

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*
Section 4.18

Development Application

Applicant Name: Orange City Council
Applicant Address: c/- Mr David Walker- Premise
154 Peisley Street
ORANGE NSW 2800
Owner's Name: Orange City Council
Land to Be Developed: Lot 209 DP42900 and Lot 1 DP1142713, Forest Road Orange
Proposed Development: Recreation Facility (major) – Concept and Stage 1

Building Code of Australia building classification:

Class to be determined by Certifier

Determination made under Section 4.16

Made On: 1 February 2022
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: 1 February 2022
Consent to Lapse On: 1 February 2027

Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To minimise the impact of development on the environment.

PART A - CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT APPLICATION

TERMS AND LIMITS OF CONSENT

- (1) The development must be carried out in accordance with:
 - (a) The Landscape Masterplan prepared by Taylor Brammer dated 2 September 2021
 - (b) Statements of environmental effects or other similar associated documents including the Noise Impact Assessment, Biodiversity Assessment, Heritage Impact Assessment and Traffic Impact Assessment that form part of the application.

as amended in accordance with any conditions of this consent.

Conditions (cont)

- (2) The following General Terms of Approval have been integrated with this consent and must be adhered to by the proponent and respective Approval Body in the carrying out of this development:
 - (a) General Terms of Approval issued by Heritage NSW on 30 November 2021 attached to this consent as "Annexure A".
- (3) The development must be carried out in accordance with requirements of Transport for NSW dated 8 November 2021 attached to this consent as 'Annexure B'
- (4) This approval does not allow any components of the Concept Proposal, to be carried out without further approval or consent being obtained from the relevant consent authority, except the 'Concurrent Stage 1 works', identified in Part C of this consent.

Subsequent applications shall be consistent with the concept approval granted under this consent.
- (5) This consent lapses five years after the date of consent unless the Stage 1 works, identified in Part C of this development consent, have physically commenced.

PART B - CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

- (6) A Transport Management Plan/Travel Demand Management Plan is to be prepared by a suitability qualified traffic and transport consultant that details actions to ensure efficient use of road space during major events at the proposed facility that includes:
 - a) 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;
 - b) An educational and promotional strategy that communicates travel options/restrictions to patrons in the lead up to events;
 - c) Details outlining how public transport and/or high occupancy vehicles will be utilised. This should include details of major event shuttle bus arrangements including pick up and drop off locations and routes;
 - d) Details of integrated ticketing arrangements/package pricing; and
 - e) Traffic Control and Parking Management Strategy outlining how major events will be managed e.g., directional and wayfinding signage, marshalling/stewarding, diversion schemes, detail how parking will not be affected at adjoining sites etc. This strategy shall provide traffic control and parking management for various capacity scenarios e.g., ¼, ½ and full capacity of the facility.
- (7) A Community Communication Strategy is to be prepared that outlines 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 including details and processes relating to notification/consultation, debriefing/feedback, managing enquiries and complaints etc.
- (8) The Masterplan is to be revised to provide evidence of an interpretive strategy for the site. The strategy is to include minimum of 11 interpretation panels along the loop trail covering Aboriginal culture, local flora and fauna, Bloomfield origins, Bloomfield second stage, Sir Jack Brabham legacy, the airfield, sport in Orange etc. The Plan currently notes both directional and informational signage. A schedule related directly to interpretation is required in order that the numbers, content and distribution are sufficient. The interpretive strategy is to be prepared by a skilled professional with experience in this area. The Strategy is to include the historical narratives related to Sir Jack Brabham, The Golf Club and the Bloofield Hospital in its developing forms.
- (9) The Masterplan is to be revised to provide for bicycle parking facilities within the site adjacent to the proposed football and athletic stadium buildings in accordance with relevant Standards and be included with the detailed design of the facilities.
- (10) Forest Road will be required to be partly reconstructed for the full frontage of the proposed development. This work will require amended line marking, signage, kerb and gutter, underground stormwater pipes, additional left and right turn lanes, raised concrete traffic islands, street lighting and

Conditions (cont)

road widening on both sides of the road as required. All road works shall tie into the existing road formation.

