

COUNCIL ASSESSMENT MEMORANDUM

2022/142

MEMO TO

WESTERN REGIONAL PLANNING PANEL

FROM

BEN HICKS – SENIOR PLANNER, ORANGE CITY COUNCIL

DATE

7 FEBRUARY 2022

ON

DEVELOPMENT APPLICATION: DA390/2021(1)

PANEL REFERENCE: PPSWES-109

1584 AND 1610 FOREST ROAD, ORANGE

RECREATION FACILITY (MAJOR) – CONCEPT AND STAGE 1

PR14151

The purpose of this memorandum is to address the matters raised by members of the Western Regional Planning Panel at the determination meeting of the proposal held on Tuesday 01 February 2022 via teleconference. The matters related to the written submissions, watercourse/riparian zone, earthworks, and draft conditions of consent. These matters have been addressed as follows:

Holding Redlich Submissions

The matters raised in the Holding Redlich submissions and supporting reports submitted on behalf of NSW Health have been addressed in detail by Council assessment staff in the supporting attachments (A, B and C). The key matters in relation to traffic raised by McLaren Traffic Engineers have been addressed by Council's Director Technical Services, Ian Greenham, a Fellow of the Institute of Engineers Australia with over 30 years professional engineering experience.

Watercourse/riparian zones

The site does not contain any mapped waterway, drinking water catchment or sensitive riparian area under the Orange Local Environmental Plan 2011 or mapping provided under the Water Management (General) Regulation 2018. Mapping is provided in Attachment D for the Panel's perusal.

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.

The proposal does not trigger the requirement for concurrence/approval to be obtained from the Natural Resource Access Regulator (NRAR).

Earthworks/Civil Works

The proposed earthworks/civil works in Stage 1 of the development relates only to the formation of the proposed playing fields and earth mounds including stripping and stock piling of topsoil, relocation and adjustment of utility services, stormwater management, demolition of minor site improvements, removal of trees and vegetation and hydromulch stabilisation.

The proposed bulk earthworks package in Stage 1 does not include:

- Cut/fill and foundations for the proposed future stadium buildings;
- Permanent connections to existing public roads;
- Construction of road and car park pavements, kerbs, wearing course, etc;
- Adjustment to existing utility services that are not impacted by bulk earthworks operations;
- Adjustment of retained utility service pits and surface fittings to suit revised site levels;
- Installation of new utility infrastructure to service the future sports fields (i.e. electrical, comms, water and sewer, etc.);
- Construction of any structures, including grandstands;
- Construction of athletics track;
- Installation of sports field playing surface, including import of specialist growing medium and amelioration/improvement of site won topsoil;
- Spreading of topsoil.

These matters will be detailed in the subsequent development applications.

Draft Conditions of Consent

Condition 4 has been amended to specifically identify what Stage 1 works involve.

A new condition (Condition 22) has been included in Part C of the consent which limits Stage 1 to construction work only. I.e., no operational use of new fields permitted.

Condition 33 has been amended to permit the removal of trees prior to the land being remediated. This consistent with the previous approval for clearing on the site which required areas identified as being contaminated to be suitably fenced to avoid disturbance. The requirement to have these areas remediated prior to bulk earthworks will remain.

Attachments

- A. Response to Holding Redlich Letter 31 January 2022
- B. Response to Holding Redlich Letter 13 October 2021
- C. Response to Holding Redlich Letter 23 November 2021
- D. LEP and Water Management (General) Regulation 2018 Watercourse mapping
- E. Amended Draft Notice of Determination



Ben Hicks
SENIOR PLANNER
Enc.

Attachment A - Response to Holding Redlich Letter 31 January 2022

Matter Raised	Response
<p><u>The Supporting Documentation must be considered</u></p> <p><i>4. The October Submission was lodged within the exhibition period and foreshadowed that the objection would be supplemented by supporting documentation. The Supporting Documentation forms part of NSW Health's objection, and must be taken into consideration under s 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) for the following reasons:</i></p> <ul style="list-style-type: none"> <i>(a) NSW Health notified the Council in its October Submission that it intended to provide the further commentary. The Council gave no indication that the supplement would not be accepted.</i> <i>(b) Given the nature of the Proposed Development, and the proximity of the Land to the NSW Health precincts, it would be unreasonable and irrational in the circumstances not to allow NSW Health adequate time to address the merits of the Concept DA particularly with regard to town planning, heritage and traffic impacts and the likely impact of the Proposed Development on the adjoining NSW Health precincts.</i> <i>(c) The Draft Orange City Council Planning and Development Community Participation Plan (Participation Plan) acknowledges that submissions may be received and considered outside of the submission period</i> <i>(d) The Council had adequate time to consider the substance of the October Submission and Supplementary Documentation and did so as demonstrated by Attachment A to the Assessment Report</i> <i>(e) The substantive matters raised in the Supporting Documentation are highly relevant to the Panel's consideration of the Concept DA and it would be against principles and requirements of administrative law</i> 	<p>Two (2) submissions were received from Holding Redlich on behalf on NSW Health dated 13 October 2021 and 23 November 2021. The "supporting information" (November Submission) is considered a submission in its own right and was received outside the formal exhibition/consultation period.</p> <ul style="list-style-type: none"> (a) The notification/advertisement of the development clearly outlined the period in which submissions were to be received. Notifying Council of the intention to make a supplementary submission outside this period does not extend the consultation period. It is not for interested parties to dictate to the consent authority their own consultation period and/or terms. Council not responding to this notification of intent to supply a supplementary submission should not be seen as an indication that the submission would be accepted. If this were the case, the same opportunity would need to be afforded to all other parties who made a submission, which has not occurred. In this respect, the Panel will need to determine what weight, if any, should be given to the late submission as a matter of 'administrative law' and procedural fairness. The adopted Community Participation Plan 2019 also clearly outlines that the exhibition period is also the submissions period for a proposal. (b) The development was exhibited for the minimum statutory required timeframe being 28 days. The exhibition period applies universally, and not differentially for one or some persons due to the 'nature or proximity of the development'. (c) Correct. Submissions may be submitted before or after the exhibition period; however, as per the adopted Community Participation Plan (CPP) 2019 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

<p><i>if the Panel were not to consider the content of the Supporting Documentation.</i></p> <p><i>(f) As a document containing highly significant information that is available to the Panel, it would be unreasonable and irrational for the Panel to determine the Concept DA without considering the substance of the Supporting Documentation.</i></p>	<p>not be explicitly mentioned in an assessment report (emphasis added).</p> <p>(d) Irrelevant. The submission was received outside of the exhibition period and does not need to be considered.</p> <p>(e) There is no requirement for the consent authority to consider the contents of a submission that was received outside the exhibition period as a matter of 'administrative law'. Again, Council's adopted CPP 2019 plainly outlines any submissions received before or after the exhibition period may not necessarily be considered in the making of a decision and do not need to be mentioned in the planning report.</p> <p>(f) Notwithstanding the above, all submissions including the late submission have been considered <u>equally</u> in the Assessment Report. A copy of all submissions including the late submission have been provided to the Panel. It will be open to the Panel to determine what weight, if any, is given to the late submission. In accordance with the request of the Panel, a detailed response to the matters raised specifically by Holding Redlich in the October Submission and November Submission have been addressed via this assessment memorandum.</p>
<p><u>The Council's Assessment Report has failed to consider the issues raised in the Supporting Documentation</u></p> <p><i>5. Attachment A to the Assessment Report asserts that it is not necessary to consider the content of the McLaren Traffic Report annexed to the Supporting Documentation because TfNSW are satisfied with the information provided by the Council</i></p> <p><i>6. The position summarised above is incorrect. Referral of the Concept DA to TfNSW for comment on the basis that it is traffic-generating development under the State Environmental Planning Policy (Infrastructure) 2007 does not</i></p>	<p>Incorrect. Refer to page 60 of the Assessment Report. Excerpt provided below:</p> <p><i>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.</i> (Emphasis added)</p> <p>As outlined above, the late submission has been considered by Council officers in the body of the Assessment Report. Within the assessment report, a summary of all the submissions made, against common themes, relevant to the planning requirements and how these have been considered has been</p>

<p><i>relieve the Council, or the Panel, of the mandatory requirement to consider the matters prescribed by section 4.15(1) of the EP&A Act, including the likely impacts of the development, the suitability of the site for the development and the public interest.</i></p> <p><i>7. In the absence of any express consideration in the assessment Report of the substantive issues raised in the McLaren Traffic Report, the Panel risks judicial error if the Concept DA is approved without taking these matters into account.</i></p> <p><i>8. For example, the McLaren Traffic Report raises pedestrian planning as an issue warranting rejection of the Proposed Development. This issue is not considered in the Assessment Report nor in the comments from TfNSW. As such, the Panel is not in a position to determine the Concept DA on the documents before it.</i></p>	<p>detailed. In this specific case, the October Submission is identified as submission number 27 and the November Submission is identified as submission number 34 on the provided submission matrix and then a written response to the common themes identified is detailed on pages 55-60. It is also not reasonable to expect a direct/personalised response to each and every submission received. The Premise attachment to the Assessment Report is supplementary only and provided to the Panel from the proponent to assist in their deliberations. Notwithstanding, at the request of the Panel, a detailed and direct response is provided by Council via this assessment memorandum in response to the submissions received by Holding Redlich on behalf of NSW Health.</p> <p>All of the matters prescribed by Section 4.15(1) of the EP&A Act have been considered in the Assessment Report including all submissions and whilst technically not required, the late submission as well.</p> <p>Pedestrian planning and access matters have been considered in the design of the precinct and also addressed in the Council Assessment Report. Refer to pages 9-10 <i>Strategic Planning Assessment – DPIE Everyone Can Play and GANSW Connectivity</i>, pages 18-19 <i>Objectives of RE1 and RE2 Zones</i>, and pages 49 and 50 <i>Access, Traffic and Parking</i>. The draft conditions of consent also address pedestrian planning and access issues in relation to events. It would appear that the author of the McLaren Traffic Report (peer review) has not properly reviewed the spatial characteristics of the site. The site is located within an existing urban environment with extensive pedestrian and cycling networks immediately surrounding the site. Specifically, walking paths are existing (and will remain) running generally in a north-south direction along the western side of the site which provide direct pedestrian and cycling access to the site from the CBD and south orange residential area. Further an east-west pedestrian linkage to residential and business areas is existing just north of the subject site.</p>
<p><u>The Council's proposal to address the traffic issues with a plan of management is inappropriate</u></p>	<p>Disagreed.</p>

