that the extent of earthworks associated with the development are in the order of 2m cut from the existing Natural Ground level (NGL) in some areas of the site; however, these works will not be within 25m of the rail corridor.

Clause 87 of the SEPP requires the consent authority to consider the likely impact of noise and vibration from rail operations on sensitive developments. The proposal is for a recreational facility which is not considered to be a sensitive landuse. Rail noise and vibrations are not anticipated to negatively affect the operations/use of the site for recreational purposes.

Clause 101 of SEPP Infrastructure states that a Consent Authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and;*
- b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of -*
 - i. *the design of the vehicular access to the land, or*
 - ii. *the emission of smoke or dust from the development, or*
 - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and;*
- c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In consideration of the above matters:

- The site is bounded Forest Road to the west which is classified a regional road and Huntley Road to the east which is a local road. Given the site characteristics and nature of the proposed development and associated access requirements, it is not entirely practical to require all access/parking to be obtained from the local road network. However, effort has been made to limit the access/parking and associated vehicle movements on Forest Road through the placement of a significant proportion of carparking (73%) on the Huntley Road side of the site.

- TfNSW is the road authority and as such the application was referred to TfNSW for concurrence in relation to the new access on to Forest Road. Concurrence was granted pursuant to Section 138(2) of the Roads Act 1993 subject to a range of conditions to ensure access to the site is appropriate and the safety and efficiency of the road network is not adversely affected. The request of TfNSW have been reviewed by Council's Technical Services Division and conditions of consent relating to access have been included in the attached recommended Notice of Determination.
- A Traffic Impact Assessment was prepared to support the proposal which confirms that Forest Road has the capacity to accommodate the increase in traffic generated by the proposed development.
- The development is not of a type that is sensitive to traffic noise or vehicle emissions. Construction activities will however need to be managed to ensure safety and efficiency of the road is not adversely affected.

Clause 104 - Traffic-generating development

Pursuant to Clause 104 - Traffic-generating development of *State Environmental Planning Policy (Infrastructure) 2007* (the "Infrastructure SEPP"), recreation facilities with a capacity of 200 or more vehicles need to be referred to Transport for NSW. In this case, the proposed development exceeds the size and/or capacity under this clause and the proposal was formally referred to TfNSW. The requirements of TfNSW have been included in the draft consent.

SEPP (Vegetation in Non-Rural Areas) 2017 - The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 is applicable to the subject development as the proposal requests consent to demolish (remove) trees in non-rural areas of the State.

Part 3 of the SEPP applies to vegetation in any non-rural area of the State that is declared by a Development Control Plan to be vegetation that Council can issue a permit to a landholder to be cleared. Clause 26 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that a Development Control Plan (DCP) that is in force on the commencement of this Policy can establish the process, such as requiring a permit or development consent, for the clearing of vegetation.

Chapter 0 Transitional Provisions of the Orange DCP 2004 (the DCP) prescribes the kinds of trees and other vegetation that are subject to Clause 10 of the SEPP (Vegetation in Non-Rural Areas) 2017. The vegetation that would be impacted by the proposal comprise mainly Radiata pine trees (*Pinus radiata*). These species are exempt from the Tree Preservation Order regardless of size. Notwithstanding, given the demolition is to occur within a heritage setting including within the curtilage of the state listed heritage item Bloomfield hospital development consent is required under the LEP.

This application is requesting consent to remove this vegetation. It is therefore considered that the requirements of the SEPP (Vegetation in Non-Rural Areas) 2017 have been met and the proposal is consistent with the provisions as outlined in the Policy and the DCP.

SEPP (State and Regional Development) 2011 - The proposal meets the criterion for regionally significant development under part 4 of State Environmental Planning Policy (State and Regional Development) 2011, in that the development has a Capital Investment Value (CIV) exceeding \$5 Million for Council related development. Accordingly, this application is to be determined by the Western Regional Planning Panel under Part 4 of the

Environmental Planning and Assessment Act 1979 and relevant provisions under the Environmental Planning and Assessment Regulation 2000.

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. While it is noted that the Draft Design and Place State Environmental Planning Policy and supporting guides and documents are on public exhibition until 28 February 2022 which contains design considerations for developments involving public spaces/public life and green infrastructure; however, in recent instructions to local government, the Secretary has advised that, for the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft proposed Design and Place State Environmental Planning Policy (DP SEPP) 2021 is not notified to any consent authorities. The draft DP SEPP is therefore not a mandatory matter for consideration under the Act and consent authorities have been advised not enforce the provisions of this draft.

INTEGRATED DEVELOPMENT

The applicant elected to nominate the development application as Integrated Development pursuant to Section 4.46 of the EP&A Act because of the need to seek approval under Section 60 of the Heritage Act 1977 from Heritage NSW - Department of Premier and Cabinet for work within the bounds of a state heritage listed site being the Bloomfield Hospital. Heritage NSW have issued General Terms of Approval which are attached to the consent. The General Terms of Approval specify that a number of amendments to the landscape masterplan are needed in order to obtain a good heritage outcome for the site and surrounds particularly involving tree species selection, tree protection measures, priority plantings and further consultation with local Aboriginal communities to identify opportunities for community land management practices and interpretation.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Development Control Plan 2004

Development Control Plan 2004 ("DCP 2004") applies to the subject property. Chapters of the DCP relevant to the proposed use and development include:

- Chapter 0 - Transitional Provisions;
- Chapter 2 - Natural Resource Management;
- Chapter 11 – Land Used for Open Space and Recreation; and
- Chapter 13 – Heritage

Chapter 0 - Transitional Provisions

Section 0.2 provides that any reference to a zone under Orange Local Environmental Plan 2000 is to be a reference to the corresponding zones in the zone conversion table.

Zone 6 of the Orange former LEP 2000 corresponds to both the RE1 Public Recreation and RE2 Private Recreation zones of Orange LEP 2011.

This chapter of the DCP also establishes a number of provisions concerning the preservation of certain trees and vegetation within the LGA. Specifically, the DCP prescribes the following:

1. Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowner's consent.
2. This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.
3. This clause applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height.
4. This clause does not apply to species indicated as exempt in the tree preservation table.
5. An application for the Council's approval must be accompanied by an appropriately qualified specialist (arborist) report.

Species <u>subject to</u> Tree Preservation Order regardless of size	Species <u>exempt from</u> Tree Preservation Order regardless of size
<ul style="list-style-type: none"> • Apple Box (<i>E. bridgesiana</i>), • Red Box (<i>E. polyanthemos</i>), • Candlebark (<i>E. rubida</i>) • Snow Gum (<i>E. pauciflora</i>) • Argyle Apple (<i>E. cinerea</i>) • Brittle Gum (<i>E. mannifera</i>) • Red Stringybark (<i>E. macrorhyncha</i>) • Grey Box (<i>E. macrocarpa</i>) • Cabbage Gum (<i>E. amplifolia</i>) 	<ul style="list-style-type: none"> • Radiata pine trees (<i>Pinus radiata</i>) • Fruit Trees (<i>Malus</i> sp, <i>Prunus</i> sp, <i>Pyrus</i> sp) • Poplar trees of the following species (<i>Populus nigra</i> 'Italica', <i>P deltoides</i>, and <i>P alba</i>) • Willow trees of the following species (<i>Salix fragilis</i>, <i>S viminalis</i>, and <i>S alba</i>)

Tree Preservation Table

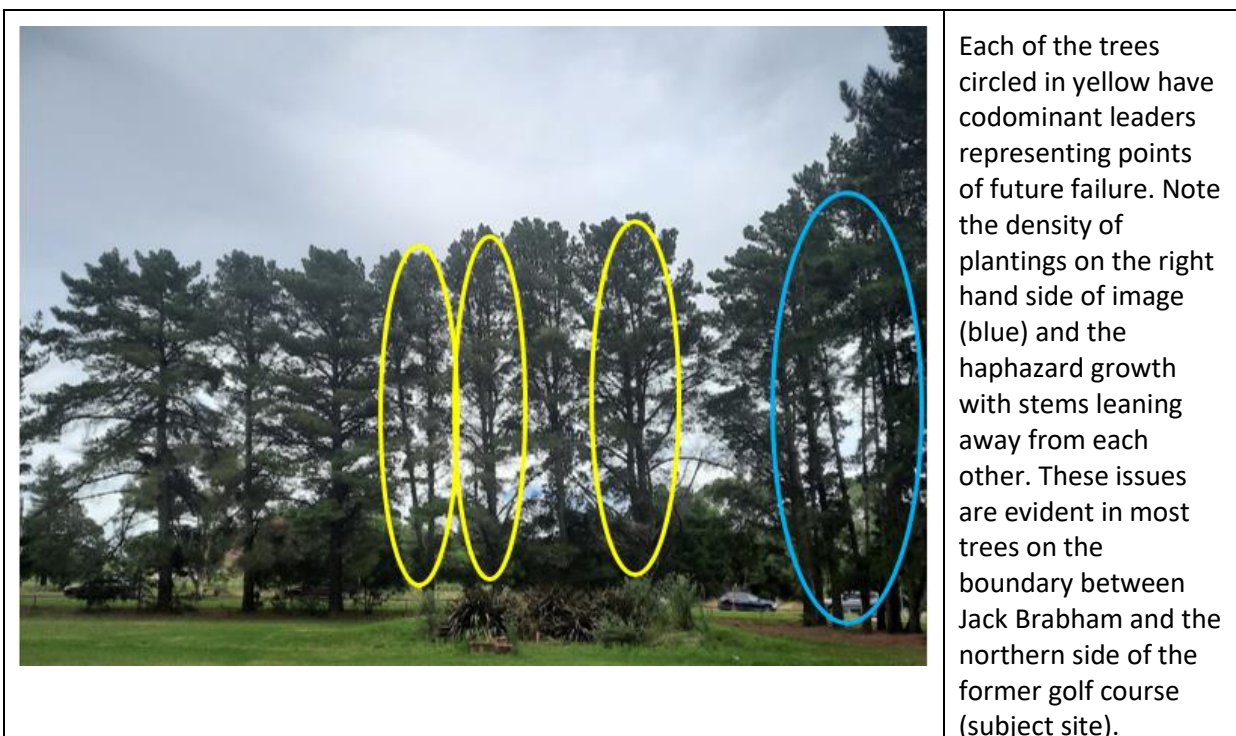
In consideration of these matters, an arborist report has previously been prepared by Council's Nigel Hobden, Manager City Presentation (Qualified Horticulturalist, Arborist and Environmental Scientist) under DA464/2020(1). That report advised that the site contains mostly Radiata pine trees (*Pinus radiata*) and these would ordinarily be exempt from obtaining approval for their removal. That report also advised that many of these species are in significant decline and not worthy of retention. Notwithstanding, it has been acknowledged that the site does also contain a number of remnant native trees and quality exotic species. In this regard, the following provides an assessment of the value (environmental, historical, and social), health and opportunity for retention of trees on the Bloomfield Golf Course northern precinct:


- The northern precinct, that proposed for a sports hub, has a dominant tree canopy across the site of Monterey Pine (*Pinus radiata*) with in the order of 423 specimens (+ 10%) estimated to have been planted between 1975 and 1984. Historical aerial images depict little to no tree canopy on the northern precinct (i.e., the area between the Bloomfield Hospital Campus Access Road and Sir Jack Brabham Sports Field).
- When a comparison of the northern golf course precinct and the southern golf course area (south of the Bloomfield Hospital Campus Drive) is made the aerial imagery clearly shows the more advanced and historically established tree plantings on the southern golf course area. This latter area has a more diverse and interesting collection of tree species than the northern precinct.
- Monterey Pine (*Pinus radiata*) has traditionally been grown as windrow or wind break plantings or a softwood plantation timber for the timber industry (house frames, pulp wood). The species has very little to no ecological value and is known to suppress the growth of other tree species as a result of leaching of toxins from the needles and root system. The planting of *Pinus radiata* along the common boundary of the former golf course and Sir Jack Brabham Park is akin to that of a softwood plantation planting but in many instances individual specimens are planted in much closer proximity; that is at

a much higher density. This has led to vertically elongated growth as the trees compete with each other for light.

