PLANNING AND DEVELOPMENT COMMITTEE

AGENDA

4 OCTOBER 2022

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING AND DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE on Tuesday, 4 October 2022.**

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8106.

AGENDA

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1 INTRODUCTION

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Committee Members now disclose any conflicts of interest in matters under consideration by the Planning and Development Committee at this meeting.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

RECORD NUMBER: 2022/1725
AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Following is a list of more significant development applications approved by the Chief Executive Officer under the delegated authority of Council. Not included in this list are residential scale development applications that have also been determined by staff under the delegated authority of Council (see last paragraph of this report for those figures).

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy "7.1. Engage with the community to develop plans for growth and development that value the local environment".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

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.

Reference:	DA 411/2017(3)	**Determination Date:**	2 September 2022
PR Number	PR8327		
Applicant/s:	Mr R Stewart		
Owner/s:	Mr RJ Stewart		
Location:	Lot 1 DP 91037 - 72 McNamara Street, Orange		
Proposal:	Modification of development consent - office premises (alterations and additions to existing building). The modified proposal sought minor changes to the internal layout of the building.		
Value:	N/A		

Reference: DA 259/2019(4) **Determination Date:** 8 September 2022
PR Number PR28787
Applicant/s: Mr R Heath
Owner/s: Four Forty Eight Silverdown Pty Ltd
Location: Lot 102 DP 1264767 - Silverdown Way, Orange
Proposal: Modification of development consent - subdivision (37 lot residential and one reserve lot). The modified proposal sought that the following conditions be removed or altered to reflect the proposed development:
- delete Conditions (30) and (43); and amend Condition (50) to remove the requirement of an Occupation Certificate.

The reason for these changes being that the retaining walls contained within the conditions are covered by the Subdivision Works Certificate and therefore these conditions were created in error.
Value: N/A

Reference: DA 306/2021(2) **Determination Date:** 6 September 2022
PR Number PR14288
Applicant/s: Mr T Miers
Owner/s: Mr WR and Mrs LM McDonell
Location: Lot 184 DP 750401 and Lot 1 DP 130391 - 142 Lysterfield Road, and
Lot 188 DP 750401 - 158 Lysterfield Road, Orange
Proposal: Modification of development consent - subdivision -
Stage 1: three residential lots and two development lots;
Stage 2: 84 residential lots, public reserve lot and five roads;
Stage 3: nine residential lots) and Demolition (outbuildings and dwellings). The modified proposal sought consent to defer demolition of encroaching outbuildings to Stage 2 of the development. Furthermore, consent is sought to retain the red outbuilding on Lot 86 for Stage 1. The proponent has offered new Conditions to enforce demolition of all outbuildings at Stage 2, including time-limited easements for use, and restrictions on the development of adjoining child parcels.
Value: N/A

Reference: DA 437/2021(2) **Determination Date:** 20 September 2022
PR Number PR10126
Applicant/s: Orange Ex-Services Club Limited
Owner/s: Lot 199 DP 756899 - Wentworth Golf Club
Lot 181 DP 1154782 - The State of NSW
Location: Lot 199 DP 756899 and Lot 181 DP 1154782 -130 Ploughmans Lane, Orange
Proposal: Modification of development consent - demolition (existing pro-shop, gazebo and tree removal) and Registered Club (new club building with ancillary pro-shop, car store, cafe and car parking). The modified proposal involved:
- an addition to the approved clubhouse projecting from the eastern elevation at ground level, for a smoking terrace
- construction of a pump shed in the cart shed compound at the Ploughmans Lane site frontage to house a fire hydrant booster system
- installation of two 40KL aboveground water storage tanks nearby the proposed pump shed.