<p>9. <i>The Assessment Report acknowledges that both 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.</i></p> <p>10. <i>Council proposes that this can be managed through the adoption of a transport management plan/travel demand management plan. This is an inappropriate way to address the impacts of the Proposed Development, applying the planning principle derived from Renaldo Plus 3 Pty Limited v Hurstville City Council [2005] NSWLEC 315 as such a plan would require patrons to act in a manner that would be unlikely or unreasonable in the circumstances of the location.</i></p> <p>11. <i>Further, as a complete answer to the issue raised, the plans would likely require absolute compliance to achieve an acceptable outcome.</i></p>	<p>Correct.</p> <p>Incorrect. It is proposed to address the traffic related impacts of the development through a combination of road and intersection upgrades and traffic management plans. Traffic management and travel demand management plans relate only to the use of the site for major events and are considered entirely appropriate for the proposed development given the infrequent occurrence of large sporting events that are likely to occur. This approach is no different to say a temporary use development application for an event which would require the preparation of an event management plan and traffic control plan to manage the traffic impacts associated with the event e.g., day on the green. The approach here means that it will just be applied to the facility management level rather than having individual consents and management plans for one off events. Furthermore, such management plans have been utilised by the state planning authority in similar major recreational facility developments being the recent redevelopment of Bankwest Stadium and Sydney Football Stadiums for their ongoing operation which have similar traffic issues in relation to large events, albeit on a much larger scale.</p> <p>Planning Principles established by the NSW Land and Environment Court and case law are not matters that require consideration under Environmental Planning and Assessment Act 1979.</p>
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Attachment B - Response to Holding Redlich Letter 13 October 2021

Matter Raised	Response
<p><u>Introduction</u></p> <p>1. <i>We act for NSW Health in relation to Concept Development Application DA 390-2021 (Concept DA) seeking consent for the 'Orange Regional Sporting Facility' including Stage 1 works (Proposed Development) at Lot 1 DP 1142713 and Lot 209 DP 42900, known as 1610 and Lot 209 Forest Road, Orange (the Land)</i></p>	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. All parties are afforded time within the statutory timeframe to comment on the application; NSW Health has received the same time as all other interested parties. 4. Direct/personalised consultation is not an obligation of the Environmental Planning and Assessment Act 1979. As advised above,

<p>2. <i>The Bloomfield Hospital site is vested in Health Administration Corporation (HAC) and is in the care and control of, and is a fixed asset of, Western NSW Local Health District (WNSWLHD). The Bloomfield Hospital is an important psychiatric and mental health hospital in the Orange region, located in close proximity to the Proposed Development, at 1502 Forest Road, Orange. This submission is made on behalf of NSW Health in objection to the Concept DA.</i></p> <p>3. <i>Overall, NSW Health has been afforded insufficient opportunity to comment on the Concept DA, considering the significant impact that the Proposed Development is likely to have on Orange and Bloomfield Hospitals and the Riverside precinct</i></p> <p>4. <i>No direct consultation has been conducted with NSW Health. Accordingly, NSW Health intends to supplement this submission with further comments once received in relation to the merits of the Proposed Development, particularly with regard to: (a) town planning merits; (b) heritage impact; and (c) traffic impact of the Proposed Development.</i></p>	<p>the notification/advertisement of the development clearly outlined the period in which submissions were to be received. Notifying Council of the intention to make a supplementary submission outside this period does not extend the consultation period or associated rights. Submissions received outside the formal consultation are not made in accordance with EP&A Act or the regulations and risk not being considered in the assessment/determination of the application.</p>
<p><u>Basis of Objection</u></p> <p>5. NSW Health objects to the DA for the following reasons:</p> <p><i>(a) The Concept DA does not take into account any use of the proposed athletics stadium and main sports stadium. There is insufficient information to allow the consent authority to take into consideration the likely traffic and acoustic impacts of the development, and the suitability of the site for the development as mandatory considerations under s 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act)</i></p> <p><i>(b) NSW Health has not been consulted in relation to how traffic generation will be managed, particularly during larger events, to avoid any disruption to urgent medical care such as ambulance/community attendance to Orange and Bloomfield Hospitals.</i></p> <p><i>(c) The Heritage Impact Statement dated 13 July 2021 (HIS) and Statement of Environmental Effects dated 10 September 2021 (SEE) fail to give</i></p>	<p>a) Legislation requires the assessment/consent authority to determine if sufficient information has been provided to carry out an assessment. In this respect, it is considered that sufficient information has been provided to enable an adequate assessment of the application and including the use of the proposed athletics stadium and the main football stadium for sporting purposes and to understand the associated traffic and noise impacts as demonstrated by Council's Assessment Report. Where appropriate and in line with Section 4.22 of the Environmental Planning and Assessment Act 1979 additional details will be supplied with the subsequent development applications.</p> <p>b) The proponent will be required to prepare and implement a Community Communication Strategy (CCS) for the ongoing operation of the facility as outlined in the Assessment Report and draft conditions of consent. The CCS will need to provide mechanisms to facilitate communication between facility management and the community (including adjoining affected landowners and businesses, and others directly impacted by</p>

<p><i>adequate consideration to the impacts of the Concept DA on the state heritage curtilage in relation to the Hospital and Riverside precinct. The HIS only gives substantial consideration to the impacts of the bulk earthworks portion of the stage 1 works, included in the Concept DA.</i></p> <p><i>(d) The HIS does not consider the drawings that constitute Appendix A to the SEE, the subject of the Concept DA</i></p> <p><i>(e) The Concept DA proposes the clearing of additional vegetation over and on top of that which was subject to the earlier development application DA 464/2020 (Tree Clearing DA), and the number of trees permitted to be cleared under the consent granted to that DA. However, the Concept DA purports to rely on the conclusions and recommendations of the Biodiversity Assessment Report dated 18 September 2020 that was prepared in relation to the Tree Clearing DA in considering the environmental impact of the Proposed Development.</i></p> <p><i>(f) No consideration has been given to the impacts of the Proposed Development on the residential 'Riverside' cottages or the O'Brien Centre (a Mental Health Drug & Alcohol Rehabilitation Centre) adjacent to the Land, particularly during use of the proposed main stadium or athletics field.</i></p>	<p>the development) in relation to the planning and preparation of large events, including traffic management, managing enquiries and complaints, debriefing/feedback etc. The required road/intersection upgrades on Forest Road will ensure through traffic is uninterrupted. Emergency vehicles always have right of way, and this will not change as a result of this proposal.</p> <p>c) The Heritage Impact Statement has addressed both the detail of Stage 1 and the overarching concept as proposed. If you also refer to pages 19-23 of the Assessment Report, you'll note a comprehensive assessment of the heritage impacts in relation to the hospital and riverside precinct has been carried out by Council assessment staff. Furthermore, the application was the subject to rigorous assessment by Heritage NSW who have also provided their support for the proposed development. The requirements of Section 4.22(5) of the EP&A Act are therefore satisfied.</p> <p>d) The Heritage Impact Statement and Council Assessment Report has considered the impacts of the proposed stadium buildings in their indicative form. As this is a concept DA, further detailed assessments will need to be carried out in the subsequent development applications once details have been finalised. This is consistent with the provisions of Section 4.22 of the Environmental Planning and Assessment Act 1979.</p> <p>e) The biodiversity assessment of 18 September 2020 assessed the clearing of <u>all</u> vegetation on site and its associated environmental impact. It was the consent, specifically the Heritage NSW General Terms of Approval, which limited the number of trees/vegetation that could be removed from the site. Thus, the analysis and conclusions of the original biodiversity assessment remain a valid consideration with respect to this development application.</p> <p>f) Firstly, the O'Brien Centre is <u>not</u> a Mental Health Drug & Alcohol Rehabilitation Centre. It is a Community Centre providing a space for people with issues to develop skills, confidence, and a support network to enable cohesive integration into the community. Activities at the site include art, music, gardening, sport and cooking classes. Secondly, no</p>
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	evidence has been provided to substantiate the claims that impacts on the O'Brien Centre have not been considered. If you refer to the Council Assessment Report, the impacts on the O'Brien Centre have been considered in great detail, particularly in relation to noise.
<p><u>Insufficient information – traffic and acoustic impacts</u></p> <p>7. <i>Given the importance of road access to Bloomfield Hospital as a health facility, traffic impacts on the hospital from surrounding uses are of critical importance.</i></p> <p>8. <i>The Traffic Impact Assessment dated 23 August 2021 (Appendix K to the SEE) (the TIA) is deficient in its analysis of the existing traffic volumes on roads surrounding the site, and accordingly the impact that the Proposed Development will have on the locality.</i></p> <p>9. <i>Rather than carrying out site specific traffic count surveys, the TIA relies on traffic volume data provided by the proponent to the Concept DA. This data is significantly outdated, with the TIA</i></p> <p>10. <i>The SEE sets out the following figures with regard to seating alone: (a) Development of a new athletics stadium, including covered tiered seating for approximately 450-550 people. (b) Development of a new main sports stadium providing seating for 1,500 people. (c) Development of an earthen embankment surrounding the main sports stadium to provide seating for approximately 6,500 people.</i></p> <p>11. <i>These figures are additional to the use of the existing 11 sporting fields in the Sir Jack Brabham sports complex, and 8 new 'regular' sports fields which the TIA estimates would generate 716 vehicles, assuming 90 people in attendance per field</i></p> <p>12. <i>1193 car parking spaces are proposed as part of the Proposed Development.</i></p> <p>13. <i>No consideration is given in the TIA to the car parking required to cater for the use of the main sports stadium, 'embankment' or athletics field. The</i></p>	<p>7. This is agreed by all parties and was a critical part of the assessment of the application. This proposal is supported by a Traffic Impact Assessment which has been the subject critical analysis by TfNSW and Council's Technical Services Division. The result of the critical analysis has resulted in number of requirements specifically in relation to road/intersection upgrades.</p> <p>8. 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 and also TfNSW consider the traffic assessment generally sufficient in its analysis and conclusions. Council's Technical Services provides further commentary in relation to traffic matters in the succeeding sections of this memorandum.</p> <p>9. The Traffic Impact Assessment uses the RMS Stantec model 2028 peak hour volumes as the base case (pre-development). The peak hour volume is the important data when assessing traffic impacts, not AADT data.</p> <p>10. These figures relate to the capacity of the football stadium and athletic stadium in a major event mode.</p> <p>11. Correct. The assessment is provided for two different scenarios being a) general operation of the facility and b) major event mode.</p> <p>12. Correct. 1193 car parking spaces will be provided onsite as outlined in the submitted application.</p> <p>13. The Council Assessment Report considers the parking requirements for both the general use of the precinct and in major events. Council's DCP states that the number of parking spaces required needs to be</p>