Carpark 1 on Forest Road will be required to be provided with the following intersection treatments to ensure that through traffic is not impeded:

- an Auxiliary Left turn treatment (AUL) shall be constructed for both the north and south carpark entrances; and
- a short Channelised Right Turn treatment (CHR) shall be constructed for the northern carpark entrance for vehicles approaching from the south; and
- The southern entrance / exit shall be provided with a raised concrete island located on Forest Road to create a sheltered right turn merge lane (modified seagull intersection) for vehicles exiting the carpark, while retaining the existing TAFE CHR, and preventing right turns into the carpark for vehicles approaching from the south; and
- The northern carpark access shall be restricted to entry only and provided with clearly designated drop off lanes within the site for buses / taxis with a separate through traffic lane continuing to the carpark area; and
- Forest Road shall be widened on both sides (as required) to accommodate the additional traffic lanes / intersection treatments; and
- The shared bike path on the eastern side of Forest Road shall be relocated (as required) and provided with safe crossing points at both the north and south carpark entrances.

Engineering plans, showing details of all required road works on Forest Road shall be provided with the future development application(s).

- (11) Huntley Road will be required to be constructed as part road width for the full frontage of the proposed development. This work shall include line marking, signage, kerb and gutter, underground stormwater pipes, parking lane, raised concrete traffic islands and a 1.5m wide concrete footpath on the development side of the road including shoulder widening and bitumen sealing on the eastern side of the road as required. All road works shall tie into the existing road formation

Carparks 3, 4 and 5 will be required to be provided with a Channelised Right Turn treatment (CHR). The northern entrance / exit of Carpark 5 shall be constructed as left in and left out with a raised concrete island located on the centreline of Huntley Road.

Engineering plans, showing details of all required road works on Huntley Road shall be provided with the future development application(s).

- (12) Full details of mechanical plant and equipment required for the football and athletic stadium buildings (kitchen ventilation, wet room ventilation, heating, cooling, etc.) shall be provided with the detailed design of the facilities. Mechanical plant and equipment must be designed to comply with the established project specific noise criteria as outlined in the noise assessment report prepared by Assured Environmental for Premise Australia (Project ID: 13168) dated 25 June 2021.
- (13) Full details of the public announcement systems shall be provided. Any public announcement system must be designed to comply with the noise criteria for the PA system as outlined in the noise assessment report prepared by Assured Environmental for Premise Australia (Project ID: 13168) dated 25 June 2021.
- (14) A Light Spill/Obtrusive Light Assessment is to be provided to identify the impact of lighting from the stadiums and carparking areas and address the impacts of the lighting on the surrounding land uses, local fauna habitats and night sky light pollution. The assessment must include appropriate management and mitigation measures if any light spillage occurs. The lighting for the development must comply with glare and spill light control provisions of 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.
- (15) The future development application(s) must be supported by detailed construction landscape plans that are consistent with overall Landscape Masterplan.

Conditions (cont)

- (16) The building envelope/footprint of the football stadium and athletics stadium proposed in the future development applications must be generally consistent with the approved masterplan listed in Part A, Condition 1.
- (17) The future development application(s) must be accompanied by a statement of heritage impact.
- (18) The future development application(s) must be supported by a Visual Impact Assessment Report to identify and assess all impacts of the proposed stadiums on the visual catchment of the Site. The Visual Impact Assessment report must consider the impact of the future stadium design on the settings, view lines and heritage significance of the locality and include artist's perspectives and photomontages of the football and athletic stadium buildings.
- (19) Muted colour schemes, materials and finishes shall be utilised in the design of the stadium buildings and include a mix of high-quality material finishes such as brickwork that incorporates patterning, coreten steel or alternatives, timber, composite, or wood alternative cladding. A sample board of the proposed materials and colours for the football and athletic stadium buildings shall be provided.
- (20) A Waste Management Plan is to be provided that addresses storage, collection, and management of waste and recycling within the development. The Waste Management Plan must include identifying opportunities for the reduction, re-use and recycling of waste, including food waste.

