

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-35
DA Number	DA 259/2020(1)
LGA	Orange City Council
Proposed Development	Mixed Use Development (community facility (conservatorium) and information and education facility (planetarium))
Street Address	Lots 7 and 8 DP 820905 – North Court, March and Peisley Street, Orange
Applicant/Owner	Mr S Maunder, Director Community Recreation and Cultural Services, Orange City Council
Date of DA lodgement	16 July 2020
Total number of Submissions Number of Unique Objections	2 submission in total – 1 received after exhibition closed and therefore not explicitly addressed in the report
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Council related development over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Orange Local Environmental Plan 2011 • Orange Development Control Plan 2004
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Drawings by Brewster Horth Architects - Nos. A000, A100, A101, A110, A111, A112, A200, A201, A202, A203, A204, A205 (12 sheets) • Landscape Plan (by Taylor Brammer) – LC01 – 02 Revision A dated 13 November 2017 (2 sheets) • Assessment report (by Summer Commins) •
Clause 4.6 requests	Nil
Summary of key submissions	Reduction of north court open space, parking shortfall provided for the development, loss of an informal pedestrian pathway from Tim Sullivan car park and March Street.
Report prepared by	Summer Commins
Report date	3 November 2020

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

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

Clause 4.6 Exceptions to development standards

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

Not applicable

Special Infrastructure Contributions

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

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

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

REPORT TO WESTERN REGIONAL PLANNING PANEL

FROM SENIOR PLANNER (COMMINS)

DATE **15 OCTOBER 2020**

**ON DEVELOPMENT APPLICATION
MARCH AND PEISLEY STREETS, ORANGE
MIXED USE DEVELOPMENT (COMMUNITY FACILITY
(CONSERVATORIUM) AND INFORMATION AND EDUCATION FACILITY
(PLANETARIUM))**

PR7567 - IC20/15285

Application Lodged	16 July 2020
	Additional information submitted 5 August 2020

Development Application No DA 259/2020(1)

Plan No/s	<p>Drawings by Brewster Horth Architects Drawing Nos. A000, A100, A101, A110, A111, A112, A200, A201, A202, A203, A204, A205 (12 sheets)</p> <p>Landscape Plan by Taylor Brammer Drawings Nos. LC01 – 02 Revision A dated 13 November 2017 (2 sheets)</p>
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Applicant Mr S Maunder, Director Community Recreation
and Cultural Services, Orange City Council
PO Box 35
ORANGE NSW 2800

Owner/s Crown, March Street
ORANGE NSW 2800

Land Description	Lot 7 DP 820905 and Lot 8 DP 820905 – North Court, March and Peisley Streets, Orange
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Proposed Land Use	Mixed Use Development (community facility (conservatorium) and information and education facility (planetarium))
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Value of Proposed Development	\$20,000,000
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Provisions of LEP 2011 (amended) Zone B4 Mixed Use / Zone RE1 Public Recreation

Details of Advertisement of Project	Advertised development: 14-28 August 2020 One (1) submission received
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Recommendation	Approval
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EXECUTIVE SUMMARY

Application lodged	16 July 2020 (additional information submitted 5 August 2020)
Applicant/s	Orange City Council
Owner/s	Crown
Land description	Lots 7 and 8 DP 820905 – North Court, March and Peisley Streets, Orange
Proposed land use	Mixed Use Development (community facility (conservatorium) and information and education facility (planetarium))
Value of proposed development	\$20,000,000.00

This development application seeks consent for a Regional Conservatorium of Music and Planetarium, located in the North Court Civic Precinct, corner of March and Peisley Streets, Orange (see locality at Figure 1).



Figure 1 – North Court and locality

Proposed works include:

-)] Construction of a building containing a conservatorium of music, recital hall, planetarium auditorium and supporting facilities.
-)] Tree removal at the site perimeters to Peisley Street and the public carpark.
-)] Extensive landscaping of the site and buildings, including living green walls and planetarium dome.
-)] New outdoor public spaces and connections.
-)] Vehicle areas at the March Street frontage, including 5 onsite car parking spaces, and on-street drop off zone and disabled car park.

An aerial view of the proposed development is depicted below (see Figure 2).



Figure 2 – aerial perspective, view from March Street facing south-west

The proposal comprises *regionally significant development* under the provisions of State Environmental Planning Policy (SEPP) (State and Regional Development) 2011. The proposal exceeds a capital investment value of \$5million and the applicant for the proposed development is Orange City Council. The Western Regional Planning Panel is the consent authority for *regionally significant development*.

Notable planning matters for the proposed development include:

-)] Use of the land consistent with the Orange Civic Precinct Plan of Management (2014).
-)] The contamination status of the development site.
-)] The availability of public car parking to accommodate the parking demands associated with the proposal.
-)] The suitability of the proposed building design in the context of Civic Precinct improvements, and opposing residential lands to the north.
-)] The suitability of the proposed landscape design.
-)] The contribution of the development to the Civic Precinct community land uses.

The proposal comprises advertised development in accordance with Council's Community Participation Plan 2019. Public and written notice of the application was given. At the completion of the exhibition period, one (1) submission was received. The issues raised in the submission relate to the reduction of North Court open space, the parking shortfall provided for the development, and the loss of an informal pedestrian pathway between Tim Sullivan carpark and March Street.

As outlined in this report, the proposed development is considered to reasonably satisfy the Local and State planning controls that apply to the subject land and particular landuse. Impacts of the development will be within acceptable limit, subject to mitigation conditions. Approval of the application is recommended.

DECISION FRAMEWORK

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

Orange Local Environment Plan 2011 – The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

Orange Development Control Plan 2004 – the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage”.

FINANCIAL IMPLICATIONS

Nil at development application stage

POLICY AND GOVERNANCE IMPLICATIONS

The proposed development is consistent with the Community Strategic Plan and Orange Civic Precinct Plan of Management 2014.

RECOMMENDATION

That Council consents to development application DA 259/2020(1) for *Mixed Use Development (community facility (conservatorium) and information and education facility (planetarium))* at Lots 7 and 8 DP 820905 - March Street and Peisley Street, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

The proposal involves development of the North Court Civic Precinct for a Regional Conservatorium of Music and Planetarium.