- As a result of the growing environment, growth habits and recent environmental conditions (Millennium drought, drought of 2019/2020) many of these trees are very poor specimen's often carrying codominant leadership, where naturally the radiata pine have one dominant leader. Codominance is a structural weakness which often results in the failure of one leader and then compromising the integrity of the remaining leader.
- Due to the compact planting (space between trees), especially along the common boundary of former golf course and Sir Jack Brabham Park, the trees are dependent on each other for support (wind buffering) and the removal of some portion of the row will expose others to elements that they are not established to withstand. Those trees that are protected will have less well-developed root structures to support the individual specimens in strong wind events. Removal of some trees in exposing other will predispose those left standing to the high probability of wind failure.
- The proposal requires considerable earthworks across the site to facilitate the use of the land as a structured sporting facility. The earthworks will have significant impacts on the root system of the trees throughout the site, particularly between Sir Jack Brabham and the golf course site (mainly Pinus radiata). The placement of fill on top of the natural ground surface will smother and suffocate both feeding and structural roots, in effect inflicting a slow decline (where decline is not already occurring) and eventual death to the trees if they are not removed as the first stage in the redevelopment of the site to playing fields. These works and impacts on the existing trees, particularly along the boundary with Sir Jack Brabham are considered unavoidable and given the age, health/existing defects (as outlined below) the loss of these trees is not considered substantial. The design of the precinct has avoided better quality exotic and remnant native vegetation as indicated on the landscape masterplan and supporting Significant Tree Protection Management Plan.

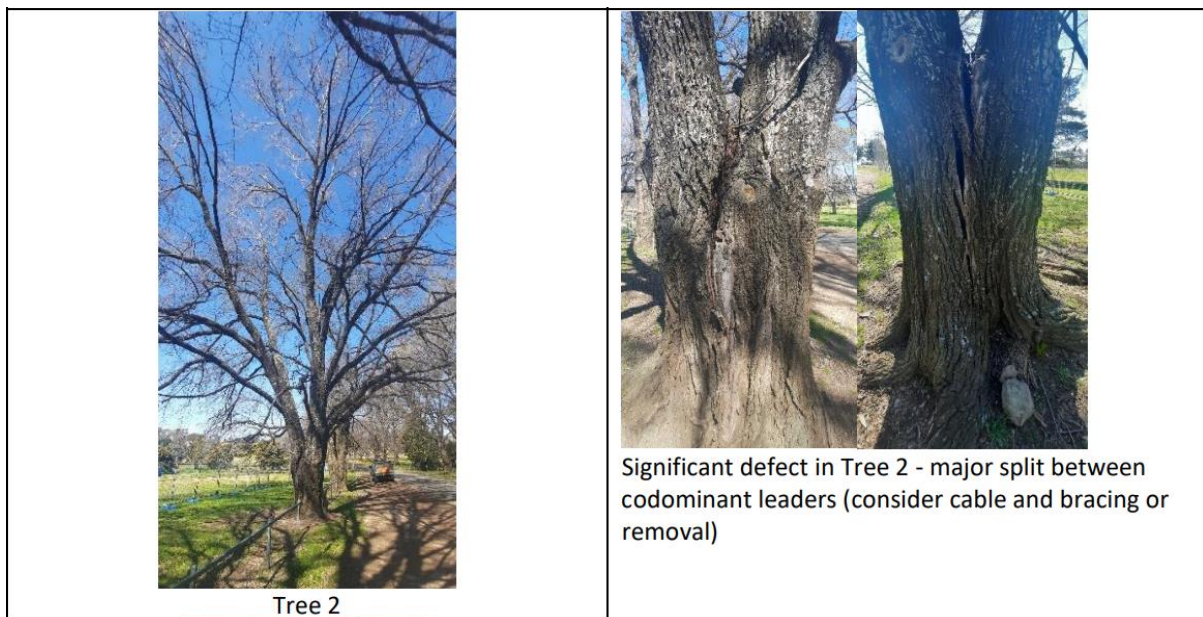
Visual Tree Assessment



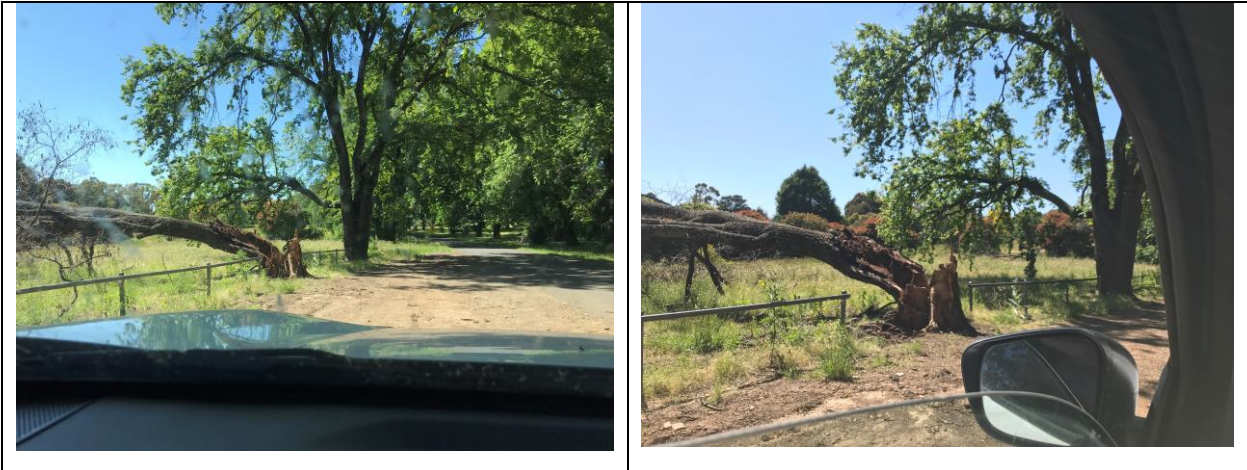
	<p>This image shows normal habit with central leader showing apical dominance given room to grow and spread in a parkland situation.</p>
	<p>Examples of Arizona Cypress (<i>Cupressus glabra</i>) with suspected historical mechanical/insect damage to trunks which has permitted secondary attack from borers and decaying fungus. The damage extend to the root crown in both examples.</p>
	<p><i>C glabra</i> in proximity to the Tallowwood boundary: left – poor form and structure; right - dieback to crown.</p>



Furthermore, there are a number of existing significant trees on the site that are to be retained (approx. 110) as part of the Landscape Masterplan. To ensure their protection from any impacts from the proposed development, a Significant Tree Protection Management Plan (STPMP) has been prepared. The report outlines appropriate Tree Protection Zones (TPZ) and also provides a visual assessment of each tree documenting the health, structure and condition of trees identified for retention. This includes the avenue of Elm trees along the northern entry road to the hospital precinct which have been identified as being historically important and remain from the early era of site structuring of Bloomfield Hospital. It should be noted that the STPMP found that a number of these Elm trees contain significant defects, particularly Tree 2:



An inspection of the site on 15 December 2021 found that Tree 2 had collapsed, most likely from recent weather events. The remaining remnants of the tree will require removal and possible replacement.



The landscape masterplan and Council's arborist also identifies that there is an opportunity to transplant in the order of 19 trees on the site as their age and structure will permit lifting out of the ground and relocation. These species include *Populus simonii* (8), *Pyrus sp.* (5), *Liquidambar styraciflua* (5) and *Fraxinus x raywoodi* (1). It should be noted that seven (7) of these trees have already been transplanted to the north-eastern side of the Sir Jack Brabham Park under the previous development consent (DA464/2020). The remaining trees are expected to be transplanted during earth works stages under proposed Stage 1 of this application.

Transplanted Trees



Chapter 2 - Natural Resource Management

The matters required to be considered under Section 2.3 - Vegetation and Section 2.4 - Flora, Fauna and Biodiversity have previously been addressed under “Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*” of this report.

The development is considered satisfactory with regards to flora, fauna, and biodiversity matters.

Chapter 11 - Land Used for Open Space and Recreation

Principally, the relevant Planning Outcome arising from this part of the DCP is to consider the provisions of any relevant Plan of Management applicable to the site. Council’s Manager City Presentation has previously advised that there is no specific Plan of Management for the former Orange Ex-Services Country Golf Club as it is in Crown land ownership and been historically used for private recreation purposes. In this regard, the planning outcomes contained in Chapter 11 of the DCP are considered irrelevant to the assessment of this application.

Notwithstanding, the panel should note that Council has at various times resolved to prepare overarching plans (i.e., Plans of Management) for all land held in its ownership, care, control, and management. To this end, Council some years ago adopted a generic Plan of Management that applies to all its parks and reserves. Following completion of the proposed sports precinct, Council’s Manager City Presentation has advised the land will be included in the generic Plan of Management as an addendum. The inclusion of the land in the generic Plan of Management will provide strategic planning direction and governance for the management and use of land with respect to landscape preservation, protection of native vegetation, equipment, access, neighbourhood amenity and risk management.

Chapter 13 – Heritage

The land is identified as a Heritage Item of Local significance. The significance arises because of the site's previous use as an aerodrome and road racing circuit. The site is also within the curtilage of the historic Bloomfield Hospital site. Heritage impacts have been addressed in detail above under the heading “5.10 - Heritage Conservation”. The development will not have a detrimental effect on the significance of the locally listed Heritage Items or the adjoining Bloomfield hospital site. The development has the support of Council’s Heritage Advisor and General Terms of Approval have been issued by NSW Heritage.

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

Demolition of a Building (Clause 92)

The proposal involves the demolition of two small amenities buildings. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 2001: The Demolition of Structures* and the requirements of Safe Work NSW

Fire Safety Considerations (Clause 93)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (Clause 94)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (Clause 97A)

BASIX is not applicable to the proposed development.

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

In determining an application, a consent authority must take into consideration the likely impacts of the development, including impacts on both the natural and built environments, and social and economic impacts in the locality. The former NSW Department of Urban Affairs and Planning (DUAP) practice note provides a number of primary matters and specific considerations that can be referred to in order to assess the likely impacts of a development. In this regard, the relevant primary matters and specific considerations have been identified and assessed as follows:

Context and Setting

The site sits primarily within a parkland setting south of the Orange CBD. The reserve comprises a former nine-hole golf course over an area of some 28ha and existing sporting fields known as Sir Jack Brabham Park. The site contains an extensive number of tree plantings which have been used to mark out fairways and golf greens and also to provide screening and protection along the periphery of the site. These plantings mainly comprise radiata pine; however, other ornamental species also exist along with a few isolated remanent native vegetation. Apart from the fairway and periphery plantings, the land consists of improved pastures, cart tracks and sand bunkers. A starters hut is located in the southwestern corner of the site and another small amenities building at the south-eastern end of the site.

Surrounding uses are mixed and include recreation lands, health services facilities educational establishments and industrial lands. Residential properties exist north, south and east of the site. The site will continue to be used for recreational purposes thus is not considered to be incompatible with the context and setting of the area.

Visual Impacts and Landscape Character

The concept development involves the removal of 492 mature trees from the site, bulk earthworks, building demolition and construction of two purpose-built stadiums, and eight multipurpose sporting fields. The proposal is also anticipated to involve material stockpiling, fencing and storing of equipment during construction works. In this respect, the proposal is expected to have some degree of impact on the landscape setting of the site and streetscape. Accordingly, consideration needs to be given to the landscape sensitivity and its ability to absorb the proposed change, the viewers' sensitivity/susceptibility to the change and the overall visual effects of the proposal to determine the extent of the impact including the appropriateness/suitability of the proposal and appropriate mitigation measures.

Visual impact assessment guidelines provide that visual sensitivity relates to the qualities of the area and the importance of views to receptors at a certain location and is informed by the type of receptor and the activity with which they are engaged. This considers the extent to which receptors' attention or interest is focused on the view or visual amenity. For example, residents in their home, walkers whose interest is likely to be focused on the landscape or a particular view, or visitors at an attraction where views are an important part of the experience often indicate a higher level of sensitivity/susceptibility. Whereas receptors occupied in outdoor sport where views are not important or at their place of work are often considered less susceptible to change.