PART C - CONDITIONS OF CONSENT FOR STAGE 1 WORKS

APPROVED PLANS

- (21) The development must be carried out in accordance with:
 - (a) Bulk Earthworks and Trunk Stormwater Drainage Package prepared by Baker Ryan Stewart, Revision D and dated 12 November 2021
 - (b) Bulk Earthworks Civil Engineering Design Report prepared by Baker Ryan Stewart dated 4 June 2021
 - (c) Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd dated 21 September 2020
 - (d) Archaeological Assessment prepared by Apex Archaeology dated 8 November 2021
 - (e) Significant Tree Protection Management Plan – Bloomfield Sports Precinct, Nigel Hobden, Orange City Council, undated
 - (f) Statements of environmental effects or other similar associated documents that form part of the application.

PRESCRIBED CONDITIONS

- (22) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (23) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions (cont)

- (24) The applicant shall provide Council with a Remediation Action Plan detailing all proposed remediation works on site, in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.
- (25) A noise management plan shall be provided to Council for approval addressing the mitigation of heavy vehicle and plant noise for tree removal and construction activities.
- (26) Engineering plans, showing details of all proposed work including relocation of existing Council utility services and adhering to any engineering conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.
- (27) A Soil and Water Management Plan (SWMP) is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) for approval prior to the issuing of a Construction Certificate. The control plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook. Construction access shall be from Huntley Road.
- (28) A dust management plan shall be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. The approved dust management plan is to be implemented prior to excavation work commencing.
- (29) All site access shall be from Huntley Road. A Road Opening Permit in accordance with Section 138 of the *Roads Act 1993* must be approved by Council prior to **a Construction Certificate being issued or any intrusive works** being carried out within the public road or footpath reserve.
- (30) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.

PRIOR TO WORKS COMMENCING

- (31) A Construction Traffic Management Plan is to be prepared and implemented for all demolition/construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures to address the construction, operation and commission phases of the proposed development.

The TMP should ensure that access to and from Orange Health Service is not interrupted during construction and demolition phases.

The TMP may include temporary measures such as a Traffic Guidance Scheme (TGS) prepared and implemented by suitably qualified persons in accordance with the current Traffic Control at Work Sites Manual. It is recommended that any TMP adopt a Driver Code of Conduct, including but not necessarily limited to, the following:

- A map of the primary transport route/s highlighting critical locations.
- An induction process for vehicle operators and regular toolbox meetings.
- Procedures for travel through residential areas, school zones and/or bus route/so
- A complaint resolution and disciplinary procedure.
- Community consultation measures proposed for peak periods.
- Work, health and safety requirements under the Work Health and Safety Regulation 2017.

- (32) Prior to undertaking the clearing of any vegetation and bulk earthworks, the identified contamination sites shall be remediated in accordance with the approved Remediation Action Plan.
- (33) A validation report is to be provided to Council in relation to all remediation work undertaken, in accordance with the Remediation Action Plan supplied by the applicant for the works, within 30 days of the date of report and before vegetation clearing and bulk earthworks are undertaken. The validation report is to be prepared in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated sites (2011) and Guidelines for the NSW Site Auditor Scheme (2017).

Conditions (cont)

- (34) Prior to the commencement of any tree clearing, pre-clearing surveys shall be undertaken by a suitably qualified Ecologist, with any recommendations for relocation of fauna being undertaken prior to land clearing.
- (35) Prior to the commencement of any works, tree protection fencing shall be established at the locations identified within the submitted Significant Tree Protection Management Plan. Fencing must be in accordance with Australian Standard AS4970-2009 Protection of trees on development sites and be kept in place until the completion of demolition/site works. The fencing must be a minimum of 1800mm high chain link fencing and be appropriately signposted notifying site workers that the trees are to be retained and protected. The storage of vehicles, machinery, equipment or the storage or stockpiling of materials is strictly prohibited in these exclusion zones.

The area within the TPZ fencing shall be covered with a layer of 100mm thick mulch derived from Council tree maintenance operations or similar i.e., it shall be a combination of woodchip and leaf.

No works are to commence on the site until such time Council's Manager City Presentation has inspected and approved the tree protection measures. Council's Manager City Presentation may direct the project arborist and project manager/foreman to make suitable adjustments to the tree protection measures where required. No modifications are to be made to the tree protection measures during works without the prior approval from Council's Manager City Presentation.