Proposed works include:

-) Construction of a building with gross floor area of 3,535m² containing:

 - a conservatorium of music with 40 practice rooms, ensemble rooms and rehearsal spaces
 - a recital hall with some 250 seats
 - a planetarium auditorium with some 70 seats
 - front-of-house facilities including foyer, bar, kitchen, ticket office and amenities
 - back-of-house facilities comprising loading dock, stores, performer amenities and plant.
-) Removal of 41 trees generally at the site perimeters to Peisley Street and the public carpark, and within the footprint of the proposed building.
-) New landscaping of the site and proposed building, including living green walls and planetarium dome, internal courtyard, avenue tree plantings and grassed open space areas.
-) Public plaza, outdoor performance stage and pedestrian connections to other buildings and spaces within the Civic Precinct.
-) Onsite vehicle areas at the March Street frontage, including a truck loading zone and staff car park containing five car parking spaces.
-) Student drop off zone and disabled parking space on March Street at the site frontage.

The proposed building will be contemporary in design and form. Key architectural features include an orthogonal footprint; varying building heights; rectangular massing and disparate circular planetarium dome; finned/louvered glazing to the north and east; and projecting entry canopy.

External finishes will generally comprise fibre cement cladding to walls and steel sheeting to roof structure. Glazing will be aluminium framed, with steel fins/louvres. The primary facade feature will comprise a living green façade formed by steel armature with metal cabling and vertical creeping plants.

Proposed hours of operation are 9am to midnight, 7 days per week. Peak operational times will be 3pm-6pm for the conservatorium; 6pm-12am for the recital hall; and 9am-3pm for the planetarium.

The proposed site layout and building design are depicted below (see following figures).



Figure 3 – public plaza between proposed building and existing library – view from carpark

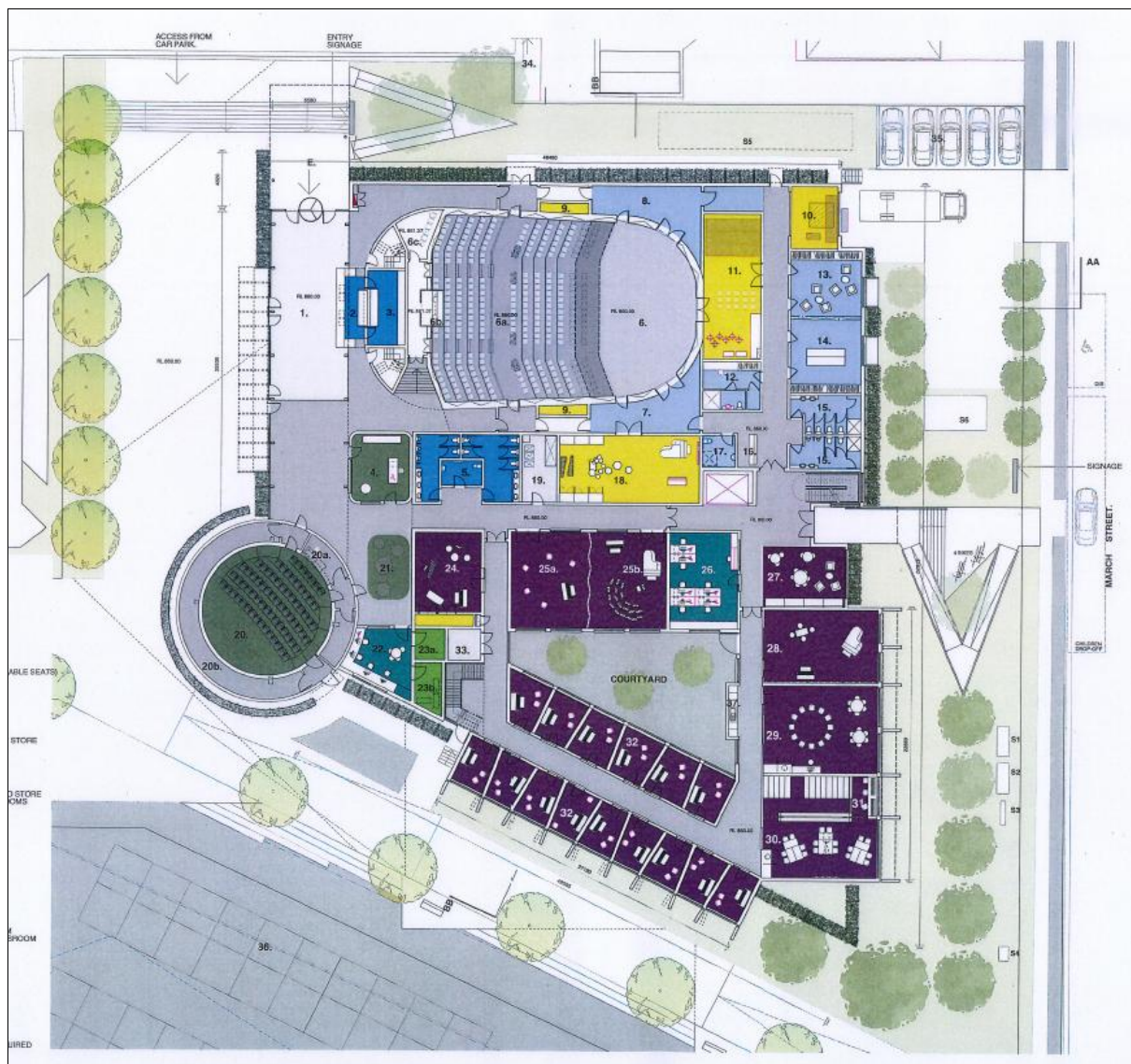


Figure 4 – proposed site and ground floor layout

This architectural elevation drawing illustrates the proposed building facade. The new structure features a prominent section with large, multi-paned glass windows and is flanked by walls covered in green vegetation. To the right, an existing building with a corrugated metal roof is visible. The drawing includes human figures for scale and a car parked on the street to the right. Vertical dimension lines on the left indicate heights of 0m, 1m, 2m, 3m, and 4m. A horizontal dimension line at the top indicates a width of 10m. A north arrow is located in the upper right corner.

Lot/DP	Reserve No.	Gazette Date	Reserve Purpose	Reserve Management	Trust Management
7/820905	90724	4 March 1977	Public Buildings and Public Recreation	Orange Civic Square Reserve Trust	Orange Council City
8/820905	190086	31 December 1992	Public Recreation	Orange Civic Centre Recreation Reserve	Orange Centre City

“To guarantee that Orange Civic Precinct remains as community space for the use of the public in a diverse range of roles- open space, recreation, cultural, educational, tourism.”