Landscape sensitivity/susceptibility is determined with reference to the three-point scale and criteria outlined below:

LANDSCAPE SENSITIVITY AND VISUAL SUSCEPTIBILITY	CLASSIFICATION CRITERIA
High	Landscape of particularly highly valued character and scenic quality, considered very susceptible to relatively small changes e.g., within a designated Scenic Area, National Park, designed Landscape/garden or recognised as an iconic or important feature of the landscape. Receptors for which the view is of primary importance and are likely to notice even minor change.
Medium	Landscape of regional or local value, quality, or rarity, exhibiting some distinct features, considered tolerant of some degree of change e.g., within a locally designated landscape or with landscape elements of local importance. Receptors for which the view is important but not the primary focus and are tolerant of some change.
Low	Landscape of lower scenic quality, with few distinctive elements or valued characteristics and considered tolerant of a large degree of change e.g., out with any designated areas or within a degraded landscape. Receptors for which the view is incidental or unimportant and is tolerant of a high degree of change.

Tree Clearing, Building Demolition and Bulk Earthworks

The sensitivity and susceptibility of the landscape and its viewers to absorb the impact of Stage 1 of the project is considered to fall within the **Low-Medium Sensitivity** category on the three-point scale on the basis of the following:

- a) The site not has not been recognised as being of high scenic quality. The land does not comprise an area of scenic value per Council's Scenic Protection Map 2011, is not a national park, an architecturally designed landscape or associated with any significant person.
- b) The northern nine holes of golf course (subject site) was not part of the setting of the adjoining hospital precinct nor part of the designed landscape as evidenced by historic photographs by NSW Spatial Services.
- c) The trees on the land are primarily exotic species, mainly radiata pine which are not considered to be a high quality or rare species. The radiata pine is a fast-growing tree species in Australia and as a result they are typically used for timber production and large-scale wind breaks. Notwithstanding, the trees at the site have matured to a size and scale that are considered to provide some aesthetic value to the immediate locality. Furthermore, it should be noted that over 110 trees will be retained on the site particularly along the southern periphery of the site.
- d) The starters hut and amenities building are modern utilitarian structures associated with the c.1982 golf course. They are not architecturally designed and do not contribute to surrounding setting in anyway. These structures are also not highly visible from the streetscape and thus their removal is not expected to have any impact on the existing landscape character and or nearby receptors.
- e) Whilst the proposal requires considerable earthworks to form the earth embankments for the stadiums, create level playing fields and for the installation of services/utilities, tree/root removal, finished ground levels have been designed to be integrated in to the natural landform and setting and where practicable, with gentle slopes particularly when viewed from key viewpoints – Forest Road and northern entry road to the hospital precinct. Batters to existing ground have generally been designed at 4H:1V

while the earth spectator mounds will have a typical slope of 3H:1V. These are considered to be low to moderate slopes and will have no obvious junctions (i.e. will appear as a continuation of the landscape). The proposed earthworks will also be suitably revegetated which will assist in reducing any visual impact.

- f) Material stock piling, fencing, machinery storage during works may give rise to some undesirable visual impacts; however, these impacts would be expected in the construction phase of any development and thus would be unreasonable to require mitigation measures given the short duration of works.
- g) Lastly, based on the surrounding land uses, visual receivers are largely considered to be transit in nature i.e., those traveling by vehicle along Forest and Huntley Roads, and those in the area for limited periods for work or recreation purposes. These receivers are considered to have low sensitivity to the change in the landscape as their visit to the area is generally not focused on the landscape or view. The residential properties located on the northern side of Sir Jack Brabham Park are screened by vegetation and have no direct view of the site and limited view of the tree canopy or structures on the site. These properties are considered to have low sensitivity to the proposed tree removal, building demolition and earthworks. Those who utilise the area for walking may have a medium level of sensitivity to the demolition and land shaping where their interest is likely to be focused on the landscape.

Stadiums, Hardstand Areas and Residue Works

The future stadiums, hardstand areas and residue works will be the subject to separate development applications and merit assessment, including visual impact assessment; notwithstanding, this application demonstrates conceptually that the proposed future stages of the project are not expected to give rise to any significant impacts visually. Specifically,

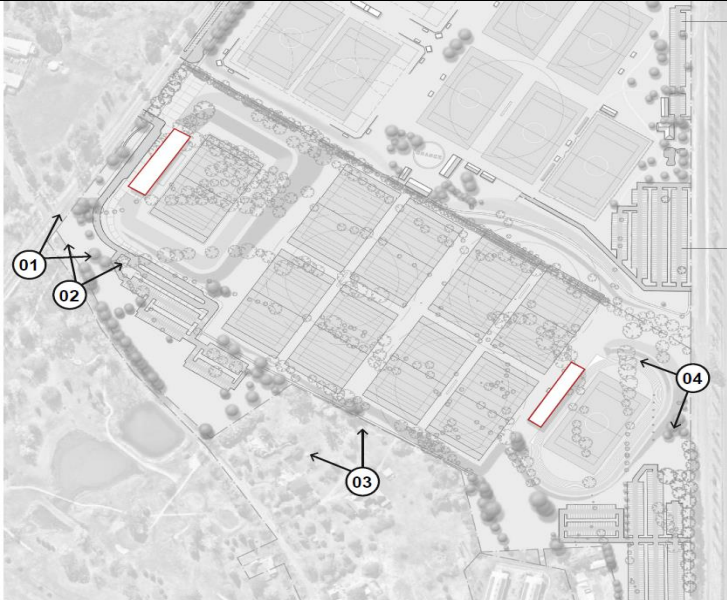
- a) The proposed new stadiums will be set lower than existing ground levels so as to reduce their visual impact;
- b) The concept designs for the proposed football stadium shows a low-key building with simple forms, and restrained architectural expression;
- c) No concept designs have been prepared for athletic stadium, and resolution of the design will be required to understand the visual impacts of the proposed stadium building. However, further analysis can be undertaken at the applicable stage. Notwithstanding, the stadium will be located on the western side of the site which is considered to have less significance in terms of views to and from heritage items and is not within an important view corridor and thus any building in that location is unlikely to have a significant visual impact in the locality.
- d) The proposed carparks will be at grade and have limited visibility from nearby receptors. The carparks will be also constructed with permeable pavement utilising grass cell technology which will reduce the harsh visual effect of what typically would be a dark, hard surface; and
- e) Existing and proposed tree canopies and shrubs will help to screen the proposed new built forms/hard surfaces. 792 new trees are proposed to be planted (mix of exotic and native) along with substantial understory planting of native shrubs and grasses.

In addition to the above comments, the extent of the visual effects of a proposal can be determined by the magnitude of landscape change. The magnitude of landscape change refers to the extent to which the proposed developments would alter the existing

characteristics of the landscape and combines judgements on; size or scale of effect, geographical extent of the area influenced, duration/reversibility and its proximity to the viewer. Changes to landscape characteristics can be both direct and indirect. Visual effects are considered to be direct effects as the magnitude of change within an existing view will be determined by the extent of the visibility of the proposed development. The following criteria is used to determine the magnitude of visual change:

MAGNITUDE	CLASSIFICATION CRITERIA
Negligible	The development will cause a barely discernible change in the existing view
Low	The development will cause very minor changes to the view over a wide area or minor changes over a limited area
Moderate	The development will cause minor changes to the existing view over a wide area or noticeable change over a limited area
High	The development will cause a considerable change in the existing view over a wide area or a significant change over a limited area

Council staff undertook a viewpoint analysis of the proposal under DA464/2020(1) to determine the magnitude of landscape change of the tree removal and proposed future stadiums. Viewpoints were selected to be representative of a few key views around the study area including from within the Bloomfield north site and Forest and Huntley Roads. That assessment found that the landscape and surrounds can tolerate the loss of the vegetation as well as the introduction of new built form while still retaining a reasonable standard of visual amenity. It was also noted that the site would be extensively replanted, which would mitigate much of the vegetation loss and associated visual impacts of new hard surfaces in the medium-long term. The extent of the proposed replanting can now be visualised through the submitted landscape masterplan which now has the support from the NSW Heritage Council. A revised review point assessment has been carried out below which considers the visual impacts of additional tree clearing and earthworks:

Viewpoint Assessment	
	Reference Plan

EXISTINGView 01: Forest Road
(Existing)**PROPOSED**RL 903.0
Top of BankProposed stadium envelope
Architectural features and built form design
resolution will further ameliorate visual
impact from Forest Road.RL 896.0
Field LevelView 01: Forest Road
(Proposed).Magnitude of change:
High

It is likely that there will be an initial high impact upon the existing landscape character with the removal of the large pines fronting Forest Road. The proposed low-key and restrained stadium building (see concept plans) will not have a significant visual impact. The proposed buffer vegetation is a suitable mitigation measure.

EXISTING



View 02: Bloomfield Entry Road (Existing)

PROPOSED



Proposed stadium envelope
Architectural features and built form design resolution
will further ameliorate visual impact.

View 02: Bloomfield Entry Road (Proposed).




Magnitude of change:
Moderate

Views into the site from this location is considered to result in the site being viewed as a continuation of the existing Jack Brabham Park in the medium term while additional tree plantings along the boundary mature. Proposed earth mounds will screen the bulk of the stadium building from this viewpoint.

EXISTING



View 03: Bloomfield North Site (Existing)

<p>PROPOSED</p> 	<p>Proposed Stadium Envelope View taken from a height of 4 storeys</p>	<p>View 03: Bloomfield North Site (Proposed)</p> <p>Magnitude of change: Negligible</p> <p>Due to the separation between the location of the football stadium, tree removal and earthworks and intervening vegetation on the Bloomfield north site, it is not considered that the proposed development will have a significant adverse impact on the landscape, views or scenic quality.</p>
<p>EXISTING</p> 	<p>Bloomfield Health Service</p>	<p>View 04: Huntley Road (Existing)</p>
<p>PROPOSED</p> 	<p>Bloomfield Health Service</p> <p>Proposed stadium envelope Architectural features and built form design resolution will further ameliorate visual impact from Huntley Road.</p>	<p>View 04: Huntley Road (Proposed)</p> <p>Magnitude of change: Moderate</p> <p>The extent of the proposed development from this location would be noticeable due to limited boundary vegetation to be retained. Receivers at this location would be transit in nature. In addition, the eastern side of the site is considered to have no heritage significance.</p>

Overall, the visual impacts associated with the proposed development will be greater during the construction phases and alleviated over time as the new tree canopy and understorey planting are established which will ultimately achieve a low or moderate visual impact level, compatible with the surrounding environment.

Air and Microclimate

Microclimate is defined as the small-scale aspect of climate; that is, the climatic conditions that exist in an area that may only be of a relatively small expanse. Microclimate concerns temperature; heat reflection, air turbulence, areas exposed to or sheltered from sunlight wind, frost or fog and can be altered by many factors including vegetation cover and the built environment.

Microclimate regulation and Urban Heat Island Effect mitigation are considered to be two of the most important services of vegetation in an urban environment. It is widely acknowledged, as reported through scientific studies and literature, that urban greenery, especially trees, can positively affect outdoor microclimate and moderate the urban heat island effect in the summer. The shade of trees or taller shrubs can attenuate solar radiation which can decrease air temperature and reduce considerably the solar radiation income of the ground and other surfaces in the shade, thereby altering local climates and comfort levels¹. Trees also have the added benefit of capturing and storing carbon from the atmosphere.

It remains a concern from the community that the removal of a large proportion trees/vegetation from the site would significantly disrupt the microclimate (and the Orange climate in general) as well as exacerbating the Urban Heat Island Effect. However, as previously assessed (provided below) it is considered that the proposed vegetation removal would not have a significant impact on the microclimate, create or exacerbate the urban heat island effect. New concerns were raised regarding implications on carbon sequestration which has been assessed in the succeeding section of the report.

The NSW Office of Environment and Heritage Urban Green Cover Technical Guidelines define the UHI Effect as:

The localised warming due to the increase in the large amounts of paved and dark coloured surfaces like roads, roofs, and car parks as a result of urban development. The sun's heat is absorbed, not reflected, and causes the surface and ambient temperatures to rise. Anthropogenic heat production, such as the heat produced through car engines and air conditioners also contribute to the Urban Heat Island Effect.