<p><i>TIA only estimates the number of spaces required to accommodate the simultaneous use of the existing sports fields at the Sir Jack Brabham sports complex and the 8 new 'regular' sports fields.</i></p> <p><i>14. The TIA instead states that the main sports stadium and athletics stadium will be reserved for special event usage, and will not contribute to traffic generation from the general sports fields in the sporting precinct. The TIA proposes that when such an event is held, the venue should prepare and implement an event specific Traffic Management Plan.</i></p> <p><i>15. Given the use of Bloomfield Hospital as a mental health facility in particular, acoustic impacts on the hospital from surrounding uses are of critical importance.</i></p> <p><i>16. Similarly to the TIA, the Noise Impact Report dated 25 June 2021 (the NIR) at Appendix N to the SEE does not assess the potential acoustic impacts from the use of the main stadium or athletics stadium. The NIR states that 'larger events ... will be subject to stand-alone one-off applications and will be subject to separate assessment'. Accordingly, the NIR only considers the use of the existing sports fields at the Sir Jack Brabham sports complex and the 8 new 'regular' sports fields</i></p> <p><i>17. The NIR is further flawed in that it contains fundamental inconsistencies with the description of the Proposed Development in the SEE and TIA. The NIR states that the main stadium will have a total capacity of 10,000 people (as opposed to 8,000 people in the SEE), and that the use of the existing 11 sporting fields in the Sir Jack Brabham sports complex, and 8 new 'regular' sports fields would generate 681 vehicles (as opposed to 716 vehicles in the TIA).</i></p> <p><i>18. By failing to consider the impacts of the use of the main stadium (including embankment) and athletics stadium, insufficient information has been provided with the Concept DA to allow the assessment of the likely impacts of the use of the Land for these purposes.</i></p>	<p>determined by Council (where no applicable rates are provided for the use elsewhere) taking into account the likely peak-parking demand that will be generated from the development. In this case, assumptions have been made based on the existing use of the fields at Sir Jack Brabham Park. The Council Assessment Report includes the parking demand in relation to the general use of the fields within the football stadium and athletic stadium which confirms that the simultaneous use of all fields i.e., 21 will be within the capacity of the road network and parking with sufficient capacity to support overlap parking needs.</p> <p>14. 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 (if you were to use the same calculation for the general operational i.e., 2.5 persons per vehicle). 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. 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. An overarching Transport Management Plan/Travel Demand Management Plan will apply to the operational use of the facility in major event mode. This will include ticketed parking and integrated ticketing for high occupancy vehicles/shuttle bus arrangements to control the demand for parking at the site during an event.</p> <p>15. The Acoustic Impacts of the development have been assessed in the Council Assessment Report as well as in the submitted Noise Impact Assessment by Assured Environmental.</p>
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<p>19. For example, the use of the main stadium and embankment seating alone is anticipated to have a capacity of 8,000 people. There is no information provided with the Concept DA as to how the traffic and parking generation of this use can be accommodated on the land, or how the use of this portion of the development will impact the surrounding road network. Further, no assessment has been made as to how the use of this portion of the development will impact particularly sensitive neighbouring land uses such as Bloomfield Hospital.</p> <p>20. There has been no consultation with NSW Health as to how the use of the Land, particularly for larger events, will be managed to avoid any disruption to urgent medical care including ambulance and community attendance to the neighbouring Bloomfield and Orange Hospitals.</p> <p>21. These impacts are significant, and their assessment is critical to assessing the likely impacts of the development, and the suitability of the site for the development under s 4.15(1)(b) and (c) of the EPA Act. These matters are not suitable for deferral to a later stage development application. In the absence of these assessments, the information accompanying the Concept DA is insufficient and the Concept DA must be refused.</p>	<p>16. The Noise Impact Assessment assesses noise associated with the use of the site as a sports facility, as this is its principal use. 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 at all fields including the two stadium precincts. 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.</p> <p>17. The NIA has conservatively assessed the larger capacity. The minor difference in vehicle numbers between the two reports is not likely to result in any significant change to conclusions.</p> <p>18. The application or the assessment of the application has not failed consider the impacts of the use of the main stadium (including embankment) and athletics stadium.</p> <p>19. Traffic Impacts associated with larger sporting events have been sufficiently detailed for an assessment to be carried out including assessment. The impacts of major events were assessed to be infrequent and non-recurring and will require to be undertaken with the approved facility management plan regarding traffic, access and parking as with any events that are carried out within LGA. Notwithstanding, the infrequent number events to occur, TfNSW and Council will require the proponent to provide higher order road/intersection upgrade than initially proposed by the applicant. This will ensure that through traffic along Forest Road is not impeded, in particular for emergency vehicles.</p> <p>20. NSW Health have been notified of the application, which details the proposed development. Traffic, access and parking concerns are addressed above.</p> <p>21. Council's assessment of the development considers the impact to be within reason and can be suitably managed through conditions of consent. It is for the consent authority to determine if the application is to be approved or refused considering the facts of the case and not for submission writers dictate.</p>
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<p><u>Insufficient consideration given to heritage impact of the Proposed Development</u></p> <p>22. <i>The only section of the (HIS) that contains an assessment of heritage impact is Part 6 of the HIS. This part is titled ‘Assessment of the impact of the proposed bulk earthworks’. This is only part of the Stage 1 works, and does not reflect the scope of the Proposed Development the subject of the Concept DA. Additionally, the HIS refers to drawings prepared by Barker Ryan Stewart that have been superseded in date by the drawings that constitute Appendix A to the SEE.</i></p> <p>23. <i>While cursory remarks are made about the impact of the proposed concept development, the HIS does not contain a detailed assessment of the Concept DA. While section 4.22(5) allows consent authorities to assess the impacts of carrying out (i.e. impacts of construction) of a subsequent stage of a concept development to when a development application is lodged for that stage, it does not exempt the consent authority from fully assessing the impacts of the concept proposal in determining a concept development application.</i></p> <p>24. <i>This is a significant deficit which, in the absence of further information, warrants refusal of the Concept DA.</i></p>	<p>22. The HIS provides a detailed assessment of the overarching concept and stage 1 works. The HIS considers the bulk earthworks drawings, which are the subject of Stage 1. Furthermore, all heritage issues relating to the overall concept and stage 1 have been considered in the Council Assessment Report pages 19-23.</p> <p>23. The Heritage Impact Statement and Council Assessment Report has considered the impacts of the proposed stadium buildings in their indicative form. As this is a concept DA, further detailed assessments will need to be carried out in the subsequent development applications once details have been finalised. This is consistent with the provisions of Section 4.22 of the Environmental Planning and Assessment Act 1979.</p> <p>24. The concerns raised by the submission writer on heritage matters are trivial and do not warrant refusal of the application.</p>
<p><u>Insufficient information - Tree clearing</u></p> <p>25. <i>The SEE acknowledges that a prior development application DA 464/2020 (the Tree Clearing DA) was lodged by the Council seeking consent to remove all trees from across the site. Partial consent was granted to the Tree Clearing DA in that clearing was to be limited to the areas within the vicinity of the proposed main stadium and athletics stadium. The Concept DA now seeks consent to remove additional vegetation on the site.</i></p> <p>26. <i>The Tree Clearing DA sought consent for the removal of 513 trees. The consent granted to the Tree Clearing DA (Tree Clearing Consent) approved</i></p>	<p>25. Correct.</p> <p>26. Correct.</p> <p>27. The Concept DA does <u>not</u> fail to consider the environmental impact of the extent of clearing proposed. Whilst the initial application (DA464/2020) only sought the removal of 513 trees from the site at the time, the environmental assessment that accompanied the application considered the removal and impact of <u>all</u> trees. In this regard, it is perfectly acceptable to rely on the assessment that was previously undertaken. The analysis and conclusions of the original biodiversity</p>

<p><i>the removal of 203 trees. The Concept DA proposes the removal of 695 trees (including the 203 trees approved under the Tree Clearing Consent). Accordingly, the Concept DA proposes the removal of an additional 182 trees to the original Tree Clearing DA.</i></p> <p><i>27. The Concept DA fails to consider the environmental impact of the extent of clearing proposed, and the future proposed use of the Land. Rather, the SEE relies on the conclusions and recommendations of the Biodiversity Assessment Report dated 18 September 2020 (Appendix M to the SEE) that was prepared in relation to the Tree Clearing DA.</i></p> <p><i>28. Reliance on this historical report is insufficient as a basis for assessing the impacts of the proposed clearing on the biodiversity and other environmental values of the Land. In relying on the conclusions and recommendations of Appendix M, the SEE fails to consider the impact that the Proposed Development will have on the Land and locality. The proposed use of the Land and the intensity of that use was not considered in the context of the Tree Clearing DA. Accordingly, the assessment in Appendix M is deficient for the purposes of the Concept DA as it fails to take this into consideration</i></p> <p><i>29. The information accompanying the Concept DA is insufficient and the Concept DA must be refused unless an updated assessment of the impact of tree clearing is provided</i></p>	<p>assessment remain a valid consideration with respect to this development application. A biodiversity assessment does not need to consider future proposed use of the Land.</p> <p>28. The biodiversity assessment is less than 12 months old (at the time of receipt of this development application) and to consider this a 'historical report' is not supported. The proposed land use and intensity are not matters for a biodiversity assessment. As above, the assessment carried out remains valid to the assessment of this application.</p> <p>29. The concerns raised in relation to biodiversity matters do not warrant refusal of the application.</p>
<p><u>Insufficient information – General</u></p> <p><i>30. In addition to the matters detailed above, the Concept DA fails to address the amenity impacts, particularly the visual impact, intrusive lighting and acoustic impacts that the Proposed Development will have on Bloomfield Hospital.</i></p> <p><i>31. No consideration has been given to the impacts of the Proposed Development on the residential 'Riverside' cottages adjacent to the Land, particularly during use of the proposed main stadium or athletics field.</i></p>	<p>In consideration of these matters:</p> <p>a) The council assessment report provides a comprehensive assessment of the amenity impacts, visual impacts, lighting, and acoustics and where appropriate in accordance with provisions of Section 4.22 of the Environmental Planning and Assessment Act 1979 further detail will be provided in the subsequent development applications.</p> <p>b) The assessment provided has considered the impacts on the riverside cottages including noise as demonstrated in the NIA, amenity and visual impacts, lighting and heritage impacts as outlined in the assessment report.</p>

32. The information accompanying the Concept DA is insufficient and the Concept DA must be refused unless an updated assessment of the impact of tree clearing is provided.	
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Attachment C - Response to Holding Redlich Letter 23 November 2021

Matter Raised (Perica & Associates Urban Planning P/L)	Response
<u>1 – Site Analysis and relationship with the Orange Health Precinct</u> This section of the Perica & Associates Urban Planning P/L document is a context and setting analysis and does not require comment from Council.	The site analysis is noted.
<u>2 – Nature of Approval Sought and Implications</u> There are several important implications to the scope and approach of the subject DA: 1. The scope of stage 1 DA works establishes the earthworks, access and service provision for the future fields that cannot be undone. 2. The intention of the whole proposal is to accommodate a regional sporting facility and the expenditure (\$25M) and the scope of works facilitates this. It is therefore rational and orderly planning to ensure this is able to be facilitated, considered and managed in a way that recognises, manages and mitigates the impacts associated with the facility planned to be delivered; 3. It is stated in the DA the major sporting facility is funded by the State Government. It follows that the use of these funds should ensure the intended outcome of the funding is realised, and any DA approval to use those funds realises the outcome; 4. The staging is such that there is a possibility, if not probability, of building works occurring in stages, and delays occurring between such stages, either	1. This is not a matter for the consent authority to be concerned with. The concept DA process is a facultative legislative process designed for the benefit of the proponent. It is for an applicant to identify what they seek consent for and how they wish to carry out their proposed development e.g., stages. The proponent has done so by seeking consent for civil works concurrently with the concept proposal. The concern that the works cannot be undone is irrelevant to the assessment process. 2. Council's assessment recognises the impact of the development and conditions of consent will ensure such impacts are appropriately managed/mitigated. 3. The use of state government funding or how funding is realised is not a concern for the consent authority. Obligations relating to the state government funding is of the concern for the proponent only. 4. The purpose of the staged or 'concept development' application process is to give certainty for a proponent that if a concept is approved, any subsequent development that is consistent with the concept will also be permitted. Again, funding of a development/future stages is not a matter for the consent authority to be concerned with.