The POM predates specific planning for a conservatorium and planetarium in the Civic Precinct. Indeed, the proposed development is not included in *Identified Future Works* (Part 4.3). Notwithstanding, the proposal is consistent with the following components of the POM:

-) The proposal involves a continuation and intensification of the community use of the Civic Precinct (Part 1.4 POM Vision).
-) The proposed land uses will be consistent with the Crown Reserve Purposes (Part 3.2.2 Purposes). The new building will be largely contained within Lot 7 (Reserve Purpose: Public Buildings and Public Recreation); and public open spaces will be retained over the balance of the Lot 8 North Court (Reserve Purpose: Public Recreation).
-) The proposed development will incorporate the following identified community values (Part 4.1 Community Values) and Strategy/Targets (Part 6.5 Implementation – Action Plan):

 - improve outdoor performance areas (Cultural and Tourism)
 - retain the open space (Environmental and Landscape)
 - retain and improve the grassed area (Environmental and Landscape)
 - improve landscape and built structure linkages (Environmental and Landscape)
 - establish a village green on the northern parkland (Environmental and Landscape and Recreation)
 - retain and enhance links between the Civic Precinct, Robertson Park and CBD (Access, Linkages and Circulation).
-) The proposed development will *redefine the role and operation of the North Court*, and maintain public open space for a *quasi-village green* (Part 4.4.2 Opportunities).

Based on the foregoing, the proposed development will be consistent with the Orange Civic Precinct POM.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Pursuant to Clause 1.7:

This Act has effect subject to the provisions of Part 7 of the [Biodiversity Conservation Act 2016](#) and Part 7A of the [Fisheries Management Act 1994](#) that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

In consideration of this section, the proposed development is not likely to significantly affect a threatened species:

-) The subject and adjoining lands are not identified as biodiversity sensitive on the Orange LEP 2011 [Terrestrial Biodiversity Map](#).
-) The proposal involves removal of a number of Eucalyptus SPP (*Eucalyptus*) and Casuarina cunninghamiana (*River Oak*) generally from the east and west perimeters of the North Court. While endemic to the area, the subject trees do not form part of the Blakely's Box Gum Grassy Woodland; and clearing thresholds prescribed by regulation will not be exceeded (0.25ha).

-) The land is not located in an area of high biodiversity value. The land is a highly disturbed urban environment and trees to be removed do not form part of an endangered ecological community. The development is not likely to give rise to any significant impact upon any endangered ecological communities, threatened species or their habitat.

Based on the foregoing consideration, a Biodiversity Assessment Report is not required and the proposal suitably satisfies the relevant matters at Clause 1.7.

Section 4.15 Evaluation

Provisions of any environmental planning instrument S4.15(1)(A)(I)

Orange Local Environmental Plan 2011 (as amended)

Part 1 - Preliminary

Clause 1.2 Aims of Plan

The particular aims of the LEP relevant to the proposal include:

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

The proposed development is considered to be consistent with the above-listed aims, as outlined in the following sections of this report.

Clause 1.7 Mapping

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

Land Zoning Map:	Land zoned B4 Mixed Use and RE1 Public Recreation
Lot Size Map:	No minimum lot size
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	Building height limit 12m
Floor Space Ratio Map:	Floor space limit 1:1; and 1:1.5
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Within a flood planning area

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

Clause 1.9A Suspension of Covenants, Agreements and Instruments

Clause 1.9A is applicable and states in part:

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) *This clause does not apply:*
 - (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
 - (b) *to any prescribed instrument within the meaning of section 183A of the [Crown Lands Act 1989](#), or*
 - (c) *to any conservation agreement within the meaning of the [National Parks and Wildlife Act 1974](#), or*
 - (d) *to any Trust agreement within the meaning of the [Nature Conservation Trust Act 2001](#), or*
 - (e) *to any property vegetation plan within the meaning of the [Native Vegetation Act 2003](#), or*
 - (f) *to any biobanking agreement within the meaning of Part 7A of the [Threatened Species Conservation Act 1995](#), or*
 - (g) *to any planning agreement within the meaning of Division 6 of Part 4 of the Act.*

Pursuant to Clause 1.9(1), Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 Land Use Zones

The subject land is zoned part B4 Mixed Use and part RE1 Public Recreation (see below).



Figure 7 – Orange LEP 2011 zoning map

The proposed development is defined as *mixed use development*, *community facility* (conservatorium) and *information and education facility* (planetarium).

Pursuant to the LEP Dictionary:

-) ***Mixed use development*** means a building or place comprising two or more different land uses.
-) ***Community facility means a building or place -***
 - (a) owned or controlled by a public authority or non-profit community organisation, and
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.
-) ***Information and education facility*** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

The proposed land uses are permitted with consent in the zones.

Clause 2.3 Zone Objectives and Landuse Table

The objectives of the B4 Mixed Use Zone are:

-) *To provide a mixture of compatible land uses.*
-) *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
-) *To promote, where possible, the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage or cultural values of the land in the zone.*
-) *To promote development that supports the role of Orange CBD as the primary retail and business centre in the region.*

The proposed development will be consistent with the relevant B4 zone objectives. The proposal represents ongoing redevelopment and expansion of the Civic Precinct for community use, consistent with the operative POM for the land. The site does not have particular heritage values, albeit, being located nearby to the Central Orange Heritage Conservation Area. Urban design analysis demonstrates the suitability of the built form in this setting. The site is well-located in the CBD for accessibility and connectivity, and to support nearby retail and business functions.

The objectives of the RE1 Public Recreation are:

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

The proposed development will be consistent with the relevant RE1 zone objectives. The development will retain part of the North Court for passive and active recreation. The proposed building design with living green walls and dome, together with new site landscaping will enhance the landscape character of the site and setting.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.3 Height of Buildings

Clause 4.3 is applicable and states in part:

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The Height of Buildings Map prescribes a maximum building height of 12m for the subject land. The maximum height for the proposed building will be 11.2m (recital hall ridge) in compliance with this clause.

Clause 4.4 Floor Space Ratio

Clause 4.4 is applicable and states in part:

- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

The Floor Space Ratio Map prescribes a maximum floor space ratio for the subject land of 1:1 and 1:1.5. The development site, comprising Lots 7 and 8 comprises an area of 15,430m² or 1.543ha. The proposed building comprises gross floor area of 3,535m². This equates to an FSR of 1:0.2, well in compliance with the applicable FSR.

Part 5 - Miscellaneous Provisions

The Miscellaneous Provisions do not apply to the application.

Part 6 - Urban Release Area

The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions

Clause 7.2 Flood Planning

The subject land is identified as a Flood Planning Area on the Flood Planning Map. Clause 7.2 applies and states in part:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development -*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*

- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

In consideration of this clause, conditions are included on the draft Notice of Approval requiring the proposed building have a minimum ground floor level of 860.260m AHD. The development is considered acceptable with regards to flood related planning controls.