Value: N/A

Reference: DA 487/2021(1) **Determination Date:** 20 September 2022
PR Number PR10129
Applicant/s: Light Horse Co Pty Ltd
Owner/s: Light Horse Co Pty Ltd
Location: Lot 15 DP 785177 - 5 Ploughmans Lane, Orange
Proposal: Subdivision (four lots - large lot residential)
Value: $N/A

Reference: DA 532/2021(1) **Determination Date:** 6 September 2022
PR Number PR25386
Applicant/s: Orange Christian School
Owner/s: Orange Christian Schools Limited
Location: Lot 100 DP 1165434 - 500 Cecil Road, Orange
Proposal: School (access alterations and ancillary community notice and public information sign)
Value: $638,313

Reference: DA 15/2022(2) **Determination Date:** 20 September 2022
PR Number PR25846
Applicant/s: Mr B Davis
Owner/s: Mr BJ and Mrs RJ Davis
Location: Lot 18 DP 1057526 - 87 Bargwanna Road, Spring Creek
Proposal: Modification of development consent - dwelling, attached garage, swimming pool (inground), pool fencing, tennis court and shed x 2. The modification sought to alter the width of the approved shed from 10m to 12m. Other minor changes to the approved shed include providing an additional roller door on the southern and western elevations; reducing the number of roller doors on the northern elevation from 4 to 2; and a minor reconfiguration of the internal shed layout to allow for a carport under the same roofline.
Value: N/A

Reference: DA 76/2022(1) **Determination Date:** 20 September 2022
PR Number PR17771
Applicant/s: CEO Architectural Cad Design & Presentation
Owner/s: Department of Education
Location: Lot 16 DP 758817 - 1-7 Torpy Street, Orange
Proposal: School (ancillary and incidental community notice and public information sign)
Value: $21,900

Reference: DA 78/2022(1) **Determination Date:** 19 September 2022
PR Number PR16651
Applicant/s: CEO Architectural Cad Design and Presentation
Owner/s: Department of Education
Location: Lot 61 DP 870550 - 78 Kite Street, Orange
Proposal: School (ancillary and incidental community notice and public information sign)
Value: $22,500

Reference: DA 85/2022(1) **Determination Date:** 12 September 2022
PR Number PR28964
Applicant/s: Saunders and Staniforth Pty Ltd
Owner/s: Ms CA Reddel
Location: Lot 58 DP 1274510 - 3 Mountain Vista, Orange
Proposal: Subdivision (four lot Torrens title)
Value: N/A

Reference: DA 122/2022(1) **Determination Date:** 6 September 2022
PR Number PR25816
Applicant/s: Mr A Griffiths
Owner/s: Mr AJ and Mrs JM Griffiths
Location: Lot 12 DP 1176470 - 5 Atlas Place, Orange
Proposal: Light industry (shed)
Value: $847,000

Reference: DA 132/2022(1) **Determination Date:** 2 September 2022
PR Number PR28770
Applicant/s: Mr TM Wright
Owner/s: Mr TM and Mrs LM Wright
Location: Lot 247 DP 1267827 - 5 Roseteague Way, Orange
Proposal: Dwelling (attached and two storey) and attached garage
Value: $545,000

Reference: DA 133/2022(1) **Determination Date:** 2 September 2022
PR Number PR28771
Applicant/s: Mr R Pasquali
Owner/s: Mr E and Mrs PL Pasquali
Location: Lot 248 DP 1267827 - 3 Roseteague Way, Orange
Proposal: Dwelling (attached and two storey) and attached garage
Value: $545,000

Reference: DA 171/2022(1) **Determination Date:** 30 August 2022
PR Number PR948
Applicant/s: Mr T Wallace
Owner/s: Akura Properties Pty Ltd
Location: Lot 365 DP 624335 - 2-4 Ash Street, Orange
Proposal: Subdivision (two lot industrial)
Value: N/A

Reference: DA 175/2022(1) **Determination Date:** 19 September 2022
PR Number PR27533
Applicant/s: Wakefield Ashurst Developments Pty Ltd
Owner/s: Wakefield Ashurst Developments Pty Ltd and Northern Managers and Construction Pty Ltd
Location: Lot 6 DP 270635 - 1 Industry Drive, Orange
Proposal: Subdivision (three lot Community title) and road widening
Value: N/A

Reference: DA 196/2022(1) **Determination Date:** 19 September 2022
PR Number PR20393
Applicant/s: Structor Projects Pty Ltd
Owner/s: Maddimoo 2816 Pty Ltd
Location: Lot 8 DP 270446 - 19 Cameron Place, Orange
Proposal: Mixed use development (office premises, warehouse or distribution centre, and self-storage units) and subdivision (15 Strata lots)
Value: $2,493,236.00

Reference: DA 209/2022(1) **Determination Date:** 2 September 2022
PR Number PR8335
Applicant/s: Mr J Saran
Owner/s: Mr MG Niven and Saran (NSW) Pty Ltd
Location: Lot 8 SP 16507 - 6/64-68 McNamara Street, Orange
Proposal: Subdivision (two lot Strata)
Value: N/A