- (36) Prior to the commencement of any works, an induction process shall be developed for all on-site personnel and contractors. The induction process shall make personnel and contractors aware of the requirements of this development consent, the trees to be removed, retained and the tree protection measures.
- (37) Prior to the commencement of any works, the project arborist shall make suitable arrangements with Council's Manager City Presentation to identify the valuable ornamental tree species on the site that are suitable to be relocated/transplanted as outlined in the Landscape Masterplan. These trees are to be relocated/transplanted to the identified locations prior to any civil works being carried out on the site. Tree transplantation is to take place under the supervision of a qualified arborist or horticulturist (minimum Australian Qualification Framework Level 5).
- To ensure the survival of those trees that are transplanted, a maintenance strategy for the proponent to administer over a 12-month period following the relocation of the trees shall be prepared and provided to the satisfaction of Council's Manager City Presentation. The strategy is to address maintenance issues such as, but not limited to tree survival, irrigation, soil testing, staking, fertilizing, and mulching. The maintenance strategy shall also include an inspection regime/monitoring program.
- (38) Soil erosion control measures shall be implemented on the site and maintained throughout works.
- (39) An application for a Subdivision Works Certificate is required to be submitted to, and a Certificate issued by Council/Accredited Certifier prior to any excavation or works being carried out onsite.
- (40) A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.

DURING CONSTRUCTION/SITEWORKS

- (41) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (42) In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works on site must not resume unless the express permission of the Director Development Services is obtained in writing.

Conditions (cont)

- (43) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer. All works shall be undertaken in consultation with Orange City Council.
- (44) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (45) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (46) Asbestos containing building materials must be removed in accordance with the provisions of the *Work Health and Safety Act 2011* and any guidelines or Codes of Practice published by Safe Work NSW and disposed of at a licenced landfill in accordance with the requirements of the NSW EPA.
- (47) Building demolition is to be carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the requirements of Safe Work NSW.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
--

- (48) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (49) The cut and fill is to be retained and/or adequately battered and stabilised (within the allotment) prior to the issue of an Occupation Certificate.
- (50) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.

ADVISORY NOTES

Nil

Other Approvals

- (1) *Local Government Act 1993* approvals granted under section 68.
Nil
- (2) General terms of other approvals integrated as part of this consent.
Nil

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

Conditions (cont)

Disability Discrimination Act 1992:

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Signed:

On behalf of the consent authority **ORANGE CITY COUNCIL**

Signature:

Name:

Paul Johnston
MANAGER DEVELOPMENT ASSESSMENT

Date:

1 February 2022

Ben Hicks
Planner
Orange City Council
PO Box 35
ORANGE NSW 2800

By email: bhicks@orange.nsw.gov.au

Dear Mr Hicks

HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION

Address: Forest Road, ORANGE NSW 2800
SHR item: Bloomfield Hospital, SHR no. 01745
Proposal: Concept development application for three stage project for the delivery of the Orange Regional Sporting Facility. Consent sought for the concept and stage 1. Stage 1 to include bulk earthworks, tree removal, category 1 remediation and building demolition. Stages 2 and 3 to be the subject of separate applications relating to the delivery of the athletics and main stadium, main fields and ancillary features, including car parking and access.

IDA application no: HMS ID 425, received 20/09/2021

At its meeting on 30 November 2021 the Heritage Council Approvals Committee resolved, in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, to grant the following General Terms of Approval:

APPROVED DEVELOPMENT

1. The applicant should implement a staged approach to landscaping and bulk earth works in order to allow plantings to be implemented as early as possible in the construction program to address community concerns.
2. The Southern boundary landscape plan must be completed in order to mitigate heritage impacts on the primary heritage curtilage and the Riverside Precinct.
3. All work shall comply with the information contained within:
 - a) Engineering drawings, prepared by Barker Ryan Stewart as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Orange Sporting Precinct – Bulk Earthworks and Trunk Stormwater Drainage Package			
210090-02-001	Cover Sheet	12/11/2021	D