Clause 7.3 Stormwater Management

Clause 7.3 is applicable. This clause states in part:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water, and*
 - (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
 - (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Conditions are included on the draft Notice of Approval to satisfy the requirements of Clause 7.3, including stormwater detention and interlot stormwater drainage.

Clause 7.5 Riparian Land and Watercourses

The subject land contains a Sensitive Waterway pursuant to the Watercourse Map. Clause 7.5 is applicable and states in part:

- (3) *Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development-*
 - (a) *is likely to have any adverse impact on the following -*
 - (i) *the water quality and flows within a watercourse,*
 - (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*
 - (iii) *the stability of the bed and banks of the watercourse,*
 - (iv) *the free passage of fish and other aquatic organisms within or along the watercourse,*
 - (v) *any future rehabilitation of the watercourse and its riparian areas, and*
 - (b) *is likely to increase water extraction from the watercourse.*

In consideration of this clause, Blackmans Swamp Creek traverses the subject land. The waterway is a constructed underground stormwater channel, and as such, the proposed development will not give rise to any environmental impacts. Conditions are included on the draft Notice of Approval requiring protection of the stormwater channel during construction.

Clause 7.6 Groundwater Vulnerability

The subject land is identified as Groundwater Vulnerable on the Groundwater Vulnerability Map. Clause 7.6 applies. This clause states in part:

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
 - (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

In consideration of Clause 7.6, there are no aspects of the proposed development that will impact on groundwater and related ecosystems. Water and sewer reticulation are connected to the subject land.

Clause 7.11 Essential Services

Clause 7.11 applies and states:

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

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

In consideration of this clause, the listed utility services above are available to the land and adequate for the proposal. Conditions are included on the draft Notice of Approval requiring payment of development contributions for water and sewer headworks changes.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy 55 Remediation of Land

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) is applicable. Pursuant to Clause 7:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject land was occupied by Orange City Council Works Depot between 1956 and 1977, and is located nearby to the site of a former power station and gasworks on Peisley Street. The former and adjoining land uses are Table 1 listed uses to the Contaminated Land Planning Guidelines.

The site has been the subject of various contamination investigations in recent years. Potential areas of environmental concern have been identified including an underground petroleum storage system (UPSS); hydrocarbon impacted soil, groundwater and fill; and asbestos materials (Ground Doctor Environmental Site Assessment August 2017).

Some remediation works have been completed, including removal and validation of the UPSS (pursuant to DA 158/2018(1)).

Council's Environmental Health Officer (EHO) has reviewed the available contamination investigations relating to the development site. EHO has determined that further investigations and remediation works will be required in conjunction with the proposed development.

To this end, conditions are included on the draft Notice of Approval requiring contamination investigations and remediation works prior to construction; and site validation prior to occupation. Subject to compliance with conditions, the contamination status of the subject land will be suitable for the proposed development, and will not pose any risks to human health.

State Environmental Planning Policy (State and Regional Development) 2011

SEPP Regional Development 2011 is applicable. Pursuant to Clause 20(1):

Development specified in Schedule 7 is declared to be regionally significant development ...

Schedule 7(3) lists:

Council related development over \$5 million

Development that has a capital investment value of more than \$5 million If -

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

In consideration of this clause, the proposed development has an estimated capital investment value of \$20 million; Orange City Council is the DA applicant and land Trustee; and the development will be carried out by Orange City Council.

The consent authority for regionally significant development is the regional planning panel for the area, ie Western Regional Planning Panel, pursuant to Section 4.5 of the EPAA 1979.

State Environmental Planning Policy 64 Advertising and Signage

Indicative signage is shown on the development plans, however signage does not form part of the application. Building identification signage will be subject to separate application and approval.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

SEPP (Vegetation in Non-Rural Areas) 2017 is applicable to the proposal.

Pursuant to Clause 7(1):

A person must not clear vegetation in any non-rural area of the State... without the authority conferred by a permit granted by the council...

Clause 9(2) further requires that:

A development control plan may make the declaration in any manner, including by reference to any of the following:

- (a) *the species of vegetation,*
- (b) *the size of vegetation,*
- (c) *the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone),*
- (d) *the presence of vegetation in an ecological community or in the habitat of a threatened species.*

In consideration of the requirements of the SEPP, the proposal involves removal of 41 mature trees from the North Court, generally at the site perimeters to Peisley Street and the public carpark, and within the footprint of the proposed building (see Figure 8). Species to be removed mainly include *Eucalyptus* spp (*Eucalyptus*) and *Casuarina cunninghamiana* (River Oak).

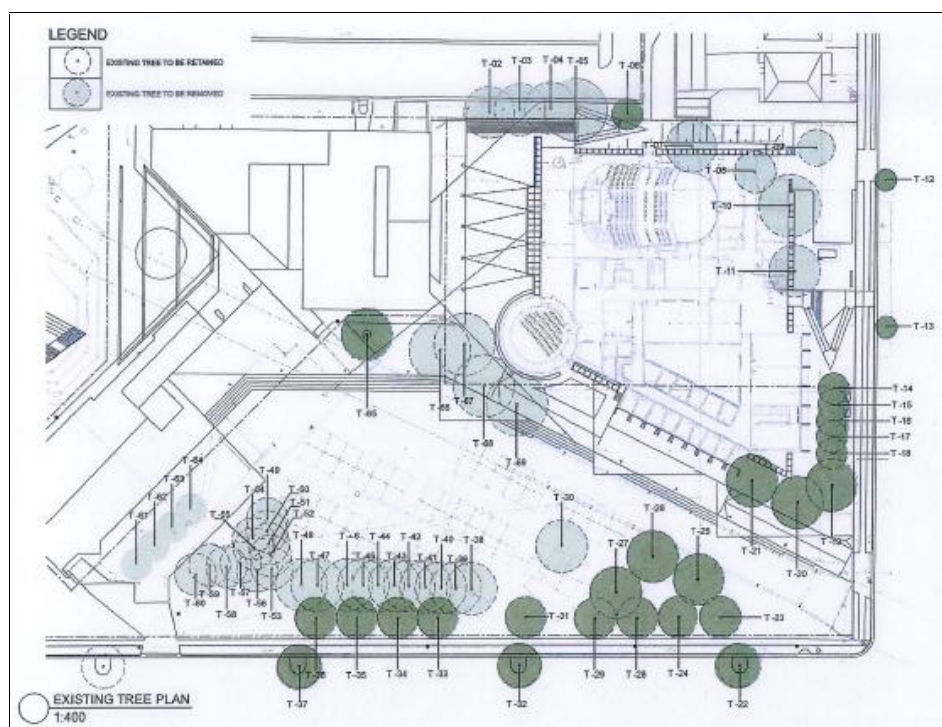


Figure 8 – trees to be removed shown pale green

Pursuant to *DCP 2004-0.4-2 Interim Planning Outcomes- Tree Preservation*, Council's approval is required for removal of trees of a certain prescribed species and size. The trees proposed for removal are subject to Tree Preservation Order.