Reference: DA 210/2022(1) **Determination Date:** 2 September 2022
PR Number PR12458
Applicant/s: Mr B Johnson
Owner/s: Mr MM Van Gasselt and Ms PF Dordoy
Location: Lot 1 DP 743896 - 129 Warrendine Street, Orange
Proposal: Dwelling alterations and additions
Value: $400,000

Reference:	DA 269/2022(1)	**Determination Date:**	20 September 2022
PR Number	PR8247		
Applicant/s:	design@m		
Owner/s:	Ms CA Anstey		
Location:	Lot 1 DP 741171 - 174 McLachlan Street, Orange		
Proposal:	Dwelling alterations and additions (deck/verandah), secondary dwelling(change of use) and carport		
Value:	$65,000		

Reference:	DA 272/2022(1)	**Determination Date:**	6 September 2022
PR Number	PR26464		
Applicant/s:	The Trustee for the NJ and RL Ovenden Family Trust		
Owner/s:	Orange City Council		
Location:	Lot 200 DP 1195298 - 136 Aerodrome Road, Huntley		
Proposal:	Aircraft hangar		
Value:	$90,000		

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:	**$5,667,949.00**

** **Net** value relates to the value of modifications. If modifications are the same value as the original DA, then nil is added. If there is a plus/minus difference, this difference is added or taken out.*

Additionally, since the September 2022 meeting report period (24 August to 20 September 2022), another 30 development applications were determined under delegated authority by other Council staff with a combined value of $4,939,643.

2.2 DEVELOPMENT APPLICATION DA 258/2022(1) - 10 LEEWOOD DRIVE

RECORD NUMBER: 2022/1888
AUTHOR: Rishelle Kent, Senior Planner

EXECUTIVE SUMMARY

Application lodged	8 August 2022
Applicant/s	L-Con Building & Construction Pty Ltd
Owner/s	Roweth Investments Pty Limited
Land description	Lot 53 DP 255071 - 10 Leewood Drive Orange
Proposed land use	General Industry (alterations and additions)
Value of proposed development	$4,196,520.00

Council's consent is sought for alterations to an established general industrial use at 10 Leewood Drive, Orange. The land is described as Lot 53 DP 255071.

The site is currently occupied by ALS minerals laboratory, for the testing, analysis and certification of mineral samples. The current proposal before Council involves:

- the rearrangement of the floor plan of the existing building to provide improved laboratory areas, work spaces, storage and staff amenities,
- fit out and use of the recently approved (yet to be constructed) building for the purpose of sample preparation and storage. This will involve the installation of dust boxes and construction of an office and a maintenance room; and
- an increase in the operations, including staff numbers (70) and hours of operation (24/7).

The land is zoned IN1 General Industrial and the proposed development is permissible with consent. The proposal is consistent with the applicable landuse requirements and development standards. Approval of the application is recommended.

Figure 1 - locality plan

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.

DIRECTOR'S COMMENT

The site is currently occupied by ALS minerals laboratory, for the testing, analysis and certification of mineral samples. The site is subject to a number of approvals, with the most recent being a new industrial building to support the established operations. Pursuant to DA315/2021, approval has been granted for a new industrial building as an addition to the eastern side existing building. This new building has been approved as a shell structure and for first use as storage area to support the current ALS operation.

The current proposal before Council involves:

- the rearrangement of the floor plan of the existing building to provide improved laboratory areas, work spaces, storage and staff amenities,
- fit out and use of the recently approved (yet to be constructed) building for the purpose of sample preparation and storage. This will involve the installation of dust boxes and construction of an office and a maintenance room; and
- an increase in the operations, including staff numbers (70) and hours of operation (24/7).

The proposed development is consistent with the zoning of the land and meets the applicable development standards for land zoned IN1. Appropriate measures have been put in place to mitigate noise and air pollution. Council's Declaration of Planning and Development Assessment Protocols nominates that development exceeding $2.5 million is to be determined by Council. The estimated value of the works has been nominated as $4,196,520. Approval of the development is recommended.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 258/2022(1) for *General Industry (alterations and additions)* at Lot 53 DP 255071 - 10 Leewood Drive, 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

Council's consent is sought to expand the operation of the ALS minerals laboratory at 10 Leewood Drive, Orange.