210090-02-011	Construction Notes	12/11/2021	D
210090-02-021	General Arrangement Plan	12/11/2021	D
210090-02-111	Bulk Earthworks Plan Sheet 1	12/11/2021	D
210090-02-112	Bulk Earthworks Plan Sheet 2	12/11/2021	D
210090-02-301	Site Sections Plan	12/11/2021	D
210090-02-302	Site Sections Sheet 1	12/11/2021	D
210090-02-303	Site Sections Sheet 2	12/11/2021	D
210090-02-304	Site Sections Sheet 3	12/11/2021	D
210090-02-305	Site Sections Sheet 4	12/11/2021	D
210090-02-306	Site Sections Sheet 5	12/11/2021	D
210090-02-311	Typical Sections and Details	12/11/2021	D
210090-02-511	Stormwater Plan Sheet 1	12/11/2021	D
210090-02-512	Stormwater Plan Sheet 2	12/11/2021	D
210090-02-513	Stormwater Plan Sheet 3	12/11/2021	D
210090-02-514	Stormwater Plan Sheet 4	12/11/2021	D
210090-02-515	Stormwater Plan Sheet 5	12/11/2021	D
210090-02-516	Stormwater Typical Details Sheet 1	12/11/2021	D
210090-02-517	Stormwater Typical Details Sheet 2	12/11/2021	D
210090-02-521	Stormwater Longitudinal Section Sheet 1	12/11/2021	D
210090-02-522	Stormwater Longitudinal Section Sheet 2	12/11/2021	D
210090-02-523	Stormwater Longitudinal Section Sheet 3	12/11/2021	D
210090-02-601	Utility Impacts Plan Sheet 1	12/11/2021	D
210090-02-602	Utility Impacts Plan Sheet 2	12/11/2021	D
210090-02-801	Erosion and Sediment Control Plan	12/11/2021	D
210090-02-811	Erosion and Sediment Control Details	12/11/2021	D
210090-02-821	Topsoil Respread Strategy Plan	12/11/2021	D
210090-02-901	Retaining Wall Plan and Longitudinal Section	12/11/2021	D
210090-02-902	Retaining Wall Plan	12/11/2021	D

b) Tree removal drawings, prepared by Premise as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Orange Sports Precinct			
02A	Tree Site Plan	12/08/2021	A

- c) *Statement of Heritage Impact (SOHI)* – Orange Regional Sporting Precinct Stage 1 – Bulk Earthworks and Concept Scheme, prepared by Kate Higgins, dated 13 July 2021.
- d) *Statement of Environmental Effects in Support of a Concept Development Application (SOEE)*, prepared by Premise, dated 10 September 2021 (Rev:002D).
- e) *Bulk Earthworks Civil Engineering Design Report (BECDR)* – Orange Regional Sporting Precinct at Jack Brabham Park, prepared by Barker Ryan Stewart, dated 4 June 2021.
- f) *Landscape Masterplan (LM)* – Orange Sporting Precinct, prepared by Taylor Brammer, dated 2 September 2021.
- g) *Significant Tree Management Plan* – Bloomfield Sports Precinct, Nigel Hobden, Orange City Council, undated.
- h) *Preliminary contamination investigation (PCI)* – Proposed New Sporting Precinct, Forest Road, Orange NSW, prepared by Envirowest Consulting, dated 21 September 2020.
- i) *Noise Impact Assessment* – Orange Sports Precinct, prepared by Assured Environmental, dated 25 June 2021 (Release: R1).
- j) *Archaeological Assessment* – Orange City Council Regional Sports Precinct, prepared by Apex Archaeology, dated 8 November 2021 (Revision 2 - Final).

EXCEPT AS AMENDED by the following general terms of approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

4. The following amendments to the Landscape Masterplan are to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
 - The planting staging plan is to demonstrate the priority for structural planting of key streetscape and precinct boundary to North Bloomfield and Park Drive.
 - Proposed planting of *Livistona australis* (Cabbage Tree Palm) as a marker tree is to be substituted with tree more suited with the microclimate of the site such as *Cedrus atlantica* 'Glaucous' (Blue Atlantic Spruce) or similar.
 - The Significant Tree Protection Management Plan is to number the trees north of Trees 16 and 17 that have been indicated to be retained and include in Table 1.
 - The tree protection fencing indicated on the Significant Tree Protection Management Plan is to be setback parallel from the lot boundary adjoining Park Avenue minimum 20 metres to avoid impacts to the Elm Avenue, graded exceptional significance.
 - The Landscape Masterplan is to demonstrate consultation with the local Aboriginal communities regarding the project and opportunities for community land management practices and interpretation at this site.