<p><i>from risks associated with approvals or practical issues regarding scope and funding of future stages;</i></p> <p><i>5. The stockpiling of earthworks is large and very close to the Orange Health Precinct, such that dust management and contamination considerations are critical;</i></p> <p><i>6. The parking access points are from busy roads and their distribution is such that additional access points to facilitate future stages is unlikely. This means that if extra parking is needed (and it definitely will be by the applicant's own figures), then it is reasonable to assume this will need to be accommodated in the areas for parking shown, by more levels or lateral expansion (noting lateral expansion is hindered by adjoining playing fields and sporting assets planned);</i></p> <p><i>7. The scope of environmental assessment is important given the circumstances of the case. As outlined in the previous letter by Holding Redlich dated 13 October 2021, "there is insufficient information to allow the consent authority to take into consideration the likely traffic and acoustic impacts of the development, and the suitability of the site for the development as mandatory considerations under s 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979 (NSW)";</i></p> <p><i>8. Section 4.22(5) of the EPA Act states: "The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications". This however, does require consideration of the impact of "the concept proposals" and in this case the future stages are essentially formed and facilitated by Stage 1. This heightens the importance of considering the associated key environmental impacts of these subsequent stages, particularly in terms of traffic and parking, given Stage 1</i></p>	<p>5. This matter has been considered in the Council's Assessment Report and conditioned where appropriate. Specifically, the proponent will be required to remediate those areas identified as being contained prior to any bulk earthworks being carried out. All works on the site are subject to Council's Development and Subdivision Code for matters concerning dust management, sediment control etc. this will ensure impacts are limited to the subject site.</p> <p>6. The access provision to the site has been sufficiently split between the Forest Road (higher order road) and Huntley Road (lower order). Only car parks 1 and 2 will have access from Forest Road (26%) while the remaining (73%) will be accessed via Huntly Road. No additional access points to Forest Road other than what is proposed will be needed. Lateral expansion of parking will also not be needed. Car parking rates have been assessed in Council's planning report and determined to be sufficient and in line with Council's adopted DCP based on advice from an expert traffic consultant.</p> <p>7. These substantiated claims by Holding Redlich have been addressed above.</p> <p>8. Council assessment staff have prepared the planning report and consider the assessment is in accordance with legislative requirements of the EP&A Act relating to concept development applications and the matters for consideration for such proposals.</p>
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<p><i>establishes the parking areas and vehicular access to the site. This is very important given the potential capacity of people (likely to be well over 10,000), and the obviously inadequate car-parking and traffic assessment.</i></p>	
<p>3 – Inadequate Analysis and Data Gaps</p> <p>Traffic</p> <p><i>The analysis in the Traffic Impact Assessment and Statement of Environmental Effects lodged with the proposal has been reviewed by McLaren Traffic Engineering (“McLaren”). The report by McLaren highlights 25 significant omissions or problems.</i></p> <p><i>From a planning viewpoint it is noted the Traffic Impact Analysis with the DA (Premise, 23/8/2021), does not include:</i></p> <ul style="list-style-type: none"> <i>Independent empirical data such as traffic counts by the traffic consultant;</i> <i>Use of traffic modelling software utilising such recent traffic counts (such as “SIDRA”);</i> <i>Allowance for projected background growth in traffic, informed by wider data or context;</i> <i>Traffic analysis or commentary associated with recent development approvals and development of the precinct to the west of the Bloomfield Campus</i> <i>Assessment of RMS Guidelines for future uses or specific measurements for similar facilities in their absence, as is common for such analysis;</i> <i>Details of the “observations of traffic movements” giving rise to assumed Levels of Service in Table 2.2 of the TIA (pg. 8)</i> <i>The likely traffic associated with the future athletics field and Stadium being facilitated by the works and DA</i> <i>Assessment of traffic impacts during construction and earthworks, despite the very significant earthworks proposed</i> 	<p>Traffic</p> <p>The peer review by McLaren Traffic Engineering has been addressed by Council’s Director Technical Services which concludes the existing road infrastructure along with upgrades with required by Council assessment staff and TfNSW would not be adversely impacted by this development. The details of this is provided below (pg.27).</p> <p>In response to Perica & Associates Urban Planning P/L:</p> <p>The traffic volume data was provided by Council to the traffic consultant to assist in preparing the TIA comprised the following (as outlined in the TIA):</p> <ul style="list-style-type: none"> • Forest Road and Hospital Entrance. Collected 5 May 2021 to 21 May 2021 • Southern Feeder Road between Forest Road and Anson Street. Collected 20 February 2020 to 9 March 2020. • Forest Road between Stephen Street and Huntley Road. Collected 20 February 2020 to 16 March 2020. • Blowes Road – Elsham Avenue end. Collected 17 January 2019 to 31 January 2019 • Forest Road – LH – South. Collected 25 October 2018 to 13 November 2018 • Huntley Road between Ash Street and Forest Road. Collected 12 November 2015 to 25 November 2015 • Forest Road south of Bridge. Collected 10 March 2017 to 27 March 2017. • Huntley Road south of Hiney Road. Collected 23 September 2013 to 8 October 2013 • Huntley Road near Bloomfield Entry/Exit. Collected 25 February 2011 to 21 March 2011

<ul style="list-style-type: none"> • <i>Commentary on the impacts upon the adjoining Bloomfield Campus and site, including the east-west connection between Forest Road and Huntley Road</i> <p>Instead, the TIA by Premise:</p> <ul style="list-style-type: none"> • <i>Relies on data provided by the applicant (Council), some of which is over 10 years old, although acknowledging some is also relatively recent;</i> • <i>Relies on assessment by “first principles”, but only for the central new 8 sporting fields (pg. 13);</i> • <i>Only assesses potential use by approximately 720 people associated with the 8 open central fields, not the approximate 10,000 people to be accommodated by the proposed regional sporting complex sought to be approved, despite stating the TIA addresses Traffic generated by the proposed Orange Regional Sporting Precinct development (pg. 2)</i> • <i>Dismissed the potential future use by over 10,000 people with the statement: “It is considered that these facilities will be reserved for special event usage only and therefore will not contribute to traffic generation from the general sports fields in the Sporting Precinct. However, when major events are held at these facilities, the venue will be required to prepare and implement an event specific Traffic Management Plan” (pg. 13)</i> 	<p>On this basis, it was not necessary for independent traffic counts to be carried out. Further, to coordinate updated traffic data on the surrounding road network, Orange City Council has provided traffic classifier data to the traffic consultant for Forest Road and Huntley Road from its Stantec Traffic Model. The modelled traffic data provides results for 2018 through to 2028.</p> <p>The SIDRA software is a micro-analytical tool for evaluation of intersection performance only. The SIDRA software can be used as an aid for design and evaluation of signalised intersections, roundabouts, stop control, and give-way control, and signalised pedestrian crossings. SIDRA is typically only necessary where a lower order intersection exists e.g., a roundabout and the development may require the intersection to be upgraded to a higher order intersection treatment i.e., signalised intersection (traffic lights) to accommodate the development. Signalised intersections are existing along Forest Road. Worst case scenario there will be a slight increase in wait times at intersections during an event – Council’s Tech Services provides further comments in relation to this matter below.</p> <p>The Traffic Impact Assessment uses the RMS Stantec model 2028 peak hour volumes as the base case (pre development) which provides projected background growth in traffic. The modelled traffic data provides results for 2018 through to 2028.</p> <p>There are no RMS Guidelines that relate to the proposed development as outlined in the TIA. The published traffic generation rates within guidelines are not available specifically for the proposed facilities within the Sporting Precinct, therefore the TIA advises that estimates of traffic generation were made from a first principles approach. A first principles approach is an accepted form of analysis in traffic engineering.</p> <p>Levels of Service (LoS) for a road are based upon its capacity and a driver’s expectations of the operational characteristics of a traffic stream and thus is a qualitative measure. So “<i>observations of traffic movements</i>” forms part of the analysis along with physical configurations and modelled data provides the LoS as discussed in the TIA.</p>
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<p>Parking</p> <p><i>While the DA states that there are 1193 spaces provided, 130 of these already exist in Forest Road and 93 (Car Park 5) does not appear to be proposed as part of Stage 1. As previously outlined, of the new 1,063 car spaces, only 184 spaces (around 17%) are accessed via Forest Road, with the residual additional 879 spaces (83%) accessed via Huntley Road. It is clear the supply of parking is both severely lacking and also misaligned with the main demand to the west/new large stadium.</i></p> <p><i>There is a direct correlation between the traffic analysis and the parking assessment and justification in the TIA. Put simply, the assumed 716 vehicular movements associated with the proposed new central 8 fields and existing ovals to the north are stated as being able to be accommodated by the parking provided. The TIA specifically references carparks 1, 2, 4 and 5</i></p>	<p>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. A management plan for the transportation of waste and construction materials to optimise vehicle loads in order to minimise vehicle movements has been recommended to 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.</p> <p>Parking</p> <p>The Council Assessment Report considers the parking requirements for both the general use of the precinct and in major events. The appropriate parking provision is to be determined by Council as outlined in the adopted DCP where no applicable rates exist. In this scenario, the development needs to be accompanied by a traffic impact assessment, which it is. Given no data is available for such a facility in any guidelines, an estimation approach has been used by the traffic consultant that encompasses methods that estimate the traffic state, based on partial observation and a priori knowledge (assumptions) on traffic dynamics. To give a good indication of the anticipated parking provision, the report estimates the traffic generation of the proposed new facility (general operation) 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.</p>
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providing 718 spaces, thereby accommodating the assumed 716 cars movements (this is despite Carpark 5 not appearing to be within the scope of Stage 1)

It also means or assumes 1 carpark space per car movement is needed. Thought of in a different way, and using the applicant's own figures and analysis, that means with approximately 10,000 people and an occupancy of 2.5 people per car used in the TIA (if that is accurate and not overestimated as a car occupancy rate), approximately 4000 car spaces will be needed. This is approximately 4 times more parking than is planned or provided. This issue and omission is especially relevant for the adjoining Orange Health Precinct site as any shortfall in parking is likely to affect that adjoining site.

As previously mentioned, the site planning, earthworks, servicing and provision for parking spaces is also likely to mean that any additional parking will need to be provided in spaces planned as parking areas.

Bus parking is not clear.

This resulted in 716 vehicular movements. These vehicle movements directly correspond to the parking demand onsite i.e. 716 movements = 716 parking spaces. Noting 1193 spaces will be provided, there will be sufficient spaces available for overlap parking needs.

Larger events would be scheduled to not occur at the same time as normal usage of the recreational sporting fields, thus ensuring no doubling up of parking demand. As outlined above, it is not reasonable to require formalised parking at a ratio that is proportionate to the capacity of the stadium given a sporting event with up to 8,000 patrons would be non-recurring and therefore reasonable to treat this component of the development similar to a temporary event DA where traffic management plans/travel demand management are in place to ensure impacts are limited. However, it has been recommended that these requirements apply to the facility level consistent with similar facilities across the state. In addition, significant infrastructure works (recommended by TfNSW) will be required along Forest Road to allow access into the site. See conditions of consent.