At present, the existing 1560m² industrial building is used as a laboratory for testing, analysis and certification of mineral samples. An expansive concrete and bitumen area along the eastern side of the building is used for external storage of equipment, samples and other items associated with the operation. It is reported that ALS has operated from the site for some 35 years.

The site is subject to a number of approvals, with the most recent being a new industrial building to support the established operations. Pursuant to DA315/2021, approval has been granted for a new industrial building as an addition to the eastern side existing building. This new building has been approved as a shell structure and for first use as storage area to support the current ALS operation.

The current proposal before Council involves:

- the rearrangement of the floor plan of the existing building to provide improved laboratory areas, work spaces, storage and staff amenities,
- fit out and use of the new building for the purpose of sample preparation and storage. This will involve the installation of dust boxes and construction of an office and a maintenance room; and
- an increase in the operations, including staff numbers (70) and hours of operation (24/7).

All proposed works will be undertaken internally. There will be no changes to the external appearance of the building, external areas, or designated car parking spaces, as assessed previously under DA 315/2021(1).

Waste associated with the development comprises approximately 1,000L per week of liquid waste, released into the sewer as per the trade waste agreement. Core samples are disposed of at Orange Resource Recovery. Additional waste is collected by Cleanaway.

Traffic movements to the site comprise small and medium rigid vehicles and light commercials to deliver ore samples and associated materials, equipment and consumables; employee vehicles and occasional semi-rigid movement one (1) per week based on current operations.

It is further proposed to increase staff numbers from 50 to 70 as a result of the expansion. Across the three (3) shifts, there are approximately 20 people at the premises at any given time.

Furthermore, it is proposed to operate 24 hours a day, 7 days a week.

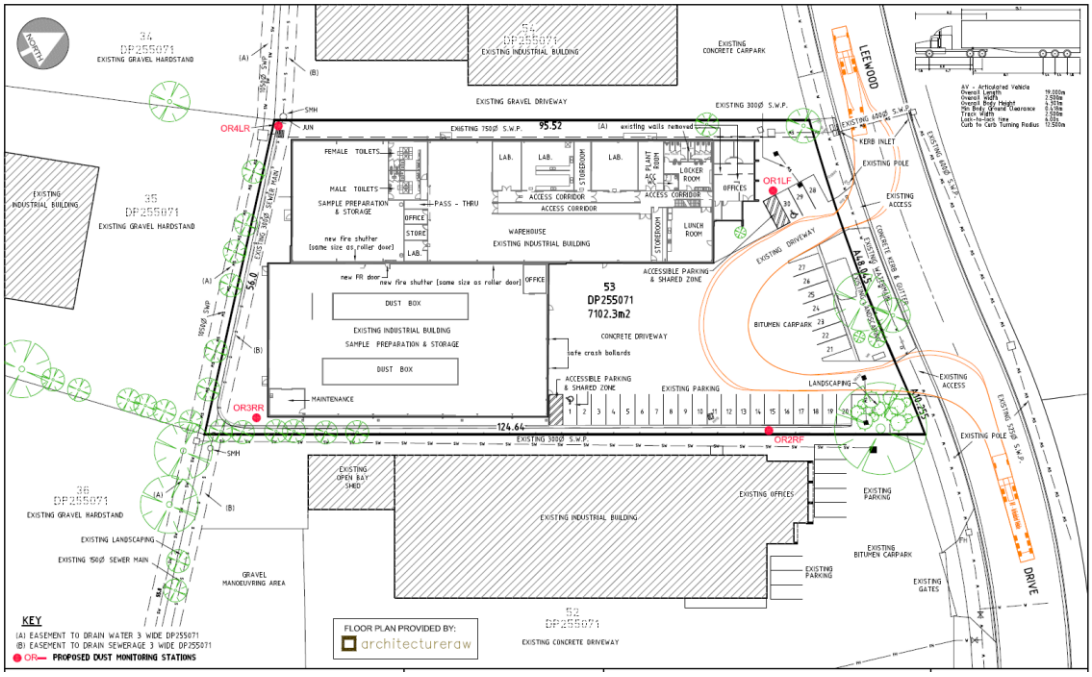


Figure 2 - proposal

It should be noted that the plans titled Peter Basha Planning and Building, Sheet 2 of 3 'Existing boundaries and site detail' is incorrect, as the 'existing industrial building' shown on the eastern boundary has not been constructed. In addition to this, the storage of materials are currently located within the front carparking spaces, and fences (permanent and temporary) are located within the concrete driveway area.