The proposed tree removal was referred to Council's Manager City Presentation (MCP) for review. The Manager City Presentation raised no objection to tree removal, subject to replacement planting, generally in accordance with the submitted landscape plan. MCP does not support removal of Tree 30 *Taxodium disticum* (swamp cypress) located centrally in the open space area, as there is no justification for its removal. A condition is included on the draft Notice of Approval to this effect.

It is acknowledged that the landscape character of the setting will be altered by tree removal, as proposed. Notwithstanding, it is considered that the proposed replacement landscape design for the site and building (considered below) will be mitigative, and make a positive and significant contribution to the streetscapes and Civic Precinct. Tree removal to facilitate development of the land for community landuse is a reasonable outcome, with public benefit.

Provisions of any Draft Environmental Planning Instrument that has been Placed on Exhibition 4.15(1)(A)(li)

State Environmental Planning Policy Draft Remediation of Land

Draft Remediation of Land SEPP is applicable. The Draft SEPP requires in part that consideration be given to potential contamination on nearby or neighbouring properties and groundwater. The contaminated status of adjoining lands was considered during assessment of DAs for the Museum and Visitor Information Centre (DA 3/2014); and Art Gallery additions (DA 356/2019). The contamination status of the Civic Precinct will not impact on the proposed development.

Draft Orange Local Environmental Plan 2011 (Amendment 24)

Draft Orange LEP 2011 Amendment 24 is with the Department for finalisation. The Draft Plan involves various administrative amendments to the LEP including updated maps; new and amended clauses; and relevantly, updated flood data pursuant to Council's Floodplain Risk Management Study and Plan 2017.

The subject land is already contained within a Flood Planning Area under Orange LEP 2011. As outlined in the foregoing assessment (see Orange LEP 2011 Clause 7.2 Flood Planning), conditions are included on the draft Notice of Approval in relation to minimum floor levels for the proposed building. The proposed development will not be contrary to any matter in Draft Amendment 24.

Draft Orange Local Environmental Plan 2011 (Amendments 25 and 26)

Draft Orange LEP 2011 Amendments 25 and 26 are currently on public exhibition (August 2020). The Draft Plans relate to land at 1 Leewood Drive and 185 Leeds Parade respectively, and have no impact for the proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

Water Management Act 2000

The subject land is traversed by Blackmans Swamp Creek. The portion of the creek through the site is a piped underground stormwater channel. As such, the subject land is not defined as *waterfront land*, nor does the proposed development constitute a *controlled activity* under the Water Management Act 2000. The proposal is not integrated development.

Provisions of any Development Control Plan S4.15(1)(A)(lii)

Development Control Plan 2004

DCP 2004-0 LEP 2011 - Tree Preservation

1. *Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed with the Council's approval...*
2. *This clause applies to Eucalypts of any size...*
3. *This clause applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height.*

As outlined in the foregoing assessment (see SEPP (Vegetation in Non-Rural Areas) 2017), the proposal involves removal of a number of trees that are subject to Tree Preservation Order pursuant to the Vegetation SEPP and DCP 2004. Council's Manager City Presentation raised no objection to tree removal, subject to replacement planting generally in accordance with the submitted landscape plan, and as amended by conditions.

DCP 2004 – 8.2 Business Service Areas

1. *Applications clearly demonstrate that the development will not detract from the role of the CBD as a regional centre.*

The proposed development involves ongoing redevelopment and expansion of the Civic Precinct for community use. The site is well located in the CBD for accessibility and connectivity, and to support nearby retail and business functions.

2. *Provision of adequate fire safety measures and facilities for disabled persons (according to the BCA) is addressed at the application stage...*

Fire safety measures and facilities for disabled persons will be provided in the proposed building, in compliance with the Building Code of Australia.

3. *Heritage streetscape are conserved and enhanced through adaptive reuse of heritage buildings, restrained advertising and landscaped gardens.*

The North Court is not located within a Heritage Conservation Area (HCA), however, is located opposite the Central Orange HCA on the north side of March Street. As outlined in the following section, the proposed site layout and building design is considered to be suitable (subject to minor mitigation conditions) in the context of the adjacent HCA and residential setting.

Robertson Park, located opposite the Civic Precinct on the south side of Byng Street, is a listed heritage item and within the HCA. The park is visually and spatially removed from the North Court, and will not be impacted by the proposed development.



Figure 9 – Heritage Conservation Area shown in red hatching

4. *Areas on the main roads into and out of Orange (such as Molong Road and Bathurst Road) provide a high level of architectural design to enhance the visual character of the City entrances.*

The subject land is not located at a City entrance. Notwithstanding, the site is visually prominent due to its CBD location and community landuse functions. The proposed development was referred to Council's Urban Design Advisor for consideration and comment. He considers the proposal to be generally suitable to each assessment criteria, as follows:

Character

- *The change will be substantial from landscape to built form. The planting on the screens is an appropriate mitigation.*
- *The loss of the mature trees from within the site is worthy of mitigation. This could be produced within the street verge on Council land.*
- *The built elements presented to Peisley and March Streets in addition to the mesh screens include grey panels to the upper portion and glazing areas with expressed fins ...*
- *The scale of the glazing and fins reflects the internal layout. Further elaboration could be provided to the March Street elevation where the streetscape is residential.*

Scale

- *The scale is designed for the uses.*
- *The location of the taller elements are generally distant from the March Street frontage and building alignment.*
- *The screens are a suitable treatment subject to addressing the long-term sustainability of the concept.*

Bulk and form

- *The taller forms are clad in panels with expressed joints.*
- *The forms reflect the uses and the result is well modelled and articulated.*

Details and colour

- *The muted greys and silver of the screens is appreciated.*
- *The fins are black which inverts the standing forward element in relation to the glass which is likely to read as black.*
- *Were the fins to be a lighter colour reflecting colours evident in the streetscape then this may infer a relationship to the streetscape and setting and benefit the elevation to March Street.*

Landscape

- *The extent of the planting proposed is evident.*
- *Although the character may be perceived as one of a disguise, the impact as shown is appreciated.*
- *The provision of supplementary street trees is recommended to produce a traditional scale local to Orange and the local streetscapes.*
- *Screening of the service area which abuts the adjoining single storey scale buildings would benefit the relationship.*

Council's Urban Design Advisor supports the proposal, subject to consideration of the following amendments:

1. *A long-term management plan for the screen plantings on the dominate elevations.*
2. *Supplementary street tree planting in March and Peisley Streets.*
3. *Amendment to the material / colour of the fins on the March Street elevation.*
4. *Additional landscape screening at the March Street frontage.*

In relation to Point 1, Council's Manager City Presentation (MCP) advises that ongoing maintenance of plantings on the site and building will be the responsibility of Council. To this end, a long-term management plan will not be required.