Bus parking set downs are shown within the access and parking facilities of the football stadium precinct as indicated in RED for clarity:



Figure 1: Bus Parking within Carpark 1

Noise

The Noise Impact Assessment with the DA (Assured Environmental, 25/6/2021) has the following omissions

- *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 southeast;*
- *Misaligns the assumed car movements stated elsewhere in the traffic report (stating 681 vehicles, rather than 716 in the TIA)*
- *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);*
- *It does not account or model construction noise.*

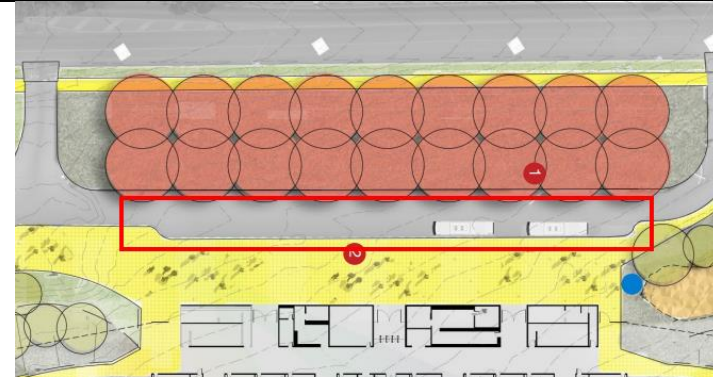


Figure 2: Bus Parking within semi-circle entrance way

Noise

The noise assessment was limited to noise impacts associated with the primary use of the site being sporting uses including the use of the stadiums for sporting purposes. 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. 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.

Whilst the Obrien 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 Obrien centre is considered to be less sensitive to noise compared to the adjoining aged care facility. The Obrien 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

<p>Dust</p> <p><i>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. This is despite the very significant earth mound proposed, very close to the adjoining Bloomfield Campus (110m x 110m x 2.5h high).</i></p> <p>Contamination</p> <p><i>The following inadequacies exist and need careful consideration given the works involve Category 1 Remediation and as the site is in very close</i></p>	<p>of the sports facility and thus it expected that there would be minimal impact on the Obrien Centre acoustically.</p> <p>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.</p> <p>It is noted in the Assessment Report that 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.</p> <p>Dust</p> <p>An expert dust assessment is not required. It is considered that any impacts in relation to dust would be relatively localised, short term and only for the duration of the works. Conditions of consent have been for dust suppression, sediment control, air quality management etc. during works to protect the surrounding air quality and to ensure no impact on surrounding land uses occurs.</p> <p>Contamination</p> <p>Firstly, the stockpile/soil mound will contain topsoil only. The hotspots identified will need to be remediated and validated prior to bulk earthwork</p>
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<p><i>proximity to a drinking water catchment and a major regional health facility, and as there is a large spoil mound close to the hospital land:</i></p> <p><i>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)</i></p> <p><i>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</i></p> <p><i>The Preliminary Contamination Investigation recommends a Remediation Action Plan (“RAP”).</i></p>	<p>occurring. Therefore, there will be no risks to drinking water catchments or adjoining health facility.</p> <p>Envirowest Consulting has advised that 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. Furthermore, they provide that 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.</p> <p>A Remedial Action Plan will be required to be submitted for approval prior to the commencement of any works on the land with remediation works carried out prior to bulk earthworks.</p>
<p>Tree Removal</p> <p><i>Shortcomings regarding this aspect have been outlined in the previous submission by Holding Redlich dated 13 October 2021.</i></p> <p>Heritage</p> <p><i>Shortcomings regarding this aspect have been outlined in the previous submission by Holding Redlich dated 13 October 2021.</i></p>	<p>Tree Removal</p> <p>The “shortcomings” raised by Holding Redlich have been addressed above.</p> <p>Heritage</p> <p>The heritage matters raised by Holding Redlich have been addressed above.</p> <p>The heritage matters raised by Heritage 21 have been spoken to below.</p>

<p><i>A further more recent submission from Heritage 21 is attached. This report finds both omissions in the heritage assessment and details concerns with potential impacts on the heritage significance of the adjoining State-listed heritage item, noting the site of the subject DA is within the curtilage of the heritage listing</i></p> <p>Lighting</p> <p><i>There is lighting shown in elevations and montages, and this is expected to be serviced by electrical conduits and servicing as part of the Stage 1 works. However, there is no assessment of lighting impacts on adjoining land, including the Orange Health Precinct. It is expected the proposed lighting may be significant, given the intention to accommodate major regional events (including potential NRL matches). The lighting also has the potential to impact hospital operations, including helicopter use, so this is an important consideration.</i></p> <p>Services</p> <p><i>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.</i></p>	<p>Lighting</p> <p>The impacts of lighting are manageable in the context of the relevant Australian Standards for the design of outdoor lighting as outlined in the Council Assessment Report. These matters will be addressed in more detail in relation to the main grandstand application, as detailed design progresses.</p> <p>Services</p> <p>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.</p>
<p><u>4 – Potential Impacts upon Orange Health Precinct</u></p> <p><i>This section of the Perica & Associates Urban Planning P/L document is largely superfluous and contains the same issues they noted above. So, no further comments will be made on those matters. The matters not identified above will be outlined below and a response will be provided in the adjoining column.</i></p>	<ol style="list-style-type: none"> 1. Buildings on the adjoining land are well separated from the proposed car parking areas. Proposed vegetation will also provide visual relief to

<p>Location of Parking</p> <ol style="list-style-type: none"> <i>The two carparks closest to the new sporting facilities (being Carpark 2 and 3) are immediately north of the Orange Health Precinct. This has two implications in that: (a) the carparks are closest to the hospital boundary magnifying the impacts from the carparks on the hospital site (visual impacts, lights, noise); and (b) these car parks are closest to the east-west through site link on the Health Precinct. In turn, this means in the likely event of a shortfall of parking, cars will seek parking on hospital grounds</i> <i>The crossover of parking demand is also facilitated by what appears to be a proposed pedestrian link to the Orange Health Precinct (shown in the figure above). This has not been discussed with NSW Health or Hospital representatives</i> <i>The largest carpark is Carpark 3 in the south-eastern corner (475 spaces and almost half the new parking provided). This is directly next to the O'Brien Centre (a Mental Health Drug and Alcohol Rehabilitation Centre and a facility for people at risk of homelessness owned and managed by Mission Australia). These sensitive uses will basically be surrounded by parking, diminishing their setting, which is important given their use and role</i> <i>There is questionable logic in having the largest new parking area to the eastern side of the subject site next to the athletics field and well south of the northern playing fields, when clearly the largest parking demand will be to the west and the new football stadium, having up to 10,000 spectators. Instead, the new parking next to the Stadium to the west only accommodates 184 spaces (less than 40% the size of Carpark 3)</i> <i>There are limited alternatives or options, given the location of the adjoining fields and the Bloomfield Hospital boundary, unless northern central fields are used for parking</i> 	<p>adjoining uses of these parking areas. Noise from car parking areas have been considered in the NIA. The impacts of lighting are manageable in the context of the relevant Australian Standards for the design of outdoor lighting as outlined in the Council Assessment Report. Details of compliance will be required to be submitted in the subsequent development applications. Sufficient parking spaces are proposed to accommodate the parking demands of the site.</p> <ol style="list-style-type: none"> There will be no crossover of parking between the hospital site and the proposed development. The pedestrian link identified is a requirement from Heritage NSW, as looping paths were a key factor in the master planning of the Bloomfield site where both access and the green environs were part of the functioning of the Hospital. This link will facilitate this idea. The proposed pedestrian link does not need to be discussed with Health as it is located wholly within the subject site. It appears that Perica & Associates have not undertaken an inspection of the site. The Obrien Centre currently have views out to a concrete forecourt and high chain wire fencing thus there will be no diminishing of their setting as a result of the proposed car park. In any event, trees are proposed along the area with the Obrien Centre which will significantly improve their views and setting. The proponent advises that the position of parking has been carefully considered in the context of design and a range of options considered. 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. Further, 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. Lastly, accessing the majority of the parking from Huntley Road, rather than Forest Road, minimises impacts to the classified road.
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<p>6. <i>If more parking is needed, conversion of a field(s) to the north would be logical, yet there is no easy or logical expansion of an existing parking area to accommodate such provision or conversion</i></p> <p>7. <i>Instead, Carpark 3 to the east next to the O'Brien Centre is likely to be the one used for additional parking when there is found to be a shortfall when the future DAs are lodged, yet it is locationally disadvantaged. The likely impacts on the O'Brien Centre, Mission Australia and the Riverside Precinct would also then be magnified.</i></p> <p>4.5 Tree Removal</p> <p><i>The key issue for NSW Health as a neighbour is to ensure new planting compensates for tree loss, this is ensured in staging and importantly that the interface with the south is carefully planned and planted to mitigate all visual impacts</i></p> <p><i>There appears to be scope for further planting to the south adjoining the Bloomfield Campus northern boundary, especially noting the heritage and visual impact considerations, as shown highlighted in the Landscape Masterplan extract below.</i></p>	<p>5. Council staff are required to assess the suitability of the design. Council staff are of the view that the proposed parking arrangements are adequate. To this end, there will be no need for alternative options. Sufficient onsite parking is proposed.</p> <p>6. No additional formalised parking will be needed for the matters discussed throughout this assessment memorandum and Council Assessment Report.</p> <p>7. There will be no shortfall in parking at the site for the matters discussed throughout this assessment memorandum and Council Assessment Report.</p> <p>Tree Removal</p> <ul style="list-style-type: none"> • Substantial replanting of the site will occur as documented in the landscape masterplan. There will be a net increase in trees at the site. • Council assessment staff consider the planting as proposed sufficient and further planting is not warranted. Council's assessment report provides a comprehensive assessment in relation to visual impacts and consider the visual impacts of the proposal can be suitably mitigated with the planting proposed.
<p>Matter Raised (Heritage 21)</p>	<p>Response</p>
<ul style="list-style-type: none"> • <i>Heritage 21 is of the opinion that the proposed recreation facility has not been adequately assessed regarding its impact on heritage significant view lines from the Orange Health Precinct Site. The Statement of Heritage Impact prepared by Kate Higgins does not adequately consider the entire proposed development, instead focusing on 'Stage 1' which would encompass the proposed earthworks, demolition and remediation. As such, the Statement of Heritage Impact does not consider the impact of the proposal as a whole on the heritage</i> 	<ul style="list-style-type: none"> • The HIS provides a detailed assessment of the overarching concept and stage 1 works. The HIS considers the bulk earthworks drawings, which are the subject of Stage 1. Furthermore, all heritage issues relating to the overall concept and stage 1 have been considered in the Council Assessment Report pages 19-23. The Heritage Impact Statement and Council Assessment Report has considered the impacts of the proposed stadium buildings in their indicative form. As this is a concept DA, further