Therefore, the main features that modify radiant heat levels and contribute to the UHI relate largely to the change of nature and composition of surface materials within the environment. This is of a particular concern in built up areas e.g., residential estates, industrial areas, and town centres where buildings and hard surfaces absorb the sun's heat and then radiate it back into their surroundings. Retaining and establishing tree canopies and vegetation in these areas is particularly important as they intercept and dissipate incoming solar radiation, cooling surrounding air temperature thereby improving human comfort levels and reduction of the need to utilise mechanical cooling or heating.

However, the proposed development would not considerably change the nature and composition of the surface materials at the site i.e., the proposed sports facility will not

¹ Wang, Y., Bakker, F., de Groot, R. *et al.* Effects of urban trees on local outdoor microclimate: synthesizing field measurements by numerical modelling. *Urban Ecosyst* **18**, pp. 1305–1331 (2015)

involve the construction of vast amounts of paved and dark coloured surfaces. While the Masterplan indicates hardstand internal access roads and some parking areas, walking pavements and roof surfaces for the stadium buildings, this only represents approximately 2.2% of the site area with the balance remaining as green open space and tree/vegetation cover. The masterplan also indicates that all parking spaces within carpark 1, 3 and 4 will be constructed with permeable pavement utilising grass cell technology along with trees in and around parking lots and pavement with further offset any potential impact of UHI.

Notwithstanding, the site in its current state is expected to contribute to some cooling benefits for the immediate locality. This is known as the Park Cool Island (PCI) Effect. While extent of this effect depends on the type and amount of vegetation and whether or not irrigation is used, studies have shown that a medium sized park (26ha) can have a cooling effect for a distance of up to 860m from its boundaries in the morning and up to 200m in the afternoon and evening². Although there will be a reduction in the overall tree cover at the subject site in the medium term, it only represents 4.8% of the total substantial tree canopy cover within approximately 1km radius of the site (Figure 7). Consequently, the trees to be removed are expected to have a negligible influence on the cooling benefits that would otherwise be produced by the significant vegetation cover/tree canopy that will remain in the locality. The introduction of new trees at the site is also expected to offset any potential air and microclimate effects over time resulting in a neutral impact.

It is also worth noting that the Environmental Protection Agency *Reducing Urban Heat Islands: Compendium of Strategies* report provides that open sporting fields (grassed areas with reduced tree canopy) still produce cooling benefits between 1 and 2°C cooler than over boarding areas.

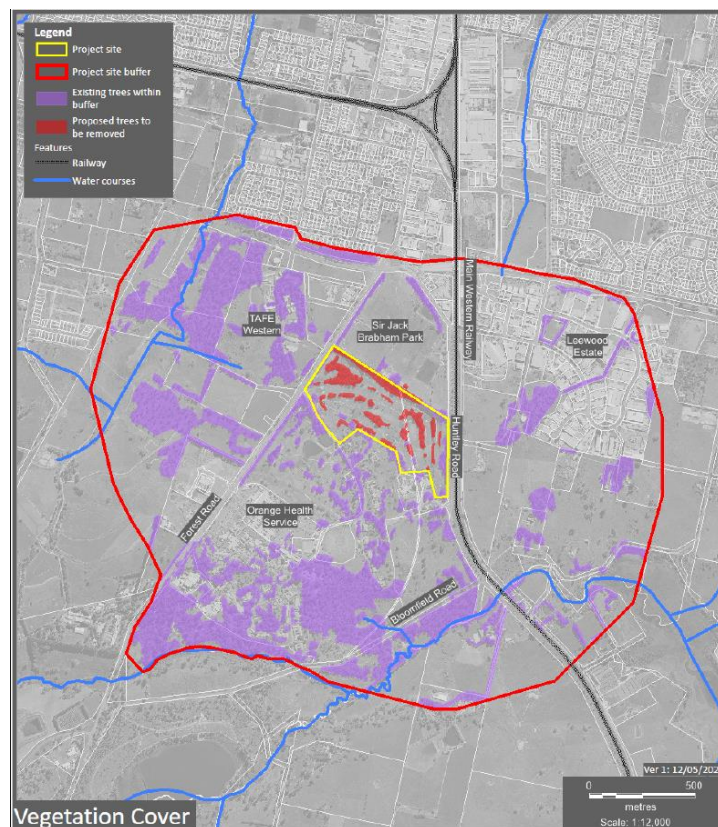


Figure 7 – Substantial Tree Cover in the Locality

² Algretawee, H., Rayburg, S., and Neave, M. The cooling effect of a medium sized park on an urban environment. *International Journal of Geomate* Vol. 11, Issue 26, pp. 2541-2546 (2016)

In terms of the concerns raised regarding impacts on the carbon cycle, it is clear that a majority of the trees that are proposed to be removed have reached their useful life expectancy and will decline over the ensuing years, where it is not already occurring. Trees are a carbon sink, storing carbon in the wood and roots for life as long the tree has physical form i.e., until it rots, decays or is burnt. Removing the trees before the decomposing process occurs will allow the carbon currently stored to remain 'locked up' for many years beyond the removal of the trees. Timber construction products gives carbon storage life of around 100 years in homes, 30 years in furniture, 6 years in pallets and paper³. The proponent advises that the sawn timber will be taken to a local mill for processing into construction and woodworking products e.g., particle board, ply, framing timber etc. Therefore, by capturing the carbon in these wood products and introducing new native trees at the site, there will be a net increase in carbon sequestration as a result of the project.

Lastly, emissions of dust and odour/ fumes from the use of tree clearing/earthmoving equipment is possible; however, any impacts would be relatively localised, short term and only for the duration of the works. Conditions of consent are recommended for dust suppression, sediment control, air quality management etc. during works to protect the air and microclimate and to ensure no impact on surrounding land uses occurs. Long-term discernible impacts on air quality or on the microclimate of the locality is not expected from both construction works and the operational phase of the overall development.

Access, Traffic and Parking

The potential traffic impacts of the development relate to traffic generation; capacity of the road system; access arrangements; internal layout and servicing; and parking provision. The existing and operational traffic scenarios in relation to the site and proposed development are discussed below. A Traffic, Transport and Access Assessment was prepared by Premise Pty Ltd to support the application. Furthermore, the proposal represents traffic generating development and was referred to the state transport authority for concurrence pursuant to the State Environmental Planning Policy (Infrastructure) 2007.

Existing access and traffic scenario

The subject site is located approximately 3 kilometres to the south of Orange City Centre and just north of the new Orange Hospital precinct. Huntley Road borders the site to the east and Forest Road to the west. The Southern Feeder Road is directly north and intersects both Forest and Huntley Roads.

Forest Road is a sub-arterial road pursuant to the TfNSW road classification hierarchy providing generally one lane in each direction, kerbside parking and speed limited between 50-60km/hr. Forest Road joins Peisley Street (also Sub-arterial road) after the rail crossing overpass. The intersection of Forest Road and the Southern Feeder Road is controlled by traffic signals. Forest Road is also well regulated in providing turn lanes (left and right turns) for access to the major developments along its alignment. Particularly, Forest Road serves a mix of land uses comprising residential, commercial, and industrial developments and connects the Orange urban centre to major land uses to the south including the Leewood Industrial Estate; the Orange Base Hospital; sporting fields (subject site); and the Cadia mines. The traffic impact assessment advises the following service levels and capacity of the road network surrounding the site:

³ Skog, K.E. and Nicholson, G.A. 2000. Carbon sequestration in wood and paper products. USDA Forest Service.

Road	Level of Service	Two Way Hourly Capacity
Peisley Street	Level of Service B	1,800 veh/hour
Forest Road	Level of Service B	1,800 veh/hour
Huntley Road	Level of Service B	1,200 veh/hour
Southern Feeder Road	Level of Service B	3,200 veh/hour

Figure 8 – Road Capacity and Service Levels

Traffic classifier data from Council’s Stantec Traffic Model was used to provide an indication of peak traffic on the surrounding road network. The modelled traffic data provides results from 2018 through to 2028. Figure 9 below provides the 2018 modelled data and gives an indication of current traffic scenario of the surrounding road network. However, the TIA uses the Stantec model 2028 peak hour volumes as the base case (predevelopment) to assess the traffic impacts on the development on the road network as shown in Figure 10.

Road	Link Number	AM	PM
Forest Road between the Hospital and the Southern Feeder Road	2280	Southbound 388 veh/hour	Southbound 223 veh/hour
		Northbound 312 veh/hour	Northbound 515 veh/hour
Huntley Road between the Southern Feeder Road and Ash Street	30593	Southbound 295 veh/hour	Southbound 116 veh/hour
		Northbound 221 veh/hour	Northbound 282 veh/hour
Southern Feeder Road west of Forest Road	105103	Eastbound 294 veh/hour	Eastbound 199 veh/hour
		Westbound 176 veh/hour	Westbound 347 veh/hour
Forest Road north of the Southern Feeder Road	2278	Southbound 389 veh/hour	Southbound 140 veh/hour
		Northbound 357 veh/hour	Northbound 451 veh/hour
Huntley Road south of Ash Street	1374	Southbound 107 veh/hour	Southbound 92 veh/hour
		Northbound 127 veh/hour	Northbound 213 veh/hour

Figure 9 – Road Capacity and Service Levels

Proposed access and traffic scenario (concept development)

The submitted traffic report discusses traffic generation and impacts. It notes that the “RTA Guide to Traffic Generating Developments” does not provide estimated traffic generation levels for the sporting facilities such as the proposed and therefore the traffic generation of the proposal was based on a first principles approach.

The report estimates the traffic generation of the proposed new sporting fields based on vehicle usage attributed to the existing 11 playing fields at Sir Jack Brabham Park. Under an extremely worst-case scenario, the traffic generation was also calculated on the basis that all general sporting fields would be in use simultaneously. Peak operation of the proposed fields is anticipated occur on a Saturday morning or afternoon for organised junior sport, based on current usage at Sir Jack Brabham Park. The report advises that for a standard field in the Sir Jack Brabham complex used for rugby league or union, it would have the following vehicle usage allocation:

Number of players in 2 teams: Say 34 for rugby union with 2 reserves per team

Each team may have 2 coaching staff and each player has an average of 1.5 supporters

Total people per sports field: $34 + 4 \times (34 \times 1.5) = 89$ people, say 90.

With an average occupancy of 2.5 people per car, each sports field would generate trips from 36 cars.

On that basis, the 11 existing sports fields at the Sir Jack Brabham sports fields, conducting sport on each field simultaneously could generate trips from 396 vehicles. For the proposed 8 new centre sports fields to be developed, the traffic consultant anticipates that higher number of participants and spectators may use the new and modern fields and therefore increase the field trip generation to 40 cars per field. In this regard, conducting sport on each of the new fields simultaneously could generate trips from 320 vehicles. The report concludes that the simultaneous operation of the general sporting fields within the existing Sir Jack Brabham sports complex and the proposed eight new centre sporting fields in the Sporting Precinct could generate 716 vehicle trips (396 vehicles + 320 vehicles) either arriving before or departing after a game. Figure 10 shows the post development peak hour road capacity for daily use of the general sporting fields based on modelled 2028 traffic volume.

Road	Post Development Peak Hour Volume	Road Capacity at a Level of Service B (Refer to Section 2.3)	Operational Capacity
Forest Road between the Hospital and the Southern Feeder Road	1,408 veh/hour	1,800 veh/hour	78.2%
Huntley Road east of Forest Road	1,521 veh/hour	3,200 veh/hour	47.5%
Huntley Road between the Southern Feeder Road and Ash Street	854 veh/hour	1,200 veh/hour	71.2%
Southern Feeder Road west of Forest Road	1,492 veh/hour	3,200 veh/hour	46.6%
Forest Road north of the Southern Feeder Road	1,129 veh/hour	1,800 veh/hour	62.7%
Huntley Road south of Ash Street	697 veh/hour	1,200 veh/hour	58.1%

Figure 10 – Post Development Peak Hour Capacity 2028

It is noted that the TIA excludes the use of the fields within the football and athletic stadiums given that they would typically be reserved for special event purposes. However, in the event that these fields are used as general sporting fields concurrently with the other fields, Council estimate that the total vehicle movements for the new sports facility could be in the order of 400 vehicle trips on a Saturday morning or afternoon (expected peak time). This may increase the total vehicle movements to 796 per hour. Notwithstanding, this increase in vehicle movements would still be within road capacity as per figures shown in figure 10 above. It should be noted that simultaneous use of all sporting fields i.e., 21 in the complex is extreme worst case scenario for the general operation of the facility.