MATTERS FOR CONSIDERATION

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

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

Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to significantly affect a threatened species. A Biodiversity Development Assessment Report is not required in this instance.

In this instance, site inspection reveals that the subject property has no biodiversity or habitat value.

Section 4.15

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

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

Orange Local Environmental Plan 2011

Clause 1.2 - Aims of Plan

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

(a) to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,

The application is considered to be consistent with objectives (a) and (b) as outlined in this report.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

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

Land Zoning Map:	**Land zoned IN1 General Industrial**
Lot Size Map:	**Minimum Lot Size 3000m^2**
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
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:	Not 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:	Not flood affected land

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

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

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement under the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan under the Native Vegetation Act 2003, or

(f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

The site is subject to easements as per DP 255071, however, these are not located within the building footprint. Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

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

The subject site is located within the IN1 General Industrial zone. The proposed development is defined as **general industry** under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

1 - Objectives of the IN1 General Industrial Zone

- *to provide a wide range of industrial and warehouse land uses*
- *to encourage employment opportunities*
- *to minimise any adverse effect of industry on other land uses*
- *to support and protect industrial land for industrial uses*
- *to ensure development along the Southern Link Road has an alternative access.*

The proposal is consistent with the objectives, as follows:

- the proposal is an industrial use of the land
- the industrial operation provides for the employment of staff
- the proposal will not generate landuse conflicts over and above the existing situation
- the proposal will have nil impact on the use of the subject and adjoining lands for industrial purposes
- the site does not have frontage or access to the Southern Link Road.

Clause 7.3 - Stormwater Management

The proposal does not involve changes to existing stormwater services.

Clause 7.6 - Groundwater Vulnerability

In consideration of Clause 7.6, the proposal is considered to be acceptable. The proposal does not involve processes or activities that would cause groundwater contamination or impact on groundwater dependent ecosystems.

Clause 7.11 - Essential Services

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

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable. Pursuant to Chapters 3 and 4, Council must consider whether the land is contaminated and if remediation is required to enable the proposed development to be carried out.

The land is listed on the contamination mapping layer held by Council. The site has a long existing land use as a minerals laboratory.

Council's Environmental Health Officer (Perry) has previously reviewed the site, and recommended:

> *I've reviewed the contaminated lands register details. The subject property was flagged as potentially contaminated based on the presence of "chemical storage facilities". The properties either side were flagged for "truck or transport depot" (indicating possibility of localised hydrocarbon contamination on those sites).*
>
> *Given the site has had the one use for quite some time, and has had an external hardstand of concrete or bitumen and an existing structure to store chemicals in, I think a condition regarding unexpected finds during excavation works would be sufficient. That way, if anything is unearthed, we will be notified and can recommend appropriate remedial action.*

Contamination investigation as a precursor to potential site remediation is not required for this proposal. The recommended condition has been included in the Notice of Approval.

DESIGNATED/INTEGRATED DEVELOPMENT

The proposed development is not designated or integrated development.

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

Development Control Plan 2004

The following parts of DCP 2004 are applicable to the proposed development:

- Part 0 - Residential Proximity
- Part 2 - Natural Resource Management
- Part 3 - General Considerations
- Part 4 - Special Environmental Considerations
- Part 9 - Development in the Industry and Employment Zone
- Part 15 - Car parking

The relevant matters in Parts 2, 3 and 4 were considered in the foregoing assessment under Orange LEP 2011.

The proposal will reasonably satisfy the relevant planning outcomes in Part 0 and 9 as outlined in the following assessment.

Chapter 0.4-10 Residential Proximity

The proposal involves the fit out of a building for an existing, and expanded, industrial use, located some 250m south of a residential area. This specific clause relates to development on land within the IN1 General Industrial zone within 800m of residential zone.