<p><i>significance of the Orange Health Precinct, which identifies the landscaped garden setting as contributing to its heritage significance.</i></p> <ul style="list-style-type: none"> • <i>The bulk and scale of the proposed earthworks and stadium would visually dominate the northern aspect of the Orange Health Precinct Site, which was originally designed to include views of the northern landscape. The significance of the site is directly tied to the garden setting and landscape. The proposed works would ultimately remove much of this landscape setting and overwhelm existing views, especially with the stadium development. The proposed stadiums and tree plantings would obstruct heritage significant views from the Orange Health Precinct to the city of Orange, which would potentially result in a negative impact on the heritage significance of the Orange Health Precinct. Kate Higgins asserts in her report that there would be no negative impact upon the Bloomfield Hospital views, but this has not been tested or analysed with any meaningful drawings/surveys/view analyses. Therefore, Heritage 21 is of the opinion that an investigation of crucial view lines is today lacking in the documentation.</i> • <i>The Statement of Heritage Impact refers to the 'Primary Heritage Curtilage' of the Orange Health Precinct throughout its impact assessment. Heritage 21 is of the opinion that the curtilage outlined in the State Heritage Register supersedes the curtilage described in the 2020 Conservation Management Plan (CMP) by Matthew Devine. The 'Primary Heritage Curtilage' mentioned in the CMP fails to account for heritage significant views afforded to the northern garden landscaping, which is currently used as a golf course. The golf course, in our opinion is a continuation of the landscape setting envisaged by Walter Liberty Vernon, the architect who designed the hospital in the early twentieth century. Sports stadiums and other such structures, would in our opinion, violate the landscaped setting of the Orange Health Precinct Site</i> • <i>The proposed works in their entirety would result in the modification of the hospital curtilage, which is a state listed item and includes parts of</i> 	<p>detailed assessments will need to be carried out in the subsequent development applications once details have been finalised. This is consistent with the provisions of Section 4.22 of the Environmental Planning and Assessment Act 1979.</p> <ul style="list-style-type: none"> • <i>The visual impact of the proposed have been considered in detail in the Council Assessment Report under Clause 7.1 Earthworks and s4.15(1)(b) likely impact of the development – visual impact and landscape character.</i> • <i>Heritage NSW have issued their General Terms of Approval for this project based on the information provided.</i> • <i>Modification of the curtilage is not proposed. As outlined above, NSW Heritage have issued their General Terms of Approval for the project.</i>
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<p><i>the proposed stadium site. The extent of the proposed modification of the existing heritage curtilage of the Orange Health Precinct may result in a negative impact on the heritage significance of the site. At no point did Council liaise or enter into any discussion about this proposal with WNSWLHD. Had it done so, many of the Hospital's concerns regarding sensitive view loss and physical encroachment on the designated heritage curtilage of the Hospital could have been avoided.</i></p>	
Matter Raised (McLaren Traffic Planning)	Response
<p><u>Findings of Peer Review of TSP Report</u></p> <p><i>2.1.1 Both the SEE and the TIA Report lack sufficient details of the proposal to assist review by independent experienced traffic engineers / accredited road safety auditors, or independent government agencies (TfNSW in particular) of the impacts of the proposal on the surrounding road network</i></p> <p><i>2.1.2 Both the SEE and the TIA Report are not robust documents that sufficiently detail, or provide any justification at all, with respect to the following matters of the planned development, in fact most of these matters are not addressed at all:</i></p> <p><i>a) What sporting events will be retained at SJBP?</i></p> <p><i>b) How will events be co-ordinated each week of a full calendar year to avoid overlapping parking demand, associated traffic congestion and safe pedestrian crossing demand on the surrounding road network, including overspill car parking into nearby neighbourhoods and surrounding retail / commercial businesses, public / private hospital & medical campuses, TAFE campus and aged care facilities?</i></p>	<p><u>Introduction</u></p> <p>The following response on traffic matters is provided by Councils Director of Technical Services, Ian Greenham, a Fellow of the Institute of Engineers Australia with over 30 years professional engineering experience.</p> <p>In summary the expert report has put forward a number of points that may have some technical merit on their own but are provided without context of the existing traffic facilities and capacity that are in place, together with the proposed facilities for this development. Rather it is a critique of the Traffic Impact Assessment and Statement of Environmental Effects only. Where some things may have gone unstated within these reports it does not necessarily mean that either report is deficient, or that the development, or its assessment by Council officers does not have merit.</p> <p>Existing safe and secure pedestrian access to this precinct is available to nearby residential areas within Glenroi (1400m) and Warrendine (1100m) via formed concrete footpaths along the Southern Feeder Road, Forrest Road and Anson Street with the major road crossing serviced by pedestrian phases on the traffic lights on Forrest Road as below. (Please note this is not</p>

- c) *Vehicular and pedestrian access planning for regular and peak events, both within the site and external to the site, with respect to key / critical intersection and road junction performances around the site*
- d) *Planning for peak events at the sporting complex for high occupancy vehicles, buses*
- e) *External and internal traffic generation impact upon the performances of key / critical intersections and road junctions surrounding the site, together with the performances of the vehicular access / driveway performances of the five (5) separated car & bus parking areas for each stage of the proposed development.*
- f) *Cumulative impact of traffic generation of other planned / committed development.*
- g) *Pedestrian access planning and level of service / safety analysis of internal footpath and external (public road) pedestrian crossing points, particularly during peak events.*
- h) *Cycle path and bicycle parking assessment.*
- i) *Service vehicle access planning and internal operations*
- j) *Peak event bus parking / set-down / pick-up queueing analysis and management of the arrival / departures of these large (slow moving) vehicles when entering and leaving the site via Forest Road.*
- k) *Drop-off / pick-up provision of spectators by private vehicles, taxis, Ubers and the like*
- l) *Provision of parking and management of Outside Broadcasting (OB) vans, VIP's, team buses and media vehicles during peak events.*
- m) *Traffic generation of the entire sporting complex is dealt with within one (1) page of the TIA Report, with no robust analysis that the referenced RTA "Guide to Traffic Generating Developments" (October 2002) [RTA Guide] and independent local government plus state government transport agency (TfNSW) requires, such as detailed surveys of similar developments*
- n) *The TIA Report underestimates the number of persons and associated car parking / peak hour generation by "assumptions for the estimation of vehicle usage" (page 13) by a "first principles" approach that is not*

an exhaustive list of the footpath network in this area but a snapshot of the main links to the Bloomfield precinct).



The service roads of Forrest Road (Regional Road), Southern Feeder Road (subject of submission to TfNSW to become a Regional Road) and Huntley Road (also subject of submission to TfNSW to become a Regional Road) all have significant spare capacity within them. When compared to other stadiums within NSW both the service roads, proposed internal road network and parking will be more than adequate for the proposed development and regular local and regional usage. For special ticketed events that may attract capacity crowds it is appropriate for them to gain event approval that includes special provisions such as manual traffic management at unsignalised access points to ensure priority to emergency services and safe gaps for turning movements.

robustly justified. The assessment is not based upon any comparison surveys at all and ignores the overlapping parking demand of players and spectators involved in consecutive games that follow the game in progress as the arriving players typically “warm-up” at the fields whilst family and friend spectator groups also arrive. This is a significant issue that largely undermines the TIA Report findings and renders its analysis totally inadequate, such that no weight can be given to its findings.

- o) The TIA Report only assesses mid-block (not intersection) performances of Forest Road, Huntley Road and the Southern Feeder Road. In an urban environment, the capacity of a road network is determined by the Level of Service “LoS” of intersections, not mid-block performances.*
- p) In terms of intersection performances, the TIA Report deals with this requirement in just two sentences in Section 3.4.2 (page 16), but only addressing three (3) selected intersections, stating as follows: “Each of these intersections are well regulated and are capable of absorbing the additional traffic generated by the general operation of the Sporting Precinct. In particular, the traffic signals at the intersection of Forest Road and the Southern Feeder Road provide a high level of functionality to the operation of the wider road network.” These two sentences are not justified at all by proper detailed intersection performance evaluation as required by the RTA Guide and AUSTRROADS. Detailed intersection models, such as SIDRA, and possibly a localised network model.*
- q) The TIA Report does not address peak events that involve large spectator numbers at the two special purpose stadiums and associated grandstands, leaving that assessment for the “venue” to undertake post construction. This means that the assessed external impact contained in the lodged TIA Report does not address the traffic impact consequences of the two stadiums at all. Leaving that assessment to a post-construction stage, which is deemed to be implied by the unknown author by the use of the word “venue” (on page 13) is a totally absurd proposition.*

Response to the matters contained in 2.1.2:

- a) This is not a relevant consideration; Sir Jack Brabham Park will continue to be used as it currently is and has never relied on the adjoining development land for spill over parking having its own access. Also, during Special events that may attract capacity crowds it is unlikely that any events will be held at SJBP.
- b) Both sites are independent of each other from a parking perspective so there is no issue in hosting regular local and regional activities simultaneously. Neither site uses the car parking at the hospitals (public and private) or proposed future retail areas further to the South on Forrest Road. Safe and secure pedestrian access is provided to both sites described in the introduction above. Special events capable of capacity crowds will be the subject to the facility management plans (TMP/TDM) as outlined in the recommended conditions of consent.
- c) See above. Also, the Traffic Impact Assessment uses the data from the Stantec Traffic Model 2028 developed by Council and Transport for NSW using projected 2028 peak morning traffic flows on a weekday. This is a very conservative approach as special events are unlikely to be allowed to line up with the peak AM or PM flows. As an exercise Council has modelled the main intersection being the Forrest Road / Southern Feeder Road traffic lights for Stadium use with the 2028 peak morning traffic flows on a weekday. See below table for degree of saturation:

DEGREE OF SATURATION					
Ratio of Demand Volume to Capacity, v/c ratio per lane					
Site: 101 [2028 SFR / Forest Rd (Site Folder: 2028)]					
New Site					
Site Category: (None)					
Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 90 seconds (Site Optimum Cycle Time - Minimum Delay)					
	Approaches				Intersection
	East	Northeast	West	Southwest	
Degree of Saturation	0.43	1.15	1.16	0.74	1.16

The degree of saturation on the worst leg West is 1.16 being above the desired 0.9. However, due to the spare capacity within the phases a

<p>r) <i>The assessment of required road infrastructure works at the driveways serving both ENTRY / EXIT traffic at the five (5) separated car parks are not supported by any detailed analysis required by both the RTA Guide and AUSTRROADS guidelines. The repeated (copy and paste) statements on pages 16 and 17 that “departing vehicles will stand until a suitable gap in the Forest Road traffic stream is available” (p16) and the same extract except that the word “Forest” is replaced with the word “Huntley” (p17) requires a supportive detailed assessment using a calibrated SIDRA model, not just a one sentence response. Further, on page 17, regarding the various driveways serving the proposed car parks accessed via Huntley Road, the detailed assessment of the right turn entry provision at the three (3) planned car parks are left for others to carry out at some time in the future, as follows: “The design of the passing lane shall be carried out based on applicable design standards for the speed limit and conditions of the roadway”, this sentence copied and pasted three times. At this point, the undersigned considers that these sentences, without any detailed assessments that may give rise to an inability to meet these standards, are indicators of an improper or non-robust traffic impact assessment report.</i></p> <p>s) <i>The parking assessment undertaken within the lodged TIA Report of the entire sporting complex suffers the same problems as the traffic generation assessment, as outlined in matters (m), (n) and (q). The assessed car parking “demand” requirement, based upon an extremely simplistic and totally inadequately justified “first principles” assessment should be given no weight at all. The parking assessment lacks credibility and does not address the needs of the two stadiums with up to 10,000 spectators nor does it assess the matters outlined in parts (h), (i), (j), (k) and (m) above.</i></p> <p>t) <i>The proposed recreational sporting fields and the proposed two stadiums that will host large Local, Regional, State and National level sporting events, need to be assessed based upon the AVERAGE (50th percentile), 85TH PERCENTILE and MAXIMUM (100th percentile) design day patronage profile charts. Those charts need to include the baseline</i></p>	<p>simple rephrasing of the lights for a special event to give prioritised traffic flow would be adequate. Remember also this is assuming the capacity crowd event also coincides with the peak AM peak on a weekday. Alternatively, just as when the New Year’s Eve Fireworks are held at Waratah’s, the special event planning involves Police managing the Telopea Way traffic signals to clear the traffic post event safely and efficiently.</p> <p>d) High occupancy vehicles such as buses are a more efficient mode of transport, and we are currently seeking planning approval. Not approval of construction plans. It is not uncommon for this to be considered as a condition of consent including temporary measures for special events that may attract a capacity crowd that would be covered under the proposed overarching facility traffic management plan/travel demand management plan.</p> <p>e) See analysis of intersection above and comments in the introduction that it is not uncommon for special events management to include manual traffic control for unsignalised intersections.</p> <p>f) Each development is assessed on its own merit and internal facilities are designed to be adequate for the proposed development. Cumulative impact on the surrounding road network has been considered using the projected 2028 traffic flows from the Stantec local traffic model.</p> <p>g) See introduction, while the pedestrian facilities were not assessed in the Traffic Impact Assessment it does not mean that the existing facilities do not provide a safe and secure pedestrian network including dedicated pedestrian phases on the traffic lights.</p> <p>h) Cycle lanes and shared pedestrian cycle paths are provided on Forrest Road and the Southern Feeder Road.</p> <p>i) To be addressed in the construction plans and can form a condition of consent.</p> <p>j) See earlier comments on management of intersections and temporary facilities for buses for special events.</p> <p>k) Drop-off / pick-up provision of spectators by private vehicles, taxis, Ubers has been factored into the design of the main stadium -refer to</p>
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profiles for the average, 85th percentile and maximum for the retained SIBP. Separate charts being prepared for patronage (includes players, spectators, staff, others), unrestricted car parking demand and peak event management plan scenarios.