In relation to the landscape elements at Points 2 and 4 above, MCP concurs with the recommendations. The requirements of the Urban Design Advisor will be included in the conditional listed amendments to the landscape design (see following sections of this report).

In relation to the building details at Point 3, a condition is included on the draft Notice of Approval requiring amendment to the material and colour of the fin projections on the March Street elevation, to better interpret the context.

It is considered that the proposed building design, detailing and massing will be suitable in the context of the built form in the Civic Precinct. The development will present a modern community-oriented design that will complement contemporary architecture on the site.

Similarly, the presentation of the building to March Street will reasonably respect the opposing residential context. A generous setback to March Street will be provided, and taller building elements will be removed from this frontage, sufficient to avoid visual encroachment. Onsite and on-street landscaping to March Street will be established. Conditional amendment to the glazing fin projections will also improve the relationship.

The proposed landscape plan was referred to Council's Manager City Presentation for consideration and comment. He was generally supportive of the plan, subject to amendments including:

- Alternative species selections to mesh dome, vertical trellis and substation landscape screen to March Street.
- Thinning of the retained maple trees at the March Street frontage.
- Retention of the cypress tree in the grassed open space.
- Deletion of bulb plantings in the grassed open space.
- Amendment to the indicative plant list.
-

Conditions are included on the draft Notice of Approval requiring preparation and implementation of an amended landscaping plan to reflect the requirements of the Manager City Presentation (and Urban Design Advisor, as considered above).

Notwithstanding the conditional amendments, the proposed landscape concept is considered to be of a high standard. The proposed landscaping will allow for integration of the new building in the Civic Precinct, and relate to the existing landscape scheme over the broader site. The proposed landscape design will improve the function and useability of open spaces, and facilitate connections through the site.

DCP 2004-11.3 – Use of Public Open Space Land

1. *Land is used in accordance with the relevant adopted plan of management.*

As outlined in the foregoing assessment (see Crown Land), the development site is Crown Land and subject to the Orange Civic Precinct POM (2014). The proposed development will be consistent with the strategic direction for the Civic Precinct established in the POM.

DCP 2004-15.6 - Off Street Car Parking

1. *Adequate off-street car parking is provided in accordance with the Table, or alternatively, according to an assessment that demonstrates peak parking demand based on recognised research.*
2. *Car parking areas are designed according to Australian Standard.*
3. *Car parking areas include adequate lighting and landscaping (preferably deciduous shade trees), which provides for the personal security of users.*
4. *Bicycle parking facilities are provided according to the relevant Australian Standard.*
5. *Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.*

DCP 2004 does not prescribe a minimum car parking requirement for the defined land uses of *community facility* and *education and information facility*. As such, a Traffic and Parking Impact Assessment was submitted (McLaren Traffic Engineering and Road Safety Consultants November 2017) to assess the parking requirements for the development.

The assessment provides that the best-fit listed land uses for the proposal are a *theatre* and *educational establishment*. Pursuant to DCP 2004, onsite parking is required for *theatres* at a rate of one space per ten seats; and for *educational establishments* at a rate of one space per two employees plus one space per ten students. Council staff concur that these car parking controls are reasonable to assess parking demands associated with the proposed development.

Therefore, as calculated below, the proposed development will generate demand for 56 car parking spaces:

Landuse	DCP Parking Rate	Proposal	Parking spaces required
Educational establishment (conservatorium)	One space per two employees + One space per ten students	40 studios (each with one employee and one student)	20
			4
Theatre (conservatorium recital hall)	One space per ten seats	250 seats	25
Theatre (planetarium auditorium)	One space per ten seats	70 seats	7
TOTAL			56

The proposal involves five new car parking spaces to be provided at the March Street frontage (see Figure 11). As such, the proposal will result in a car parking shortfall of 51 spaces on the DCP requirements.