The DCP requires that:

- *The design is consistent or compatible with nearby residential areas in terms of design, siting, and landscaping.*
- *The hours of operation, traffic and noise generation do not interfere with reasonable expectations of residential amenity.*
- *Noise-generating activities are contained within the building where practicable.*
- *Car park and security lighting is positioned and shielded to prevent direct light spill onto residential properties.*
- *The design must demonstrate how residential privacy and solar access will be maintained.*
- *The location, size, colour and design of advertisements complement the character of the locality.*

It is considered that:

- The existing design, siting and landscaping is compatible with the nearby residential zone.
- The traffic and noise generation are not likely to interfere with reasonable expectations of residential amenity. The interface between the residential area and proposed development is diminished by the physical separation and by the intervening development pattern which comprises well established industrial operations.
- Acoustic investigations undertaken by SoundIN (May 2022) determined that nearby residential receivers will comply with the project noise trigger levels.
- The carpark and any lighting will not be visible from the residential area to the north.
- The proposed development will not impact upon residential privacy and solar access to residential properties.
- The business signage will not detrimentally impact upon residential properties.

Chapter 9 - Development in the Industry and Employment Zone

The DCP prescribes the following applicable planning outcomes for Industrial Site Development:

- *Adequate parking and onsite manoeuvring is provided.*

The approved car parking layout under DA 315/2021(1) comprises 30 off street car parking spaces inclusive of 2 accessible spaces. The applicants submit that the proposed fit out of the industrial building will not alter the car parking demand.

Car parking assessment is based on (1) space per 100m² GFA or one (1) space for every two (2) employees (whichever is the greater). In this case, the total combined GFA of 2966.5m^2 requires 29.7, or 30, car parking spaces. With regards to employee numbers, the applicants advise that the proposal involves an increase in staff numbers from 50 to 70 as a result of the expanded operations. Across the three (3) shifts, there are approximately 20 people at the premises at any given time. Given that employee numbers are divided over three shifts, the GFA calculation represents the greater of the two (2) calculations. Thirty (30) car parking spaces in compliance with DCP requirements have been designated on the site plan, and will be required to be provided prior to the issue of the Occupation Certificate.

The proposed development will have nil impact on the already approved onsite vehicle arrangements. Loading and unloading will continue to be undertaken within the site. Turn paths indicate that the site can accommodate forward ingress and egress of a semi-trailer.

- *Advertising involves business identification signs within the front façade and/or by a pole sign comparable to the relative height to the main building on the site.*

As previously addressed, the signage is acceptable.

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

Section 62 - Fire Safety Considerations and Section 64 - Buildings to be Upgraded

Council's EHBS advises:

> Further details will be required at the Construction Certificate stage. The building may need to be upgraded to ensure continued compliance with the BCA. Conditions have been imposed to this effect.

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

Visual Impacts

The proposal will have acceptable visual impacts as the rearrangement will allow for the internal storage of materials. Details of the location of waste storage shall be submitted to Council for approval. Adequate car parking will be available upon the site to negate street parking for employees.

The smoking shed remains located in the front landscaped bed, and shall be removed prior to the issue of the Construction Certificate, and replacement landscaping installed.

Traffic Impacts

The proposal will have negligible impacts on localised and onsite traffic arrangements:

- separate ingress and egress will be provided, in conjunction with an acceptable number of parking spaces
- loading and unloading will be undertaken upon the site with all vehicle movements being required to be undertaken in a forward direction when entering and leaving the premises.

Noise Impacts

An acoustic report was prepared by SoundIN (dated May 2022). The report determined that the predicted noise levels at nearby residential receivers will comply with the project noise trigger levels during both the day and night. No additional noise mitigation measures are required to be installed or constructed.

Air Quality

The existing air quality measures employed by ALS are suitable for the ongoing operation of the laboratory at the subject land. Existing monitoring of air quality is considered satisfactory.

Waste impacts

A Trade Waste agreement will be required as a result of the expansion of the operations. A condition has been imposed to this effect.

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

Suitability is determined by two primary considerations:

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

The proposal is consistent with the development pattern of the locality. The location is considered suitable to support the industrial nature of the business, and is appropriately zoned to allow such use. The site configurations are conducive to the operations of the existing industry. All utility services are available to the site and are adequate for the proposal pursuant to the requirements of DCP 2004. There are no physical attributes of the land that would constrain the development.