- u) Peak event sports stadiums that generate significant spectator levels need to be assessed and not left to some later stage (post construction), as matters such as the number of peak event bus transport services, how car parking demand will be restricted both on-site and within nearby areas (refer to matter (b) previously) and associated peak event traffic (vehicles & pedestrians) & parking management controls are likely to affect the detailed design and planning of the entire sports precinct.
- v) Construction traffic impacts are likely to be significant for the three stages of the development, viz; Stage 1 : Bulk earthworks / tree clearing / building demolition & category 1 remediation; Stage 2 : Athletics stadium plus car parking; Stage 3 : Main stadium and residual works. The scale of the development in all three stages is significant. Each stage will require an assessment to be conducted of duration of construction works, daily & peak hourly construction vehicle movements (both light and heavy vehicles separately identified), traffic management plans (including traffic control plans & vehicle movement plans) and details of where construction vehicles (staff, trucks, machinery & plant) will park inclusive of any Road Occupancy Licences. The half page assessment of construction impacts within the SEE (refer to Section 5.23, page 57), noting that the TIA Report is silent on this aspects is simply inadequate and dismissive of this real operational concern of nearby affected businesses and neighbours, listed in part in matter (b) previously.
- w) The sweeping singular sentence or singular paragraph within the SEE that the construction traffic impacts will be “short lived and is not anticipated that the proposal will have any detrimental impacts on nearby and adjacent owners” without any sound and robustly justifiable assessment significantly undermines the credibility of the assessments lodged with the proposed development application.

plans i.e., semi-circular road located directly west of the stadium building.

- l) Appropriate spaces can be reserved for Outside Broadcasting (OB) vans, VIP’s, team buses and media vehicles during peak events.
- m) The TIA report uses a first principles approach, which when you do look at other stadiums is completely appropriate, resulting in far more traffic facilities being provided for this proposed development.
 - McDonalds Jones Stadium, Newcastle – capacity of 33,000 with 654 off street car parks provided.
 - Apex Oval (Caltex Park), Dubbo – capacity of 12,000 with less than 200 off street car parks provided.

Apex Oval Crowds

INFO DETAILS EVENTS CROWDS SEATING MAP MAP SATELLITE ACCOMMODATION PHOTOS NEWS

VENUE CROWD COUNTER: 41,424 *SINCE 2003

RECENT ATTENDANCES

DATE	SPORT	EVENT	CROWD
23/05/21	Rugby League	NRL: Rabbitohs v Panthers	10,824
18/10/14	Rugby Union	NRC: NSW Country Eagles v Perth Spirit	1,500
04/05/14	Rugby League	City v Country Origin	9,627
27/02/10	Rugby League	NRL Trial: Bulldogs v Raiders	8,050
12/05/06	Rugby League	City v Country Origin	11,423

HIGHEST ATTENDANCES*

DATE	SPORT	EVENT	CROWD
12/05/06	Rugby League	City v Country Origin	11,423
23/05/21	Rugby League	NRL: Rabbitohs v Panthers	10,824
04/05/14	Rugby League	City v Country Origin	9,627
27/02/10	Rugby League	NRL Trial: Bulldogs v Raiders	8,050
18/10/14	Rugby Union	NRC: NSW Country Eagles v Perth Spirit	1,500

When actual crowds are considered for a similar stadium in Dubbo the frequency of capacity crowd events over the last 19 years is not that high. It is a great facility but even the trial NRL games do not attract capacity crowds.

- n) The justification is that if your child is playing sport they will attract on average 1.5 spectators and it is reasonable to assume that they will all

<p>x) <i>The sweeping singular paragraph in the TIA Report (refer to Section 4, Conclusions, page 25) that the operational traffic impacts “will see the successful integration of the traffic generated by the development into the surrounding road network” if “the implementation of the recommendations contained in the Traffic Impact Assessment Report during the approval and development of the Orange Regional Sporting Precinct” without any sound and robustly justifiable assessment significantly undermines the credibility of the TIA Report lodged with the proposed development application, particularly as it defers critically required assessments for others to undertake or implies that these can be done post construction.</i></p> <p>y) <i>The sweeping singular paragraph within the SEE (refer to Section 5.24, Cumulative Impacts, page 57) that in regard to cumulative traffic impacts “the proposed development is unlikely to generate any impacts” without any sound and robustly justifiable assessment significantly undermines the credibility of the assessments lodged with the proposed development application</i></p>	<p>travel to the game in the one car, i.e. 2.5 persons per vehicle – it is not rocket science. Moreover, it is conservative, as generally players and supporters will car pool resulting in far less cars than modelled. Further the Council assessment report analysis is based on all fields on both facilities being used consecutively resulting in 796 car trips. The applicant has allowed 1,193 car spaces allowing for overlapping demand between games. These are very conservative projections. See previous comments that when compared with similar facilities the level of parking proposed by the applicant will result in a higher level of service at Orange than other Regional facilities.</p> <p>o) See SIDRA analysis and comments above showing adequacy of the major intersection in a worst-case scenario with an adjustment of the phasing.</p> <p>p) The TIA uses the results of the Stantec network model for the city and see SIDRA analysis and comments above showing adequacy of the major intersection in a worst-case scenario with an adjustment of the phasing.</p> <p>q) The assessment of the development does propose specific localised intersection upgrades. However, I support the applicant on the basis of the actual usage of a similar Stadium in Dubbo (above), the frequency of capacity crowd events is so low as it justifies the proposed overarching facility management plans (TMP/TDM). The proposed assessment conditions will make the development safer overall.</p> <p>r) I respectfully disagree, see comments above.</p> <p>s) I respectfully disagree, see comments above plus any special event should involve shuttle transport via coaches similar to the running of the day in the green, discouraging parking onsite. Freeing up parking for media, officials and temporary arrangements for drop off and pick up for buses taxis, uber and other ride share arrangements.</p> <p>t) The proposed facility has been assessed on peak demands for local and regional events, that is the weekly demands. This approach is entirely applicable especially in light of the usage of a similar facility in Dubbo. Any special events of a State or National significance will be infrequent at best and subject meeting the facility management requirements on traffic and travel demand management.</p>
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<p><u>2.2 Transport Planning, including Public and Peak Event Bus Service Provision.</u></p> <p><i>This matter is not adequately and robustly addressed at all in the lodged TIA Report. This matter is a significant matter on its own that should not be so easily dismissed or overlooked. Accordingly, the proposed development should be rejected for this reason alone.</i></p> <p><u>2.3 Parking Provision</u></p> <p><i>The first principles assessment of parking provision is rejected for the reasons outlined in Section 2.1 of this report.</i></p> <p><u>2.4 Traffic Generation</u></p> <p><i>The first principles assessment of traffic generation is rejected for the reasons outlined in Section 2.1 of this report</i></p>	<p>u) This matter has been addressed in the comments above.</p> <p>v) The number of workers and deliveries onsite during construction is never likely to exceed the crowds and traffic during the regular usage of the facility. It is also appropriate that the construction traffic management plan is assessed for adequacy at the stage of the construction tender assessment not the development application. The development assessment can condition days and hours of construction works.</p> <p>w) See comments above.</p> <p>x) I respectfully disagree.</p> <p>y) I agree with this critique but will add that the impacts are within the capacity of the surrounding network and any capacity crowd events can be managed.</p> <p>Response to 2.2:</p> <p>I respectfully disagree. If this were true, we would never have events such as the NYE Fireworks or Day on the Green. Further the assessment above demonstrates capacity within the surrounding network served by the equivalent of three Regional Roads and all intersections are designed to accommodate the design movements of buses and service vehicles.</p> <p>Response to 2.3:</p> <p>This matter has been sufficiently addressed above.</p> <p>Response to 2.4:</p> <p>This matter has been sufficiently addressed above.</p>
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<p>2.5 External Traffic Impact Assessment, including Vehicular Access Planning</p>	<p>Response to 2.5:</p>
<ol style="list-style-type: none"> <i>1. This matter is not adequately and robustly addressed at all in the lodged TIA Report. This matter is a significant matter on its own that should not be inadequately assessed. Adopting a mid-block level of service assessment instead of the intersection performance evaluation of key / critical intersections utilising the SIDRA program (and potentially a small network model) plus evaluation of potential impacts on nearby sensitive low density residential streets is the expected assessment method to be employed for significant developments in urban environments. Accordingly, the proposed development should be rejected for this reason alone.</i> <i>2. Further to the above, AS2890.2:2018 outlines sight line requirements at driveways for heavy vehicles. Considering provision of bus facilities are provided at the subject site, the adoption of an 8 second gap should be assessed against the sight lines available and forecast peak hourly flows along Forest Road. The time it would take a bus to turn out onto the road will be in excess of 5 seconds, such that compliance with an 8 second gap should be MANDATORY for the subject development. Widening of Forest Road to 4 lanes instead of its 2 lane configuration plus roundabout, seagull or traffic signal controlled junctions for the main access from and to Forest Road is likely to be required.</i> <i>3. The TIA Report does not address road safety considerations for the subject development, including pedestrian planning / pedestrian safety. Consideration should be made to providing a Basic, Auxiliary and / or Channelised vehicular access arrangements together with deceleration lanes for all car parks based upon AUSTROADS requirements.</i> <i>4. The impacts of the proposed development along Forest Road and the surrounding road network generally, particularly at peak times, including weekdays when nil usage is implied in the lodged TIA Report, is a significant matter that required a detailed assessment. The impacts of increased traffic volumes along Forest Road, without commensurate capacity improvement works, will be deleterious with respect to</i> 	<ol style="list-style-type: none"> 1. See above comments and analysis. Also, temporary arrangements should be part of any special event planning. 2. I agree with the assessment from both TfNSW and Council assessment officers that proposed intersection upgrades with a channelised right turn and auxiliary left turn lanes over widening the road to four lanes, with the intersection treatments providing a safer arrangement. Also, temporary arrangements for special events that attract capacity crowds should be employed including temporary manual traffic control at key bus entry and departure points. Also utilising the Gnoo Blas Motor Racing Circuit around Bloomfield and Huntley Roads to provide a left in left out arrangement is a special event option to improve road safety. 3. I agree with the assessment recommendations for Forest Road intersections. The through traffic on Huntley Road does not warrant the same treatments. 4. The TIA takes a conservative approach and has considered peak AM weekday traffic plus the Stadium traffic for its assessment as we have with the projected 2028 traffic within the Stantec model and running SIDRA to assess the Forest Road Traffic Lights. 5. Noted. This may be the reason that the Orange Ambulance Station is located in 90A Dalton Street (roughly the geographic centre of Town) rather than at Bloomfield. Particularly important that it is maintained in a central location as under the proposed Orange Housing Strategy development to the South and East is quarantined by high value agricultural land and the city's water catchment. New residential expansion is more likely going to be to the North and West of the city. Also, a quick check on Google Maps shows the fastest route from North Orange to Bloomfield is 16 minutes. Noting that emergency services maintain priority through intersections and can travel at elevated speeds I would doubt they could shave 60% of normal travel times. Therefore, the ten minutes is more than likely a response time