Reason: The details requested were either not supplied during the assessment of the application. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.

SITE PROTECTION

5. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

UNEXPECTED FINDS

6. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified in Archaeological Assessment, prepared by Apex Archaeology dated 9 November 2021, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

ABORIGINAL OBJECTS

7. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

8. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

9. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Tempe Beaven, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8629 or Tempe.Beaven@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sam Kidman', with a horizontal line underneath.

Sam Kidman
Executive Director
Heritage NSW
Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW
14/12/2021

8/10/2021

WST21/00226/01

The General Manager
Orange City Council
135 Byng Street
ORANGE NSW 2800

Attention: Ben Hicks

Dear Mr Hicks

**DA 390/2021: Various Lot 1502 Forest Road (MR245), Orange
Concept Development Application and Stage 1 Development Application for bulk
earthworks, tree removal, category 1 remediation and building demolition Orange Regional
Sporting Facility.**

Thank you for the abovementioned development application (DA) referral via the NSW Planning Portal dated 9 September 2021.

TfNSW understand the proposed development involves the development of the Orange Regional Sporting Facility which will be approved in three stages.

- Stage 1 to include bulk earthworks, tree removal, category 1 remediation and building demolition.
- Stages 2 and 3 to be the subject of separate applications relating to the delivery of the athletics and main stadium, main fields and ancillary features, including car parking and access.

Vehicular access to the development is proposed from Forest Road which is a Regional Classified Road. Orange Health Service is accessed via Forest Road and is accordingly an important access route for emergency services.

The DA has been referred to TfNSW pursuant to Clause 104 of *SEPP (Infrastructure) 2007* (ISEPP). I note that prior to the commencement of the proposed works within Forest Road to facilitate the development concurrence is also required from TfNSW in accordance with Section 138(2) of the Roads Act 1993.

Pursuant to clause 104 of ISEPP, TfNSW provides the following comments for Councils consideration:

- A Construction Traffic Management Plan is to be prepared and implemented for all demolition/construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures to address the construction, operation and commission phases of the proposed development.

The TMP should ensure that access to and from Orange Health Service is not interrupted during construction and demolition phases.

The TMP may include temporary measures such as a Traffic Guidance Scheme (TGS) prepared and implemented by suitably qualified persons in accordance with the current *Traffic Control at Work Sites Manual*. It is recommended that any TMP adopt a Driver Code of Conduct, including but not necessarily limited to, the following:

- A map of the primary transport route/s highlighting critical locations.
- An induction process for vehicle operators and regular toolbox meetings.
- Procedures for travel through residential areas, school zones and/or bus route/s.
- A complaint resolution and disciplinary procedure.
- Community consultation measures proposed for peak periods.
- Work, health and safety requirements under the *Work Health and Safety Regulation 2017*.

No concurrence is provided for construction and demolition access from Forest Road for the purposes of demolition and Earthworks stage 1 Development at this time.

- All activities including loading and unloading of goods associated with the development be carried out on site in the dedicated areas providing adequate maneuvering area for the design vehicle.
- Landscaping, signage and fencing is not to impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) must be provided and maintained at the intersection of the driveway with Forest Road.
- All signage including any proposed internally lit signs is to be contained within property boundaries and designed to meet the objectives of Transport Corridor Outdoor Advertising and Signage Guidelines 2017.
- Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of *Australian Dangerous Goods Code* and *Australian Standard 4452 Storage and Handling of Toxic Substances*. This must include relevant incident management strategies for transportation on public roads.

TfNSW would grant concurrence pursuant to Section 138(2) of the *Roads Act 1993* for the proposed new accesses to Forest Road provided that:

- 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).
 - 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 Street 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.