In terms of major sporting events to be held at the proposed football stadium or the athletic stadium, Council assessment staff and TfNSW concur that the facilities and surrounding transport network must be safely accessible and have the capacity to move up to 8,000 patrons with minimal impact, particularly on Forest Road which is an important access route for emergency services associated with nearby health service facilities. Although the

proponent has indicated that major sports events e.g., a NRL game would occur infrequently, and thus the impacts associated with larger events would be sufficiently infrequent, it was proposed to address these matters via separate temporary consents. However, Council assessment staff form a different view and consider that the use of temporary consents for large sporting events is not appropriate, and the potential impacts associated with a large event and any mitigation measures need to be considered as part of this concept development application pursuant to 4.22(5) of the Environmental Planning and Assessment Act 1979.

While Council assessment staff generally agree that large scale sporting events would most likely occur infrequently; Council's Technical Services and TfNSW advise that any event with the potential to attract 8,000 patrons is likely to have a significant impact on the functioning of the road network, particularly through traffic on Forest Road. In this regard, Council's Technical Services Division and Transport for NSW have adopted a worst-case scenario for the proposed new vehicle access points on Forest Road regardless of the number/frequency of events to be held at the facility. The following road upgrade works will be required to ensure the safety and efficiency of Forest Road is maintained during an event:

Turning lane treatments are to be provided for both north and southbound directions on Forest Road to ensure that through traffic is not impeded, in particular emergency vehicles, to ensure the critical function of the classified road and include the following turn treatments:

- A Channelised Right Turn treatment (CHR) is to be installed at the intersection of Forest Road and the southern property access;
- An Auxillary Left Turn Lane treatment (AUL) is to be installed at the intersection of Forest Street and the northern and southern property accesses (Figure 8.6 Part 4A of Austroads Guide to Road Design); and
- The proposed northern access driveway on Forest Road is to be restricted to left in only. An Auxillary Left Turn Lane treatment (AUL) is to be installed at the intersection of Forest Road and the northern and southern property accesses (Figure 8.6 Part 4A of Austroads Guide to Road Design).

Alternatively, a Channelised Right Turn treatment (CHR) turn treatment is to be installed at the intersection of Forest Street and the northern property access (Figure 7.8 Part 4A of Austroads Guide to Road Design) is required.

Aside from the road intersection issues noted above, other key likely impacts of major events may include increased vehicle movements in the area, potential drop in service levels leading to increased wait times, congestion, and increased need/demand for car parking. These issues are typical of any major event and Council's Technical Services Division advises that there are a number of management strategies that can be implemented to ensure that any disruption to the transport network is within acceptable levels. Facility management plans such as a Transport Management Plan/Travel Demand Management Plan, and Green Travel Plans are known to be effective in significantly reducing the level of road space demand and supporting greater modal split which in turn reduces the impact on the non-event community. It is therefore recommended that this approach be adopted for the proposed development given that the use of the facility for major events would likely be infrequent and impacts non-recurring.

A Transport Management Plan/Travel Demand Management Plan should detail actions to ensure efficient use of road space for major events at the proposed facility, through:

- a green travel plan that promotes and maximises the use of more sustainable modes of travel walking, cycling, scooting, public transport or car sharing particularly focusing on the South Orange residential catchment area and Shiralee for walking and cycling;
- an educational and promotional strategy that communicates travel options/restrictions to patrons in the lead up to events;
- preferential treatment for public transport and/or high occupancy vehicles. This should include details of major event shuttle bus arrangements including pick up and drop off locations and routes;
- integrated ticketing arrangements/package pricing; and
- traffic control and parking management strategy e.g., directional and wayfinding signage, marshalling/stewarding, diversion schemes etc.

It may also be appropriate for the proponent to prepare and implement a Community Communication Strategy that provides mechanisms to facilitate communication between facility management and the community (including adjoining affected landowners and businesses, and others directly impacted by the development) in relation to the planning and preparation of large events, managing enquiries and complaints etc.

In summary, with the intersection upgrade requirements and implementation of the above management strategies, a major sporting event at the facility is not expected to adversely impact the operation of the surrounding transport system.

Proposed parking scenario (concept)

The DCP states that off-street car parking shall be provided at the applicable rate set out in Table 15.4 of the DCP, however there is no rate for recreational facilities or sporting uses such as the proposed. For development not listed in the table, the DCP states that the number of parking spaces required needs to be determined by Council, taking into account the likely peak-parking demand that will be generated from the development. In this case, a traffic report carried out by a suitably qualified traffic consultant was required.

The traffic impact assessment determines the car parking demand based on the anticipated vehicle movements associated with the concurrent general use of all sporting fields within the precinct. Council staff estimate that worse case vehicle movements would be 796 per hour. The traffic analysis allocates one car space per vehicle movement (assuming 2.5 persons per vehicle). The application proposes 1,193 parking spaces spread across five (5) carparks as follows:

Carpark No. 1	184 spaces
Carpark No. 2	130 spaces
Carpark No. 3	475 spaces
Carpark No. 4	311 spaces
Carpark No. 5	93 spaces
Total	1,193 spaces

Figure 11 – Total Carparking

In this regard, sufficient onsite car parking spaces will be available to support the simultaneous use of all sports fields within the facility. Furthermore, there remains sufficient capacity (397 spaces) to assist in the overlap parking needs i.e., period of arrival and departure times between one game finishing and the following game starting. Noting that

some patrons/participants are likely to stay at the site for multiple games. Also, weekend sports are family orientated events which are unlikely to draw large number of supporters/crowds. Furthermore, only car parks 1 and 2 will have access from Forest Road (26%) while the remaining (73%) will be accessed via Huntly Road. This will ensure that there would be minimal disruption to the operation of Forest Road.

In terms of event parking, it is recognised that the parking demand for events with up to 8,000 patrons would surpass the parking to be provided onsite. However, it needs to be acknowledged that large events would occur very infrequently and to require formalised onsite parking at a ratio that is proportionate would be unreasonable and not feasible. As an alternative approach, it considered that a number of facility operation/management plans can be implemented to alleviate parking demands associated with a major event, which is consistent with the management of other Council managed major recreational facilities such as Wade Park and similar facilities outside the LGA. The foregoing discussion outlines an appropriate operations/management plan which would see greater emphasis on the use of public transport, use of event specific shuttle services, ride sharing and walking and cycling for those in proximity, particularly those in the South Orange residential catchment area, for major events.

Furthermore, the use of general sporting fields will not occur during a major sporting event in order to allow parking to within the precinct to be used specifically for event purposes. Additional on grass parking within the precinct can also be made available if necessary.

Traffic impacts (Stage 1)

The types and volumes of vehicle movements associated with stage 1 works being bulk earthworks, civil works, tree clearing, building demolition and category 1 remediation are not expected to substantially impact on the surrounding transport system, with the exception of movements for the delivery of construction equipment/plant at the commencement of works and infrequent load ins and load outs throughout Stage 1. Load outs would be limited to the removal of waste material associated with the demolition of the two small amenities buildings, removal of sawn tree trunks and a small amount of contaminated soil located at golf hole 4 and 14. All other excavated material will be reused onsite. Load ins would relate to the delivery of new utility infrastructure. A management plan for the transportation of waste and construction materials to optimise vehicle loads in order to minimise vehicle movements should be implemented. These movements are also recommended to be carried out outside of peak hours to avoid any significant disruptions to the road network. Identification of construction vehicle routes, including the use of arterial roads, haulage routes, and access to the site and procedures for oversize and heavy vehicles should also be provided for approval and communicated to all site workers. TfNSW have advised that all construction site access and egress is to only be obtained from Huntly Road. The implementation of a Construction Environmental Management Plan (CEMP) can cover these requirements.

Construction related traffic impacts of Stages 2 and 3 of the proposal can be addressed in the applications for those stages.

Noise and Vibration Impacts

The proposed development has the potential to generate additional noise impacts on the surrounding precinct. A summary of the potential noise sources includes:

- Increased noise generated from additional traffic in the locality

- Additional noise due to human interaction during sporting events and commuting in car parking areas
- Sporting noises generated from outdoor games such as athletics and football (sirens, whistles, public address systems and spectators)
- Increased noise generated during the construction phase

A noise impact assessment has been undertaken by Assured Environmental to confirm the suitability of acoustic amenity for nearby sensitive uses. It should be noted that the noise assessment is limited to noise impacts associated with the primary use of the site being sporting uses. The use of the site for other purposes such as entertainment e.g., music concerts, open air theatre, community celebrations were not considered as these uses would be subject to stand-alone one-off applications and separate noise assessment. The report assesses the potential impacts from the operation of the sports precinct in accordance with the following NSW policies and guidelines:

- NSW Noise Policy for Industry (NPfI) (EPA, 2017)
- NSW Noise Guide for Local Government (NGLG) (EPA, 2013)

It is understood that the premises will be accessible year around for general use. It is however expected peak operation times for structured sporting games and training will typically occur in the afternoon period between 5-8pm on weekdays and 9am–8pm on weekends with key user groups allocated sufficient time within those periods to conduct weekly training and competitions. The facility is not likely to be in operation during sensitive night time periods (10pm to 7am). As the sports facility will not operate at night i.e., 10pm to 7am, sleep disturbance was not assessed.

The subject site is surrounded by a range of land uses, including residential, industrial, health service and recreation. Identified sensitive receptors are shown in Figure 12. The Intrusiveness Noise Criteria and Amenity Criteria were identified for each landuse to determine the project trigger level. The project trigger level is the lower value of the project intrusiveness noise level and the project amenity level, after the conversion to LAeq, 15 min dB(A) equivalent level (Figure 14).

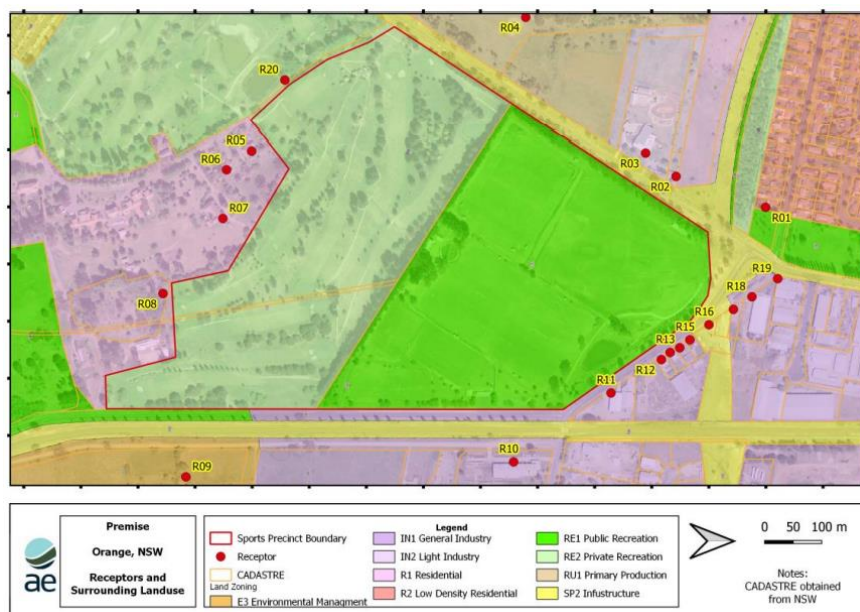


Figure 12 – Sensitive Receptors and Surrounding Land uses

Noise sources were identified and modelled which included up to 90 persons per field including crowd noises such as shouting and cheering, vehicle movements and whistle noise:

Source	SWL (dB(A))		Minutes Operation Per Hour (unless otherwise noted)		
	L _{Aeq}	L _{Amax}	Day	Evening	Night
90 patrons per field	98 ^{a)}	-	330	120	0
Vehicle Movements	77	-	681/hour ^{b)}	681/hour ^{b)}	0
Whistle Noise	99	-	1	1	0

a) +5dB impulsiveness correction
b) Split between 4 car parks

Figure 13 – Noise Sources

Receptors	Type of Receiver	Time of Day	Standardised L _{Aeq, 15 min} Noise Level (dB)		
			Intrusiveness Criteria	Project Specific ANL	Project Trigger Level
R01, 12, 13, 14, and 15	Residence	Day	45	53	45
		Evening	42	43	42
		Night	41	38	38
		Day	42	53	42
		Evening	39	43	39
		Night	34	38	34
R07	Hospital ward -	Noisiest 1-hour	-	33 (internal) 48 (external)	33 (internal) 48 (external)
R04	School Classroom	Noisiest 1-hour period when in use	-	38	38
R20	Active recreation area (golf course)	When in use	-	53	53
R10	Industrial Premises	When in use	-	68	68
R03, 16, 17, 18, and 19	Commercial premises	When in use	-	63	63

Figure 14 – Project Trigger Level

The Noise Impact Assessment was referred to Council's Environmental Health Officers who advised that the noise report and assessment was generally sufficient in its analysis. The EHO noted that the operational noise for the development was predicted to comply with project trigger values, which were based on the lower point of applicable Intrusive or Amenity criteria. It did, however, flag that no PA system designs had been finalised and so were not assessed. Notwithstanding, the noise consultants have provided recommendations for the installation and operation of such a system to ensure they would remain compliant. Council's EHO also noted that little mention of any mitigation around heavy vehicles or plant during works were considered in the report or details provided surrounding the use of any mechanical plant and equipment e.g., compressors for the stadium buildings.