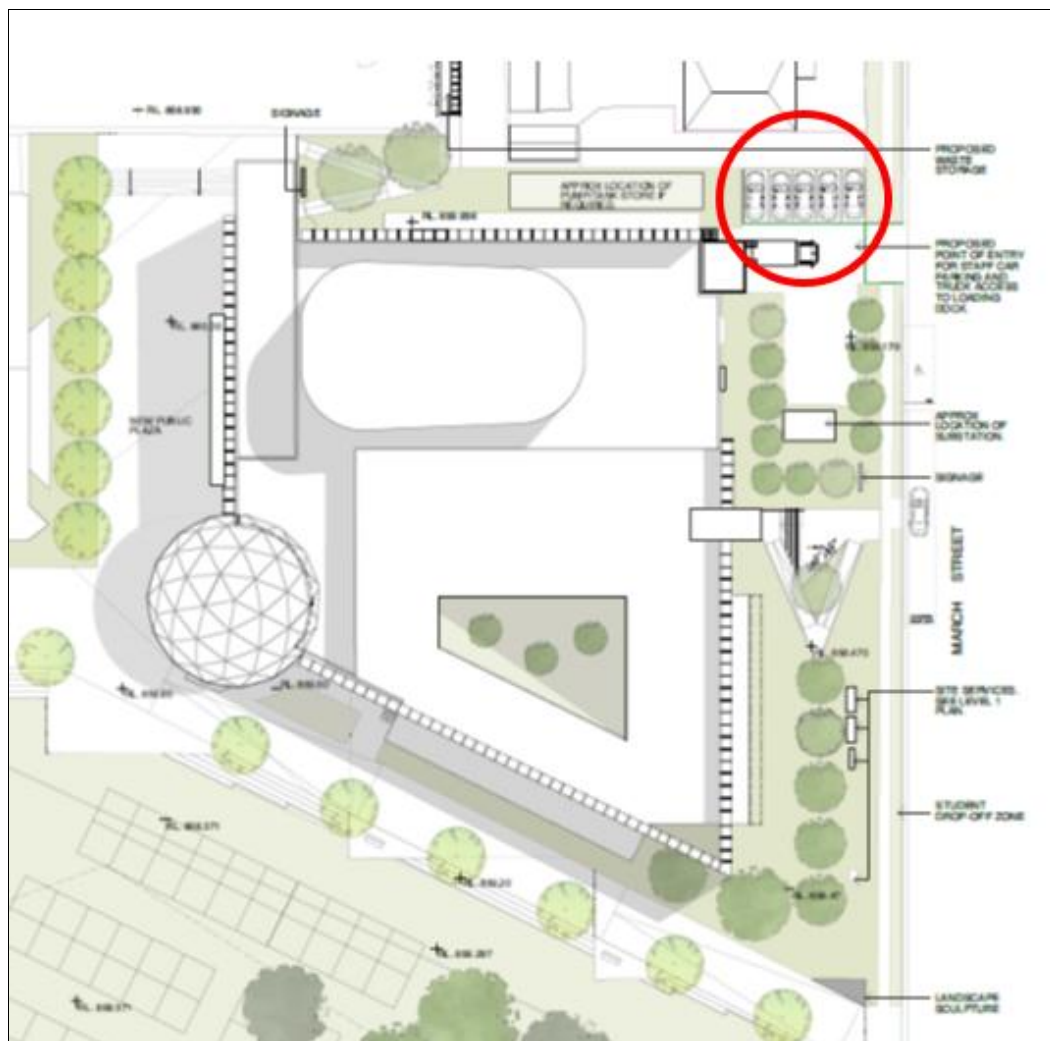


Figure 11 – proposed car parking

The submitted Traffic and Parking Impact Assessment provides an analysis of unrestricted parking spaces available in the vicinity of the development site. The assessment concludes that:

-) There will be *'little to no coincidence in parking demand'* stemming from the three components of the development (conservatorium, planetarium and recital hall).
-) Parking surveys demonstrate there will be a surplus of available car spaces nearby to the site to accommodate parking demands during peak operational times (ie. conservatorium: 3-6pm; planetarium: 9am–3pm; and recital hall: 6pm onwards).
-) *'Car parking provision is considered adequate given the nature of the development and the supply of on-street parking spaces in the surrounds of the site. It is considered that there will be no adverse impact on the on-street parking supply in the streets surrounding the development.'*

In order to qualify the McLaren assessment, Council staff have undertaken an assessment of Civic Precinct parking demands. Based on application of current parking rates under DCP 2004 and recent development consents, existing improvements in the Civic Precinct will generate demand for 248 parking spaces as follows:

Landuse	DCP Parking Rate	Existing scale	Parking spaces required
Civic Centre	Office: One space per 40m ² GFA	2,285m ²	57.1
Civic Theatre	Theatre: One space per ten seats	500 seats	50
Museum and Visitor Information Centre (DA 3/2014)	Information and education facility: One space per 40m ² GFA	1,058m ²	26.4
Gallery (including additions approved under DA 356/2019)	Information and education facility: One space per 40m ² GFA	820m ²	20.5
Library	Information and education facility: One space per 40m ² GFA	3,240m ²	81
HAAC Centre	Community Facility: One space per 40m ² GFA	503m ²	12.57
TOTAL			247.5 (248 spaces)

Parking demands associated with the proposed development (56 spaces), together with existing parking demands (248 spaces) will result in overall parking requirements for the Civic Precinct of 304 spaces. It is noted that this assessment is based on floor space/seats alone, and has not considered specific operational requirements for each landuse, which are not entirely coincidental.

Restricted and unrestricted parking resources nearby to the site include:

-) 261 car spaces in the Tim Sullivan car park on the Civic Precinct site (with an existing surplus of 13 spaces, as calculated above).
-) 35 on-street car spaces on (east side) Lords Place at the site frontage.
-) 20 on-street car spaces on (south side) March Street at the site frontage (noting removal of some ten spaces for proposed student drop off zone and on-street disabled parking space).
-) 40 on-street car spaces on (west side) Peisley Street at the site frontage.
-) 15 on-street car spaces on (north side) Byng Street at the site frontage.
-) Five proposed onsite spaces at the March Street frontage for the proposed development.

This accounts to some 375 spaces within or with immediate frontage to the Civic Precinct. This is considered a reasonable parking supply for the existing and proposed land uses in the Civic Precinct, and other businesses nearby to the site that utilise public car parking.

While on-street car parking cannot be relied upon to accommodate the parking requirements of a development (pursuant to the RMS Guide to Traffic Generating Development 2002 (RMS Guide)), it does exist as a parking resource. On-street parking to service community uses such as those in the Civic Precinct is considered to be an acceptable and reasonable outcome. Take-up of available on-street parking is unlikely to impact on local traffic amenity due to road formation, signposting and time restrictions.

Council staff concur with the findings of the Traffic and Parking Assessment that *sufficient parking is available to cater for parking demands associated with the development*. In this regard:

-) A surplus of public car parking is available in the vicinity.
-) There will be little to no coincidence in operational parking demand associated with the three components of the development (conservatorium, planetarium and recital hall).
-) There will be some, albeit not unreasonable, coincidence in operational parking demands associated with the proposed development (usually afternoons, evenings and weekends) and existing uses in the Civic Precinct (business days and hours).
-) A student drop off zone will be provided on-street in the March Street road formation, which will lessen demand for onsite parking during operation of the conservatorium.
-) Timed parking restrictions in the vicinity may be amended to minimise congestion if required in the future.
-) Additional public car parking is mooted for the Muir's site opposite the North Court in Peisley Street.
-) Parking arrangements are unlikely to create unreasonable cumulative parking impacts. The civic buildings complement each other and visitors may use the Civic Centre/Theatre, Library, Art Gallery and Museum in the one visit, thus spreading the parking demand across multiple land uses.

The proposed car park at the site frontage to March Street will be designed and constructed consistent with AS 2890.1.2004. Sufficient manoeuvring area will be available onsite to facilitate forward direction egress to March Street for B85 vehicles and Medium Rigid Vehicles accessing the loading dock. The proposed road opening for vehicle access will be suitably removed from the March and Peisley Street intersections.