TfNSW notes that the predominate movement into the carpark area from Forest Rd is projected to be by left turn. In this regard, if the developer provides additional information that supports the projection the number of right turn movements into the site, a lower order turn treatment may be able to be accepted.

TfNSW adopts *Austroads Guide to Road Design* as the applicable guide for road and intersection designs on classified roads. The intersection treatments are to be designed for the 60km/hr posted speed zone.

- The access and intersection treatments are to provide and maintain Safe Intersection Sight Distance (SISD) requirements outlined in the *Austroads Guide to Road Design Part 4A* and relevant TfNSW supplements in both directions at the intersection of the property access road and Forest Road.
- The intersections are to be designed and constructed to ensure that all turning movements at the intersection of Forest and the access can be carried out, for the largest vehicle accessing the site, without traversing into the opposing lane of traffic.
- All vehicle movements to and from the land must be in a forward direction.
- Landscaping, signage and fencing must not impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site.
- The driveway is not to adversely impact the safe passage of pedestrians along the footpath provided in Forest Road.
- All construction activities must be undertaken wholly within the bounds of the site and not impact the efficiency and safety of all road users, including pedestrians within the locality of the construction activities.
- All road works, including line marking, are to be completed prior to operation of the proposed development.
- All road works are to be completed prior to operation of the proposed development.
- Any proposed Access control or ticketing mechanisms are to be designed to ensure adequate queuing space or parking facility is provided to ensure that queuing on to Forest Road does not occur.

Pursuant to clause 85 of ISEPP, TfNSW Rail Infrastructure Manager, currently John Holland Rail, provides the following comments to assist Council in its assessment and determination of the DA:

- TfNSW is the rail authority for the rail corridors of the Country Regional Network (CRN) for purpose of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) and Transport Asset Holding Entity of New South Wales (TAHE) is a State-owned corporation that holds rail property assets and rail infrastructure, including the CRN. John Holland Rail (JHR) has been appointed, as of 15 January 2012, to manage the CRN.
- The proposed work is on Lot 1 DP 1142713 & Lot 209 DP 42900 (the Land), 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 considered adjacent to the rail corridor in accordance with Clause 85 (3) of ISEPP.
- The Statement of Environmental Effects does not provide clear indication of whether cranes or other equipment will be used in any stages of the project.

In the event that cranes are required to be used in air space above the operational rail corridor, the applicant must submit an application to JHR for its endorsement and TAHE's approval in advance. The applicant is advised to contact JHR's Third party works team via CRN.3rdpartyworks@jhrg.com.au for more information in this regard.

To ensure that the proposed development does not have any adverse impacts on the operational rail corridor during its construction phase the following suggested conditions should be included in the development consent.

1. The applicant must submit an application to JHR for approval of TAHE prior to any use of cranes and equipment (Equipment) in the air space over the rail corridor.
 2. The applicant is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>) and that any works are undertaken by a qualified Protection Officer (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>).
 3. The use of Equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment and to the relevant standard and guideline (TfNSW Standard – External Developments T HR CI 12080ST and Department of Planning – Development near Rail Corridors and Busy Roads Interim Guidelines).
- Information regarding lighting and external finishes of buildings which may have potential impacts on the operational rail corridor should be taken into consideration by Council, in accordance with the *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)*.

To ensure that the proposed development does not have any adverse impacts on the operational rail corridor the following suggested condition should be included in the development consent
 1. The development lighting and external finishes of buildings should not temporarily blind or cause distraction to the railway corridor and the use of red and green lights should be avoided in all signs, lighting and building colour schemes on any part of the proposed building which faces the rail corridor.
 - Access to any part of the rail land is strictly prohibited unless otherwise permitted in writing in advance.

Please be advised that under the provisions of the Environmental Planning & Assessment Act 1979 it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Please forward a copy of Councils determination of the Concept and Stage 1 to TfNSW at development.western@transport.nsw.gov.au when it is sent to the applicant. Please ensure that Stage 2 and 3 Development Applications are referred to TfNSW for comment and concurrence requirements.

If you wish to discuss this matter further, please contact the undersigned on 02 6861 1530.

Yours faithfully



Andrew McIntyre
Manager Development Services West
Regional and Outer Metropolitan