While the Noise Impact Assessment did not specifically review the noise associated with stage 1 works, an increase in noise can be expected during the construction phase of the development. However, it needs to be acknowledged the noise impacts associated with this stage of the development are of a short-term nature and a number of measures can be implemented and enforced through conditions of consent to ensure minimal disturbance to surrounding land uses occur during this period i.e., daylight hours only, weekend restrictions and ensuring all vehicles and equipment are operated and maintained in accordance with the manufacturer's specifications.

Furthermore, any mechanical plant will need to be designed to comply with the established project specific noise criteria as outlined in the noise assessment report. A condition of consent is recommended to require full details of all mechanical plant and equipment associated with the stadium buildings to be submitted for further assessment as part of the subsequent stages. It is also recommended that certification of noise compliance be provided to Council after completion of the buildings by way of condition of consent.

Submissions raised the concern that the O'Brien Centre appears not to be identified as a sensitive receiver in the noise assessment report. Council assessment staff have reviewed this issue and consider that the receiver is generally covered by R08 due to its positioning. In any event, the O'Brien centre is considered to be less sensitive to noise compared to the adjoining aged care facility. The O'Brien centre is a community facility providing a space for people with a mental health issues to develop skills, confidence and a support network to enable a smooth transition into the community. Activities at the site include art, music, gardening, sport and cooking classes. It is understood that the facility only operates weekdays between 10am to 2pm which is outside of the peak use of the sports facility and thus it expected that there would be minimal on the O'Brien Centre acoustically. Further, submissions note that the car parking movements assessed in the acoustic report do not align with the movements stated in the traffic assessment. The noise assessment report assesses vehicle movements at 681 compared to the traffic assessment which anticipates vehicle movements of 716. The difference equates to 35 movements. However, these movements would be spread across the five car parks i.e. 7 additional movements per car park and on this basis Council's Environmental Health Officers advise that these additional movements are unlikely to significantly increase noise at the site or change the conclusions made in the noise assessment report.

Overall, whilst the proposed development will intensify the interaction of people onsite and associated movements, the types of noises to be generated are considered to be similar to those noises already generated from the existing playing fields at Sir Jack Brabham Park and Bloomfield Ovals from within the health precinct. The proposal demonstrates compliance with the applicable criteria (or can be achieved) subject to compliance with recommended conditions of development consent and is unlikely to result in the generation of adverse noise impacts beyond that which is considered to be reasonable for a community facility in this location.

Lighting and Glare impacts

The lighting scheme proposed for the development comprises four (4) light poles at a height of approximately 27m within the football stadium precinct. No lighting is proposed for the open playing fields or at the athletic stadium precinct. The specific details of proposed lighting have not yet been finalised and thus not submitted with the concept development application. However, any lighting of the stadium will be required to be designed and operated in accordance with AS2560.2.3-2007: Sports Lighting Part 2.3: Specific Applications-Lighting for football (all codes) and AS/NZS 4282:2019: Control of the Obtrusive effects of outdoor lighting which will avoid any undue nuisance from light spill and glare on adjoining properties. These matters will be required to be further assessed in subsequent applications for stages 2 and 3. Notwithstanding, the positioning of the lighting in the concept design is well separated from adjoining uses/buildings which will reduce light and glare impacts. Some allowance also needs to be made for the boundary trees that exist and will remain as part of the proposal and vegetation on adjoining land. This existing vegetation will further inhibit the spill of light into adjoining properties.

Any approval should be subject to two principal conditions. Firstly, a condition that does not permit the use of the lighting at the football stadium to say after 10:30pm, except with the further written approval of the Chief Executive Officer; and secondly that the design and operation of the lighting shall be in accordance with the restrictions and provisions of AS2560.2.3-2007: Sports Lighting Part 2.3: Specific Applications-Lighting for football (all codes) and AS4282:2019: Control of the Obtrusive effects of outdoor lighting. Again, these, matters will be further assessed on the subsequent applications for stages 2 and 3.

Social Impacts

Social impacts are the consequences that people experience when a new project brings change. This may involve changes to people's way of life; community; access to services; culture; health and wellbeing; surroundings; personal and property rights; decision-making systems; and fears and aspirations about one or more of these things, or the future of their community.

The health and wellbeing and social equity aspect are of particular importance to the community as evidenced in the written submissions received concerning these matters. Social equity is a concept concerned with the fair and equitable provision and implementation of services/facilities, programs, and policies. It is largely perceived that the proposed tree removal and the conversion of the site to a structured sporting facility would result in the loss of informal and unstructured green open space/parkland for passive exercise, play and socialising within the City. However, it is necessary to point out that the land has historically been used for private recreational purposes since the 1980s i.e., available only to those who held exclusive membership with the Orange Ex-services Country Club and has not been available to the general public for any passive recreational purposes. Therefore, the community is expected to benefit from the proposed redevelopment of the site, which will provide greater accessibility and useability for all members of the community. Although the Masterplan indicates that the site will primarily cater for active recreational users, the Masterplan also provides pathways around the perimeter, which encourages passive recreation such as walking, jogging etc., as well as meeting areas/yarning circles, bbq areas. The advantage of having different opportunities (or activations) within a single larger park means the space can cater for a range of needs and attract a broader user base, which in turn helps to create a sense of community, encourages interaction/social participation and social cohesion. Furthermore, the immediate locality includes a number of unstructured public recreation spaces such as Gosling Creek, Hinton Park and Black Sallee Reserve which are available for those seeking more passive recreation opportunities.

The health and wellbeing concerns primarily relate to impacts on hospital patients, visitors and staff and their access to green open space and parkland for mental and physical health e.g., psychological relaxation, stress alleviation, physical activity etc. However, it must be emphasised that the extent of the proposed development will be located on the northern side of the entry road that formally divided the golf course (the area immediately adjoining JB Park); thus, the proposal has minimal interaction with the hospital precinct and will not reduce the amount of greenspace/parkland that has normally been available to hospital users prior to the closure of the golf course. Furthermore, views/outlook to vegetated areas from the hospital building will be maintained due to the separation distance and intervening tree canopy and vegetation south of the proposed site.

In summary, the proposal is not anticipated to have any adverse impacts on people's way of life, their health and wellbeing, culture or sense of community and access to recreation facilities.

Economic Impacts

The sporting facility is expected provide direct and derived economic stimulus to the local economy in its development and construction phases (employment, materials etc.). Once complete, the facility has the potential to make a substantial contribution to the local visitor economy through attracting major sporting events at the regional, state and national levels which would see visitor spending on accommodation, transport providers, tours/attractions, and retail including restaurants, cafes etc. During the 2018/2019 financial year it was estimated that major sporting events hosted in Orange injected over \$5.2M into the local economy.

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

The subject land is considered to be suitable to undertake the proposed development due to the following:

- The development is permissible and compliant with the relevant provisions of the LEP.
- The development is considered to be satisfactory in regard to Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The potential impacts of the development can be managed appropriately through the conditions of consent.
- The development of the site will not create significant adverse impacts on the context and setting of the area.
- The development of the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflicts.
- The subject land has no significant environmental features, biodiversity or habitat value.

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

The development was notified to adjoining landowners and publicly advertised from between Wednesday, 15 September 2021 to Wednesday, 13 October 2021 in accordance with the Orange Community Participation Plan 2019. During the notification/exhibition period thirty-three (33) submissions were received. One (1) submission was received outside the formal exhibition period. The submissions have been considered by Council officers and key themes have been identified as either concern from those submissions that are in opposition to the development, and comments of support for those submissions in support of the development. This analysis of submissions is shown in the attached submissions consideration matrix.

Submissions in Support of the Proposal

The issues raised in the supporting submissions are summarised as follows:

- The development will be an essential multipurpose sport and community asset for the Orange LGA.
- The proposal will support increased participation in sport.

The issues raised in support of the proposal are noted by Council staff.

Submissions Against the Proposal

The issues raised in the opposing submissions are summarised and addressed below as key themes:

Theme 1 – Community Consultation

Submissions received objecting to the development raised poor community consultation as a key issue.

On this matter, Council's Development Services Division encourages proponents to liaise with adjoining property owners, community groups or other affected parties in the planning and design of a development proposal; however, there is nothing in legislation that requires a proponent to carry out such consultation. The current development application was notified and advertised in accordance with Council's Community Participation Plan for development applications of this nature. A public forum was also held to provide the Community with information about the proposal and how a submission could be made.

Theme 2 – Site Selection/Alternate Sites

Site selection continues to be raised as an issue and many submissions suggest that alternative sites should be considered for the sports stadium in an effort to retain the established trees on the subject site and to ensure no impact on adjoining land uses.

On this matter, Council staff can only assess the development before it and justification and exploration of alternative sites is not required to be undertaken. Proponents are only required to provide assessment of any alternatives where an Environmental Impact Statement (EIS) is required – the proposed development does not require an EIS. The consent authority only needs to be satisfied that the site is suitable for the proposed development and not consider if there are better/more desirable locations. For the purposes of general information, the background information section of this report provides a brief outline as to how and why the site was selected for the sporting precinct.

Theme 3 – Alternative Use/Additional Activations

Submissions received on this issue suggest that the additional sporting fields are not needed, and the land should be utilised for unstructured/passive recreation and take advantage of the established vegetation on the site.

On this matter, investigation of alternative uses of the site is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Notwithstanding, while the Masterplan for the site indicates that the land would principally accommodate organised sport and structured activity, there is an element of the proposal that will provide for informal recreational activities with areas designated for picnicking, walking and cycling, seating areas, bbq areas etc.

Theme 4 – Reduction/loss of greenspace and parkland

Submissions raise that removal of the trees on the site and the re-development of the land to a structured sporting facility, would result in the reduction or loss of the City's publicly available green open space and parkland. However, this is not considered to be the case. Parkland refers to land that has been reserved for the purpose of formal and informal sport and recreation and/or preservation of natural environments such as bushland, wetlands, river, and coastal foreshore systems. Therefore, even though the land is expected to be repurposed as a structured sporting facility, it will remain as parkland/open space. Furthermore, the proposed re-development of the site would effectively increase the amount of public space within the City and recreational opportunities for the general public due to the fact the land has been privately leased since the 1980s and not open to the

general public. In addition, the land will be able to be utilised for both passive and active recreational purposes.