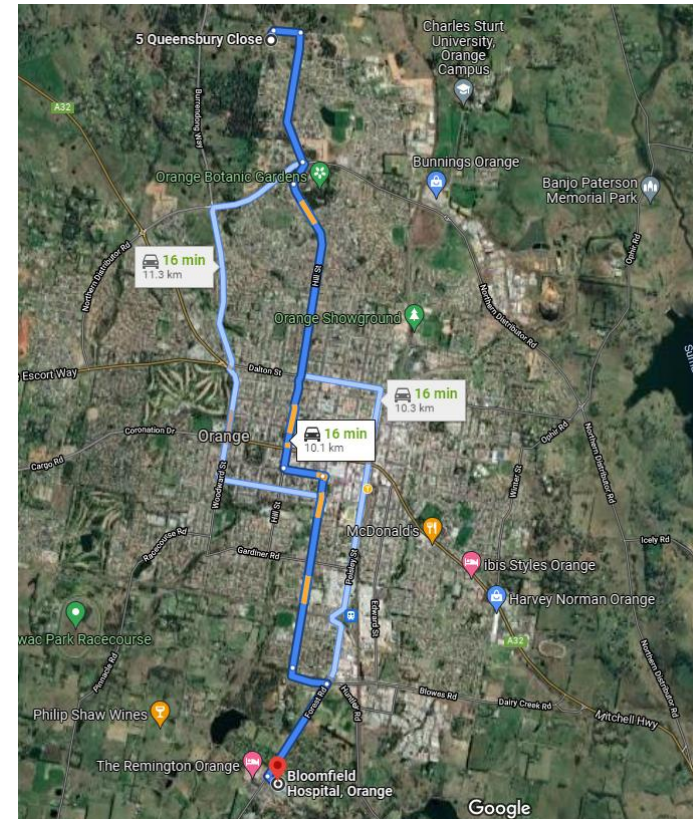
emergency response times and critical weekday and weekend day peak hourly traffic conditions for the general public.

5. In relation to emergency access response times, the local ambulance service of NSW advised the undersigned that Priority 1 response time is 10 minutes, which is currently difficult to achieve from the northern distributor at the northern fringe of Orange suburban precincts to the public and private hospitals located to the south of the proposal. Further, current patient transport task is 25 to 30 patients per day within the Orange township, such that no widening of Forest Road from its current two lane conditions to a four lane configuration will significantly undermine the ability of emergency response teams to meet the 10 minute Priority 1 response time requirement.

2.6 Pedestrian planning

This matter is not adequately and robustly addressed at all in the lodged TIA Report. This matter is a significant matter on its own that should not be so easily dismissed or overlooked. Accordingly, the proposed development should be rejected for this reason alone.

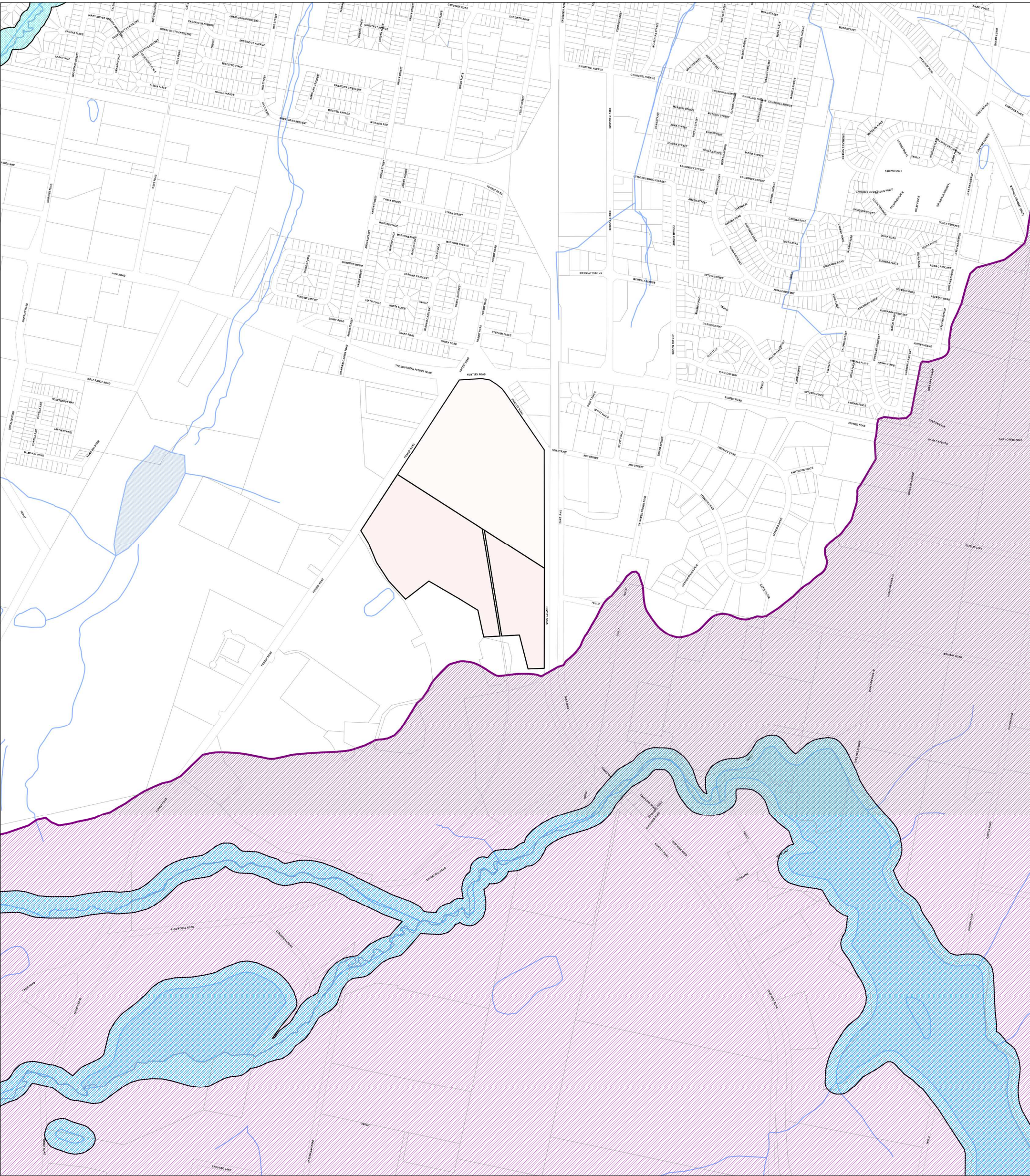
requirement rather than a transfer patient requirement, which would be difficult to maintain in any developed city.


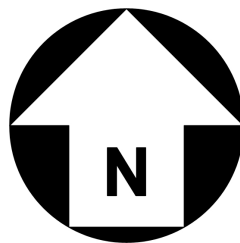


Response to 2.6:

Pedestrian matters have been addressed above.

<p><u>2.7 Road safety assessment</u></p> <p><i>This matter is not adequately and robustly addressed at all in the lodged TIA Report. This matter is a significant matter on its own that should not be so easily dismissed or overlooked. Accordingly, the proposed development should be rejected for this reason alone.</i></p> <p><u>2.8 Public consultation</u></p> <p><i>This matter is not addressed at all in the lodged TIA Report. This matter is a significant matter on its own that should not be so easily dismissed or overlooked. Accordingly, the proposed development should be rejected for this reason alone.</i></p>	<p>Response to 2.7:</p> <p>The roads servicing this development are relatively flat and straight, with parking restricted along the length of Forrest Road, improving through traffic. See above comments for reported capacity and assessed requirements for intersection upgrades, which are all based on the guidelines to ensure road safety. It is unusual to see a road safety report as part of a traffic impact assessment.</p> <p>Response to 2.8:</p> <p>The public has been consulted on the DA.</p>
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	LEP Waterways, Dinking Water Catchment, Dams etc		 1:13169
	Notes :		
	Compiled By :	Date : 4/2/2022	

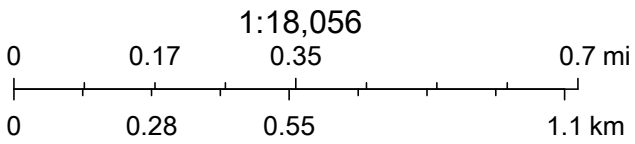
Disclaimer:

The Information shown hereon is as accurate as council records permit. Council takes no responsibility for errors or omissions and the location of all services is subject to verification by survey.

2018 Hydroline spatial data 1.0



2/4/2022, 9:32:24 AM



Maxar

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. Stage 1 works involve only Bulk earthworks, tree clearing, building demolition and category 1 remediation.

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, corten 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.

LIMITS OF CONSENT

- (22) This approval does not authorise the operational use of the new sporting fields.

PRESCRIBED CONDITIONS

- (23) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (24) 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.

Conditions (cont)

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

- (25) 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*.
- (26) 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.
- (27) 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.
- (28) 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.
- (29) 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.
- (30) 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.
- (31) 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

- (32) 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.

- (33) Prior to undertaking the any earthworks, the identified contamination sites shall be remediated in accordance with the approved Remediation Action Plan. Where vegetation clearing is carried out prior

Conditions (cont)

to the bulk earthworks occurring, golf hole 4 and 14 which have been identified as containing elevated levels of copper, lead, and zinc are to be suitably fenced and not disturbed during tree removal works.

- (34) 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).
- (35) 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.
- (36) 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.

- (37) 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.
- (38) 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.

- (39) Soil erosion control measures shall be implemented on the site and maintained throughout works.
- (40) 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.
- (41) 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

- (42) 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.

Conditions (cont)

- (43) 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.
- (44) 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.
- (45) 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.
- (46) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (47) 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.
- (48) 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
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- (49) 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.
- (50) 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.
- (51) 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

Conditions (cont)

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.

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