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

The proposed development is not defined as advertised development under the provisions of the LEP, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

PUBLIC INTEREST s4.15(1)(e)

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

COMMENTS

The requirements of the Environmental Health and Building Surveyor, Environmental Health Officer and Trade Waste Officer are included in the attached Notice of Approval.

ATTACHMENTS

1 Notice of Approval, D22/58418⇩
2 Plans, D22/57103⇩

ORANGE CITY COUNCIL	**ORANGE CITY COUNCIL** Development Application No **DA 258/2022(1)** NA22/671 Container PR6662

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application	
Applicant Name:	L-Con Building & Construction Pty Ltd
Applicant Address:	c/- Peter Basha Planning and Development 1/343 Summer Street Orange NSW 2800
Owner's Name:	Roweth Investments Pty Limited
Land to Be Developed:	Lot 53 DP 255071 - 10 Leewood Drive, Orange
Proposed Development:	General Industry (alterations and additions)
Building Code of Australia building classification:	Class TBC
Determination made under Section 4.16	
Made On:	4 October 2022
Determination:	**CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**
Consent to Operate From:	5 October 2022
Consent to Lapse On:	5 October 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 prevent the proposed development having a detrimental effect on adjoining land uses.
(8) To minimise the impact of development on the environment.

Conditions

(1) The development must be carried out in accordance with:

(a) Plans numbered: Peter Basha Planning and Development, 21037DA Sheets 2 and 3, Architecture Raw, 220301 Sheet DA02A (3 sheets)

(b) statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 258/2022(1)

Conditions (cont)

PRESCRIBED CONDITIONS

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

(3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

(4) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the adjoining premises from possible damage from the excavation, and

(b) where necessary, underpin the adjoining premises to prevent any such damage.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(5) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.

(6) 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.

(7) Details of waste storage shall be submitted for approval prior to the issue of the Construction Certificate. Waste storage, including the provision of skip bins, shall be appropriately screened from the street.

(8) A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issuing of a Construction (or Occupation) Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Details of all proposed liquid trade waste pre-treatment systems and their connection to sewer are to be submitted.

Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

PRIOR TO WORKS COMMENCING

(9) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 258/2022(1)

Conditions (cont)

Prior to works commencing (cont)

(10) 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.

(11) The location and depth of the sewer junction/connection to Council's sewerage system is to be determined to ensure that adequate fall to the sewer is available.

DURING CONSTRUCTION/SITEWORKS

(12) 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 onsite must not resume unless the express permission of the Director Development Services is obtained in writing.

(13) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.

(14) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.

(15) 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.

(16) 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.

(17) No portion of the building - including footings, eaves, overhang and service pipes - shall encroach into any easement.

(18) All services (water, sewer and stormwater) shall be laid outside the easement unless there is a direct connection to the main within that easement.

(19) All driveway and parking areas are to be sealed with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

(20) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.

(21) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.

(22) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 258/2022(1)

Conditions (cont)

Prior to the issue of an occupation certificate (cont)

(23) A total of 30 off-street car parking spaces shall be provided upon the site in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code **prior to the issue of an Occupation Certificate**.

There shall be no storage of goods or waste upon the designated car parking spaces, at any time.

(24) The shed used for smoking shall be removed from the front landscaped bed prior to the issue of the Occupation Certificate. This area is to be landscaped and shall be permanently maintained.

(25) 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 Certificate, unless stated otherwise.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

(26) The applicant shall obtain a Commissioning Report which assesses actual noise emissions from all operations of the development within three (3) months of the issue of an Occupation Certificate. Where the report recommends additional noise attenuation works to be carried out, these works shall be undertaken within 28 days from the date of the Commissioning Report.

(27) All vehicular movements to and from the site shall be undertaken in a forward direction.

(28) 24 hour operation of the facility is permitted.

Other Approvals

(1) *Local Government Act 1993* approvals granted under Section 68.

Nil

(2) General terms of other approvals integrated as part of this consent.