As a matter arising, the capacity of the local road network is sufficient to accommodate traffic to be generated by the proposed conservatorium and planetarium. The RMS Guide does not prescribe traffic generation rates for the proposed land uses. Furthermore, the proposal is not traffic generating development pursuant to SEPP (Infrastructure) 2007. Council staff concur with the traffic generation findings in the submitted McLaren assessment, as follows:

‘The peak hourly traffic generation can be estimated at 108 vehicle trips (54 in/54 out) (based on intended operation of each component of the development). It is expected that trips to and from the proposed facility at peak times will be evenly distributed through the traffic network, as residential areas generally surround the site in all directions, and it is likely to be the only facility of its kind in Orange.

While a total of 108 vehicle trips may have a noticeable impact if directed through a single intersection or access point, the distribution of trips through the traffic network surrounding the site will reduce the impact per intersection to an insignificant level.

Upgrading of the existing local road network to accommodate traffic volumes associated with the development will not be required. Conditions are included on the draft Notice of Approval requiring footpath construction at the March Street frontage; and installation of a No Stopping sign and 45° angle parking sign on the March Street frontage adjacent to the Peisley Street intersection.

Provisions Prescribed By The Regulations S4.15(1)(A)(iv)

Demolition of a Building (clause 92)

The proposal does not involve the demolition of a building.

Fire Safety Considerations (clause 93)

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

Buildings to be Upgraded (clause 94)

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

BASIX Commitments (clause 97A)

BASIX is not applicable to the proposed development. A Section J Energy Efficiency Statement will be required with the Construction Certificate application.

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

The Likely Impacts of the Development S4.15(1)(B)

The impacts of the proposed development have been considered in the foregoing sections of this report and include:

-) Setting and context (in accordance with operative POM; public domain; within the Civic Precinct; and opposing residential lands in March Street to the north).
-) Visual impacts (streetscape presentation; building design and detailing).
-) Landscape character (tree removal; tree retention; mitigation plantings; contribution to streetscape and Civic Precinct; relationship to landscape design in Civic Precinct).
-) Traffic matters (site access, onsite vehicle areas, car parking and manoeuvring, traffic generation and network capacity).
-) Environmental impacts (biodiversity, groundwater, stormwater management, tree removal).

Other impacts associated with the development are considered below.

Crime Prevention

The proposal was referred to NSW Police for consideration and comment. No objection was raised to the proposal. The proposed site layout and building design will be compliant with *Crime Prevention through Environmental Design* (CPTED) principles. Conditions from NSW Police are included on the draft Notice of Approval in relation to installation of closed circuit television monitoring, and quality lighting to public areas.

Acoustic Impacts

Noise generating activities associated with operation of the conservatorium and planetarium are assessed to be:

-) Noise breakout from music, patrons and other activities within the building;
-) Noise emission from external mechanical services; and
-) Noise from vehicle movements and activities in the loading dock and car park.

These noise impacts are already typical to the Civic Precinct, and are unlikely to substantially alter the localised acoustic environment. It is considered that noise emissions associated with the development will not exceed environmental noise criteria contained in the EPA Noise Policy for Industry 2017; nor exceed restrictions set by Liquor and Gaming NSW. The proposed building will be acoustically rating for specific music/theatre use, and external mechanical plant will be screened. Nearby residential receivers on March Street are removed from onsite breakout areas, and onsite vehicle areas are of a small scale.

Social and Economic Impacts

The proposed development will have positive economic impacts for the City, with employment generation during construction and operation. The proposal will also likely generate regional tourism, with flow-on effects for the local economy. The proposed development will provide an additional cultural and educational facility for the Civic Precinct, and improved outdoor public spaces and connectivity.

Cumulative Impacts

Cumulative impacts associated with time and space crowding effects will be occasional, localised and within reasonable limit. Such effects are accepted and realistic outcomes associated with a group of community and public land uses. Impacts will likely be directed to the Tim Sullivan carpark and the North Court grassed area, and largely removed from residential receivers.

The suitability of the site s4.15(1)(c)

The subject land is suitable for the proposed development due to the following:

-)] The proposed development is permitted on the subject land zoning.
-)] The site is contained within the Civic Precinct, and comprises a community space for recreation, cultural, educational, tourism and open space land uses.
-)] All utility services are available and adequate.
-)] Public car parking is available nearby to the site in the Civic Precinct and on-street in surrounding streets.
-)] The local road network is suitable to support the proposal without upgrade.
-)] The contamination status of the land is suitable for the proposed development, subject to conditional contamination investigation, remediation and validation.
-)] The subject land is flood liable, however conditional minimum floor levels will render the land suitable for the development.
-)] The land is not subject to other known natural hazards.
-)] The site has no particular environmental values.
-)] The watercourse that traverses the land is a piped underground stormwater channel and will not preclude development of the land.

Any submissions made in accordance with the Act s4.15(1)(d)

The proposed development is defined as "advertised development" pursuant to Council's Community Participation Plan 2019. Written and public notice of the application was given for the prescribed period. At the end of that period, one (1) submission had been received.

The issues raised in the submission relate to the reduction of North Court open space, the parking shortfall provided for the development, and the loss of an informal pedestrian pathway between Tim Sullivan carpark and March Street.

It is concurred that the North Court open space area will be reduced to facilitate the proposed development. Notwithstanding, the remaining green space will be of improved functionality, useability, connectivity and presentation. Sufficient land will be available in the open space area for community markets, festivals, performances, etc.

Car parking assessment for the development has been undertaken in the foregoing sections of this report. Council assessment staff and the proponent's traffic engineer concur that available public car parking will be suitable to accommodate the proposed development.

The informal pedestrian pathway between Tim Sullivan carpark and March Street will be replaced by a planted embankment. A new pedestrian entry to the site via March Street will be provided to the east of the proposed building, some 50m from the existing informal pathway. The new path will connect with the community forecourt between the library and new building. Pedestrian accessibility through the site will be retained and improved.

Public interest s4.15(1)(e)

The proposal is not inconsistent with any relevant policy statements, planning studies, and guidelines etc. that have not been considered in this assessment. The proposed development will contribute to the role of the Civic Precinct as a community space for recreation, cultural, educational, tourism and open space land uses, and is considered to be in the public interest.

SUMMARY

The proposed development is permitted with consent. It is assessed that the proposal satisfies the Local and State planning provisions applicable to the site and particular landuse. Approval of the application is recommended. Conditions of consent are included on the attached draft Notice of Approval to mitigate and manage arising impacts associated with the development.

COMMENTS

The requirements of the following experts are included in the attached Notice of Approval:

-) Environmental Health and Building Inspector.
-) Assistant Development Engineer.
-) Environmental Health Officer.
-) Heritage/Urban Design Advisor.
-) Manager City Presentation.
-) NSW Police.