Theme 5 – Impacts upon Landscape Character, Views, Aesthetics and Amenity

Impacts on the landscape character, views, aesthetics, and amenity have been considered in the forgoing assessment under s4.15(1)(b) *likely impact of the development – visual impact and landscape character*. The analysis shows that proposal would result in a low-medium level of impact in terms of the sensitivity and susceptibility of the landscape and its viewers to absorb the proposed change. This is based on the fact that visual receivers are largely transit in nature (those traveling by vehicle along Forest and Huntley Roads, and those in the area for limited periods for work or recreation purposes), distance to residential land, and significance and quality of the vegetation. Furthermore, while the revised viewpoint assessment found that there would be an initial high impact at some locations, it concluded that the impacts would be alleviated over time as the new tree canopy and understorey planting are established which will ultimately achieve a low or moderate visual impact level, compatible with the surrounding environment.

One submission was received from an adjoining landowner who requested that additional trees be planted adjacent to carpark 3 to reduce potential visual impact/screen from views from their property. Taking into consideration the distance of the property, topography of the land and the proposed tree planting, additional plantings would be superfluous.

Theme 6 – Traffic, Parking and Transport Impacts

Traffic, parking, and transportation issues have been raised in many submissions. The primary concerns relate to the adequacy of the road network/intersection to support the proposed development, car parking provision and the overall adequacy traffic impact assessment submitted. Specific concerns were also raised regarding the impact on emergency access response times.

The traffic impact assessment submitted in support of the application has been prepared in accordance with Austroads guidelines and by a suitably qualified traffic consultant. It is noted that there are many different methodologies and analysis that could be utilised in preparing a traffic impact assessment; however, Council assessment staff including Council's Technical Services Division consider the traffic assessment generally sufficient in its analysis and conclusions. The assessment was also reviewed by Transport for NSW who raised no concerns with the adequacy of the document. Notwithstanding, where deficiencies in the report were noted, these have been discussed in the body of this assessment report and via recommended conditions of consent. Overall, it was considered that the development would not have a significant impact on the transport system provided that the access onto Forest Road is upgraded and that appropriate transport management/traffic control plans are in place during major events. These measures will also ensure through traffic is uninterrupted along Forest Road, particularly for emergency vehicles. The proposed onsite carparking is also considered adequate for the proposal.

Theme 7 – Environmental Impacts

Impacts relating to the tree removal and its potential consequences on microclimate, air temperature, urban heat island effect and carbon sequestration have been addressed in the forgoing assessment under s4.15(1)(b) *likely impact of the development – air and microclimate*. The assessment found that the trees to be removed only represents 4.8% of the total substantial tree canopy cover in the area and their removal would not adversely alter the air temperature and microclimate including any cooling benefits provided by the vegetation within the locality. It was considered that any impacts can be suitably offset by

the proposed replanting. Further, the analysis looked at the issue of urban heat island effect and it was determined that the main features that contribute to this phenomenon is the change in surface materials within the urban environment e.g., paved, and dark coloured surfaces like roads, roofs, and car parks. It was noted the change in surface materials and introduction of built form at the site for the future sports precinct represents only 2.2% of the total site area and thus considered to have negligible influence on the urban heat island effect. Lastly, the carbon cycle impacts were considered, and it was determined that the proposal would result in a net increase in carbon sequestration.

Theme 8 – Impact on Biodiversity

A comprehensive biodiversity assessment report has been prepared by ecologist Dr Colin Bower to assess the impacts of the proposal on this matter. The report concluded that the proposal would not have an adverse impact on fauna or flora species and associated habitats.

Theme 9 – Soils, Contamination, Dust

Matters concerning contamination have been addressed in the assessment report and via conditions of development consent. Dust and sediment control have been addressed via conditions of consent.

Theme 10 – Noise

The concerns raised relate to the operation of the sporting facility including from crowd noises, public announcement systems, vehicle movements, construction noise etc. Noise Impacts have been addressed under the forgoing assessment under s4.15(1)(b) *likely impact of the development – Noise and Vibration*. The assessment concluded that the proposal demonstrates compliance with the applicable criteria (or can be achieved) subject to compliance with recommended conditions of development consent

Theme 11 – Heritage

Heritage Impacts have been addressed under the forgoing assessment under *Clause 5.10 Heritage Conservation*. The proposal is not anticipated to have any adverse impacts on the heritage significance of the site or adjoining land. Furthermore, the subject development was treated as integrated development pursuant to Clause 4.46 of the Environmental Planning and Assessment Act 1979 requiring approval from Heritage NSW. The NSW Heritage Council have given their support for the proposal as outlined in their General Terms of Approval.

Theme 12 – Social Impacts

Social Impacts have been addressed under the forgoing assessment under s4.15(1)(b) *likely impact of the development – social impacts*. The proposal is not anticipated to have any adverse impacts on people's way of life, their health and wellbeing, culture or sense of community and access to recreation facilities.

Theme 13 – Water Concerns

Concerns have been raised regarding the potential impact on/destruction of a watercourse and water usage needed for the maintenance of the facility.

The site does not contain a mapped watercourse pursuant to the *Water Management (General) Regulation 2018* hydro line spatial data. In relation to water used in the maintenance of the proposed facility, Council utilises sustainable sources where possible to maintain parklands typically through recycled water e.g., wetlands. The proposal is not

anticipated to have a significant impact on the City's water supply for domestic consumption.

Theme 14 – Economic Concerns

Submissions received on this issue relate to the costs associated with the operation of the facility, costs associated with major sports events, opportunity costs with removing the vegetation and conversion of the site to a structured sporting facility, economic valuation of the existing vegetation and costing of the development.

Costs associated with the operation of the facility, attracting, and hosting major events and opportunity costs are not matters for consideration under the Environmental Planning and Assessment Act 1979. Further, it is noted that it is now possible to determine the economic values of trees utilising various formula or software programs. However, Council has not adopted policy for an appraisal system for valuing trees at this stage, and thus is not a matter that requires consideration as part of the Council's assessment process. Lastly, it is understood that the project has been awarded funding from the NSW State Government and that the project has been designed in accordance with the funding available.

Theme 15 – Utility Infrastructure/Services

One submission was received in relation to a nearby gas pipeline. The submission has no concerns regarding any direct impact on the pipeline. Another submission raises concern regarding the relocation of services (water and sewer) and use of stadium lighting. The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this proposal and all work relating to relocation of services within the development is to be in accordance with that Code. The developer will be responsible for ensuring adjoining property owners are not affected. Matters relating to the stadium lighting have been addressed under s4.15(1)(b) *likely impact of the development – lighting and glare impacts*.

Theme 16 – Strategic Planning Alignment

Concerns have been raised that the proposed development is contrary to Council's own strategic planning policies including the Local Strategic Planning Statement, Climate Change Management Plan and Community Strategic Plan. Others suggest that the proposal is inconsistent State level priorities and policies. An assessment against the relevant strategic policies and plans has been undertaken in the foregoing assessment report. The proposal is considered to be consistent with the relevant strategic policies. Furthermore, submissions suggest that the proposal is inconsistent with Orange Health & Innovation Precinct masterplan. Review of the masterplan reveals that the subject site and Sir Jack Brabham Park are identified for continued use as recreational land and therefore the proposal is considered entirely consistent with the plan and will have no implication the identified priorities for the health precinct.

Other Concerns

Other concerns or issues noted are as follows:

1. Landowner's consent requires notification prior to works commencing
2. Inappropriate use of taxpayers' money
3. Not seeking appropriate expertise in the design of the precinct
4. Inappropriate use of public land
5. Doubts about attracting large sporting events
6. Staging of the proposed development

These are not matters that require consideration under the Act.

Late Submission

One (1) submission was received outside the formal exhibition period. It is considered that the concerns raised in this late submission have been addressed in the body of this report. The proponent has also included a detailed response to the late submission which is included as an attachment.

PUBLIC INTEREST s4.15(1)(e)

The proposed development is considered to be of moderate to high interest to the wider public due to the number of public submissions received and the nature of the concerns raised. Notwithstanding this, the foregoing detailed assessment has demonstrated that the proposed development has demonstrated compliance with all of the relevant controls and has demonstrated that no significant amenity or environmental impacts will arise.

SUMMARY

This development application seeks the Western Regional Planning Panel consent for *Recreation Facility (Major)* – Concept and Stage 1 at Lot 1 DP 1142713 and Lot 209 DP 42900, 1610 Forest Road, Orange. The site is currently occupied by Sir Jack Brabham Park sporting fields (Lot 1) and the former Orange Ex-Services Country Golf Club (Lot 209).

The application provides an overarching concept for the sporting facility which sets out key design parameters for how the site will be developed, together with full details for Stage 1 of the project. Stages 2 and 3 will be addressed by future development applications. The overall staging of the scheme is outlined as follows:

- Stage 1** - Bulk earthworks, tree clearing, building demolition and category 1 remediation;
- Stage 2** - Athletics stadium and car parking; and
- Stage 3** - Football stadium and residual works.

The development was treated as integrated development pursuant to Clause 4.46 of the Environmental Planning and Assessment Act 1979 requiring approval from Heritage NSW for development within the curtilage of the state heritage listed item Bloomfield Hospital. The proposal has been supported by the NSW Heritage Council.

As outlined in the forgoing assessment the proposed development is in accordance with the aims, objectives and provisions of all the relevant statutory and non-statutory planning instruments. It is considered to be a suitable development for the site on which it is proposed and meets the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Furthermore, the proposed development satisfies the guidelines of the Act through providing an efficient land use, and makes orderly and efficient usage of existing infrastructure within the locality. Moreover, there are no significant adverse impacts on public goods such as air quality and microclimate, noise, views and amenity. Furthermore, the traffic generation relating to the general operation of the facility is within the capacity the transport system while traffic impacts associated with major sporting events can be managed appropriately.

Overall, the proposed development is considered to be in the interest of the broader community, and it will provide significant benefits within the locality over the long-term. In view of the lack of adverse environmental impact, it is recommended that the Western Regional Planning Panel approve the application, subject to recommended conditions of consent.

Our Ref: 220357_LET_003A

17 January 2022

Benjamin Hicks
Orange City Council
PO Box 35
Orange NSW 2800

Dear Ben

DA 390/2021(1) – PROPOSED RECREATION FACILITY (OUTDOOR) – LOT 209 DP42900, LOT 1 DP1142713, 1610 FOREST ROAD, ORANGE

Thank you for your email of 29 November 2021 with respect to the above matter and for providing a copy of the late submission from Holding Redich on behalf of NSW Health.

Noting that the above submission was received outside of the notification period, can you please confirm what weight, if any, is being given to it. Specifically, we note that Chapter 5 of the Orange City Council Planning and Development Community Participation Plan states:

The exhibition period is also the submissions period for a proposal. Any submissions received before or after this period may not necessarily be considered in the making of a decision. If early/late submissions are considered, they may not be explicitly mentioned in an assessment report.

The above is a very vague statement which fails to provide the applicant with any certainty as to the weight that is applied to a submission received outside of the submission period.

Notwithstanding that the submission was received outside of the notification period, and should therefore (in our view) not be a consideration in the determination process, we have reviewed the content and provide a response to the matters raised in **Appendix A**.

We trust the information is sufficient to assist Council with its deliberations, however, don't hesitate to contact us in the event further information is required.

Yours sincerely



DAVID WALKER

Town Planning Discipline Lead

Appendices:

- A. Response to late submission



APPENDIX A

RESPONSE TO LATE SUBMISSION

Table 1 – Submission response

Summary of matters raised	Response
<p>Cover letter:</p> <p><i>'...as a matter of administrative law and the requirements of the Environmental Planning and Assessment Act 1979, this submission must be taken into account when assessing the Concept DA.'</i></p>	<ul style="list-style-type: none"> The statement does not substantiate the basis on which a submission received outside the consultation period is required to be considered as a matter of 'administrative law'.
<p>NSW Health remains prepared to offer the proponent the opportunity to consult directly with them in relation to the impacts of the Proposed Development on Bloomfield and Orange Hospitals and the Riverside precinct, and the way in which these impacts may be minimised.</p>	<p>Noted</p>
<p>1. The DA includes critical omissions that do not allow a proper assessment and determination of the application made. Particularly, the proposal seeks concept approval for future stages and works that lock in these stages, without the analysis to enable assessment of the impact of the approval being sought.</p>	<p>The application has been prepared to provide the consent authority with sufficient information to form a view on the suitability of the overarching concept and the detail of stage 1.</p>
<p>2. The most critical omissions relate to proper assessment of likely traffic, parking and noise impacts from large crowds. Other omissions relate to incomplete contamination assessment and data gaps in other critical aspects.</p>	<p>Further specific DA's would be prepared to address the development of the main grandstand/field and the athletics complex. These would consider further specific details around traffic, parking noise. It is noted that the use of the main complex for full capacity events would be subject to specific applications for these events. The following is noted with respect to large scale usage of the main field/grandstand:</p> <ol style="list-style-type: none"> Maximum capacity usage is likely to happen at times when the rest of the facility is not in use; These events would be managed via an event specific management plan, that would address matters such as bus drop off and overflow parking (likely to utilise sporting field as required) There is sufficient space within the site to provide temporary overflow parking for larger

Summary of matters raised	Response
	<p>events (noting point 1 above)</p> <p>In the context of the comments about contamination, a Remediation Action Plan will be supplied under separate cover.</p>
3. The traffic and parking omissions are particularly critical, as detailed in a separate attached peer review by McLaren Traffic Engineering.	The application and traffic study have been considered by Transport for NSW due to the status of Forest Road as a classified road. TfNSW have not raised any objections to the project proceeding nor any commentary on the perceived inadequacy of the traffic impact assessment. Further discussion on the points raised in relation to the traffic study are discussed below.
4. The siting and layout of the proposal, including parking areas, is likely to result in traffic and parking impacts being transferred to the adjoining hospital site	Comments around parking and traffic are provided above, and below under the headings Traffic and Parking .
5. Heritage impacts are not adequately addressed or analysed (as detailed in a separate attached objection by Heritage 21).	It is understood that Heritage NSW have issued their general terms of approval that will allow the applicant to gain a Section 60 approval under the <i>Heritage Act 1977</i> . On the basis that Heritage NSW are satisfied, it is considered that these do not require further consideration.
6. Dust impacts from temporary soil mounding close to the hospital is concerning.	These impacts are able to be satisfactorily addressed through the placement of conditions and the implementation of a construction environmental management plan, including the adoption of standard measures for dust control.
7. Any services traversing the site benefitting the hospital need to be protected.	This is agreed.
8. Lighting impacts need to be clarified, addressed and resolved.	The impacts of lighting are manageable in the context of the relevant Australian Standards for the design of outdoor lighting. These matters will be addressed in more detail in relation to the main grandstand application, as detailed design progresses
9. Tree removal impacts are important matters for Council and the Regional Panel to determine.	Agreed.
Traffic and Parking – Review by McLaren	<p>Parking discussion is addressed further below.</p> <p>It is noted that TfNSW have reviewed the traffic study and made a number of recommendations, including the need to prepare a construction traffic management plan. The applicant has no objection to a requirement of this nature.</p>

Summary of matters raised	Response
	<p>TfNSW note that they would grant concurrence under Section 138 of the <i>Roads Act 1993</i> for the proposed new accesses to Forest Road on the basis of a number of specific design recommendations. These recommendations would be addressed through detailed design and the applicant has no objections to adopting these requirements.</p> <p>On the basis that TfNSW have indicated their satisfaction with the information provided, it is not considered necessary to consider the content of the McLaren review in detail.</p>
Noise	
The Noise Impact Assessment with the DA (Assured Environmental, 25/6/2021) has the following omissions:	
<ul style="list-style-type: none"> While the identification of sensitive receivers appears robust and includes sites on the Orange Health Precinct site, it appears not to identify the O'Brien Centre (a Mental Health Drug and Alcohol Rehabilitation Centre), close to the subject site, to the south-east; 	<p>It is acknowledged that the O'Brien Centre was unintentionally omitted from the noise assessment, through the inclusion of other facilities at a similar distance from the proposed facility, and their compliance with relevant criteria, the consent authority can be satisfied that undue impacts to this receiver are unlikely as a result of the application. Given this application relates to the detail of stage 1 only (being short term works and construction impacts associated with bulk earthworks, tree removal, category 1 remediation and demolition), this omission can be rectified in the subsequent applications for stage 2 and 3 and the consent authority can be satisfied that sufficient information is available to favourably determine the application.</p>
<ul style="list-style-type: none"> Misaligns the assumed car movements stated elsewhere in the traffic report (stating 681 vehicles, rather than 716 in the TIA); 	<p>The numbers provided to the noise consultant are based on an earlier version of the traffic report. The extent of the discrepancy is minor noting that compliance is easily achieved.</p>
<ul style="list-style-type: none"> Does not account for the use of the Stadium and athletics track, with a combined total of over 10,000 people and likely amplification systems (stating "larger events ... will be subject to stand-alone one-off applications and will be subject to separate assessment", on the basis they will be the subject of separate future "one-off" DAs); 	<p>This is discussed above.</p> <p>When assessing amplified sound, several variables are required, including directivity of the speakers, type of speakers, number of speakers, the height of the speakers, and required noise level at each area of the complex. At the time of the modelling/reporting, these variables were not confirmed. Therefore, the ultimate designer/installer of the amplified sound system should design the system based on the recommendations in the report.</p>
<ul style="list-style-type: none"> It does not account or model construction noise. 	<p>These impacts are short term and transient, and can be adequately managed through an appropriate construction noise and vibration management plan, as part of a construction</p>

Summary of matters raised	Response
	environmental management plan (CEMP).
Dust	
<p>There is no detailed or expert dust assessment, as either a separate report or any detail in the Statement of Environmental Effects ("SEE") or Civil Engineering reports.</p>	<p>Impacts associated with dust management can be managed through standard measures to be outlined within a CEMP. It is noted that approved developments (including the Gosling Creek Aged Care Facility and the Orange Bloomfield Hospital) have been developed with standard construction control measures on land directly adjacent to the Orange Hospital without resulting in undue impacts. There is significant intervening land between the sporting complex area and the hospital including extant vegetation to offset the minor residual impacts during the construction phase. It is noted the majority of the buildings within the Riverside precinct are currently vacant.</p> <p>The applicant will work with NSW Health throughout the construction program to ensure that impacts are managed, in line with best practise and current construction impact mitigation requirements.</p>
Contamination	
<ul style="list-style-type: none"> The sampling density is less than EPA Guidelines with the preliminary assessment stating: The sampling frequency is less than the minimum recommended by EPA (1995) (pg. 15) 	<p>Advice from Envirowest consulting:</p> <p><i>A lower sampling density was adopted and considered suitable as the historical land-use and site inspection indicated minimal potential for contamination over a large majority of the site and the samples were considered representative of the investigation area. Potential hotspot locations as indicated by historical review and site inspection were assessed separately. An unidentified finds protocol was recommended to be implemented to manage identification of potential contamination identified during earthwork activities.</i></p>
<ul style="list-style-type: none"> There is no provision of a Detailed Site Investigation, despite sampling being below guidelines, stated assumptions and data gaps and the presence of lead, zinc and copper above recommended health guidelines; 	<p>Advice from Envirowest consulting:</p> <p><i>The investigation recommended further investigations of the tee boxes and greens to address data gaps. The further investigations include excavation of the greens and tee boxes under supervision and soil sampling of each type of fill material. A lower sampling density was adopted and considered suitable as the historical land-use and site inspection indicated minimal potential for contamination over a large majority of the site and the samples were considered representative of the investigation area. Potential hotspot locations as indicated by historical review and site inspection were assessed separately. An unidentified finds protocol</i></p>

Summary of matters raised	Response
	<p><i>was recommended to be implemented to manage identification of potential contamination identified during earthwork activities.</i></p> <p>It is further noted that the site is currently in use for recreation facilities accessible by members of the public, and this is not proposed to change via this application. As such, there is no change in receptor pathways as a result of the application.</p>
<ul style="list-style-type: none"> The Preliminary Contamination Investigation recommends a Remediation Action Plan ("RAP"). 	A remediation action plan is currently being prepared and will be supplied under separate cover.
Tree Removal	
As per previous submission	Addressed via Premise correspondence of 10 November 2021.
Heritage – review by Heritage 21	On the basis that Heritage NSW have issued their General Terms of Approval for this project based on the information provided, it is not considered necessary to consider the content of the Heritage 21 review in detail.
Lighting	
<p>No assessment of lighting impacts on adjoining land.</p> <p>No assessment of lighting impacts on hospital operations, particularly helicopter use</p>	The impacts of lighting are manageable in the context of the relevant Australian Standards for the design of outdoor lighting. These matters will be addressed in more detail in relation to the main grandstand application, as detailed design progresses.
Services	
It is not totally clear from the analysis what services traverse the site and service the Bloomfield Campus and how they will be affected. However, it is clear some exist. This is important, as these services need to be provided for and protected (e.g. by appropriate easement and continuation of services during construction) and this may have implications for services at the Bloomfield Campus, and any similar easements that may be needed on that site.	<p>Services within the site have been identified via detailed survey, Dial Before You Dig searches and underground service location.</p> <p>Suitable protections will be put in place to ensure that offsite impacts to services do not occur.</p>
Shortfall in parking	
Suggests that in adequate parking is provided at Stage 1. Notes	Stage 1 generates no parking requirement, given that works are limited to construction

Summary of matters raised	Response
<p>that some parking would not be provided in stage 1 (car park 5). Notes that when larger events occur, there would be a shortfall in parking</p>	<p>associated with bulk earthworks, tree removal, category 1 remediation and demolition. The concept DA provides sufficient information to demonstrate that there is adequate parking proposed on site to accommodate standard levels of usage.</p> <p>As occurs with other regional sporting facilities in the central west (including Glen Willow at Mudgee and Apex Oval at Dubbo), larger events will be managed via event specific development applications, accompanied by event specific parking and traffic management plans.</p> <p>Larger events would not be expected to, and could be scheduled not to, occur at the same time as normal usage of the recreational sporting fields, thus ensuring no doubling up of parking demand. Larger events are also likely to be addressed through improved bus services (such as the recent Day on the Green in Orange) and 'park and ride' style access arrangements (as occurs at the Dubbo Apex Oval – discussed below). The details of these arrangements would be discussed in further detail in relation to the application for the main grandstand and in event specific applications.</p>
<p>Positioning of parking is 'misaligned' with demand and the position of the main grandstand</p>	<p>The position of parking has been carefully considered in the context of design and a range of options considered.</p> <p>Firstly, the site is not large, and the parking on the eastern boundary is within 500 metres of the main grandstand. Parking located within 500 metres of the main grandstand is considered to be more than acceptable for a complex of this size, noting that the majority of usage of parking on a day to day basis would be for users of other fields (existing and proposed) within the complex.</p> <p>It is noted that other regional complexes (such as Apex Oval in Dubbo, with a capacity for up to 12,000 people) utilise off site parking for larger events, with no on site parking for any users other than those with approved disability permits). That would not be the case in Orange, where ample room is available on site for overflow parking utilising the fields and areas around the fields. This would be further detailed in the DAs for specific events at that time.</p> <p>Secondly, when the main grandstand is in use, alternative access arrangements (as discussed above) are expected to be in place, managed through an event specific parking/traffic plan.</p> <p>Thirdly, accessing the majority of the parking from Huntley Road, rather than Forest Road, minimises impacts to the classified road.</p>

Summary of matters raised	Response
	<p>Fourthly, Heritage NSW provided feedback that it was their preference for parking to be located further away from the heritage elements of the site. It is noted that General Terms of Approval have been issued for the project from Heritage NSW.</p> <p>Fifthly, parking demand was considered through careful review of similar sized facilities in the state and examination of Council parking requirements for recreation facilities in other locations. This assessment took account of matters such as likely field usage, types of sport being played and average spectator levels.</p> <p>On the basis of the above, the parking locations are considered acceptable.</p>
Noise	Addressed above
Dust	Addressed above
Tree removal	Addressed above
Heritage	Addressed above
Lighting	Addressed above
Services	Addressed above



Premise

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