Nil

Right of Appeal

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

***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*.

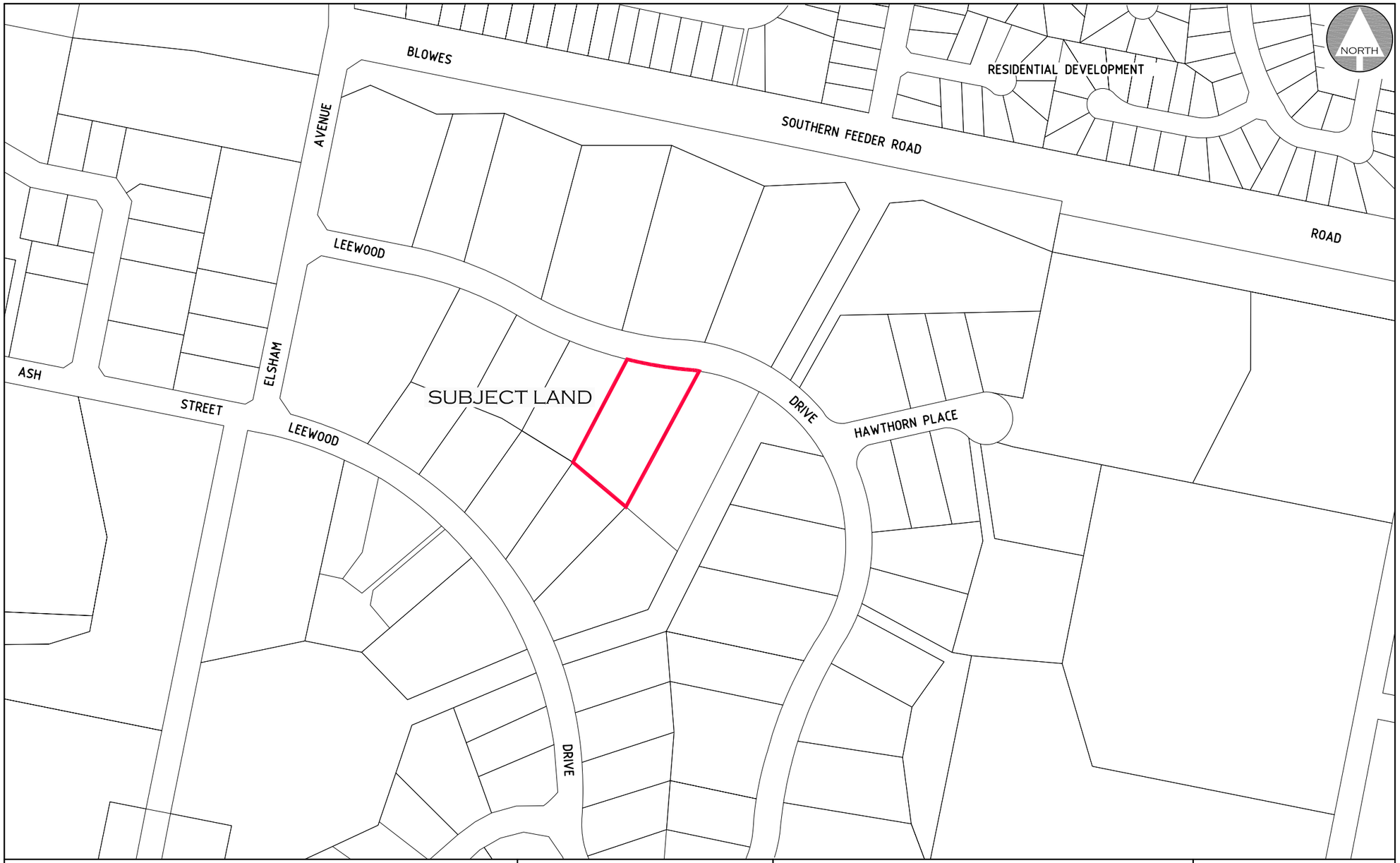
The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 258/2022(1)

5

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 ASSESSMENTS**
Date:	5 October 2022



IMPORTANT NOTES	SCALE	PROPOSED BUILDING FIT-OUT & REARRANGEMENT LOT 53 DP255071 No. 10 LEEWOOD DRIVE - ORANGE	PETER BASHA
• THIS PLAN HAS BEEN PREPARED FOR CONSTRUCTION CERTIFICATE APPLICATION PURPOSES ONLY • ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY • DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. • FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. • THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY	0 40 80 120 160m PLAN 1 : 3000	FIGURE 1 - LOCATION DATE: 28.06.2022 REFERENCE: 21037DA SHEET: 1 OF 3	PLANNING & DEVELOPMENT Phone : 6361 2955 Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800

IMPORTANT NOTES

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SCALE

0 40 80 120 160m

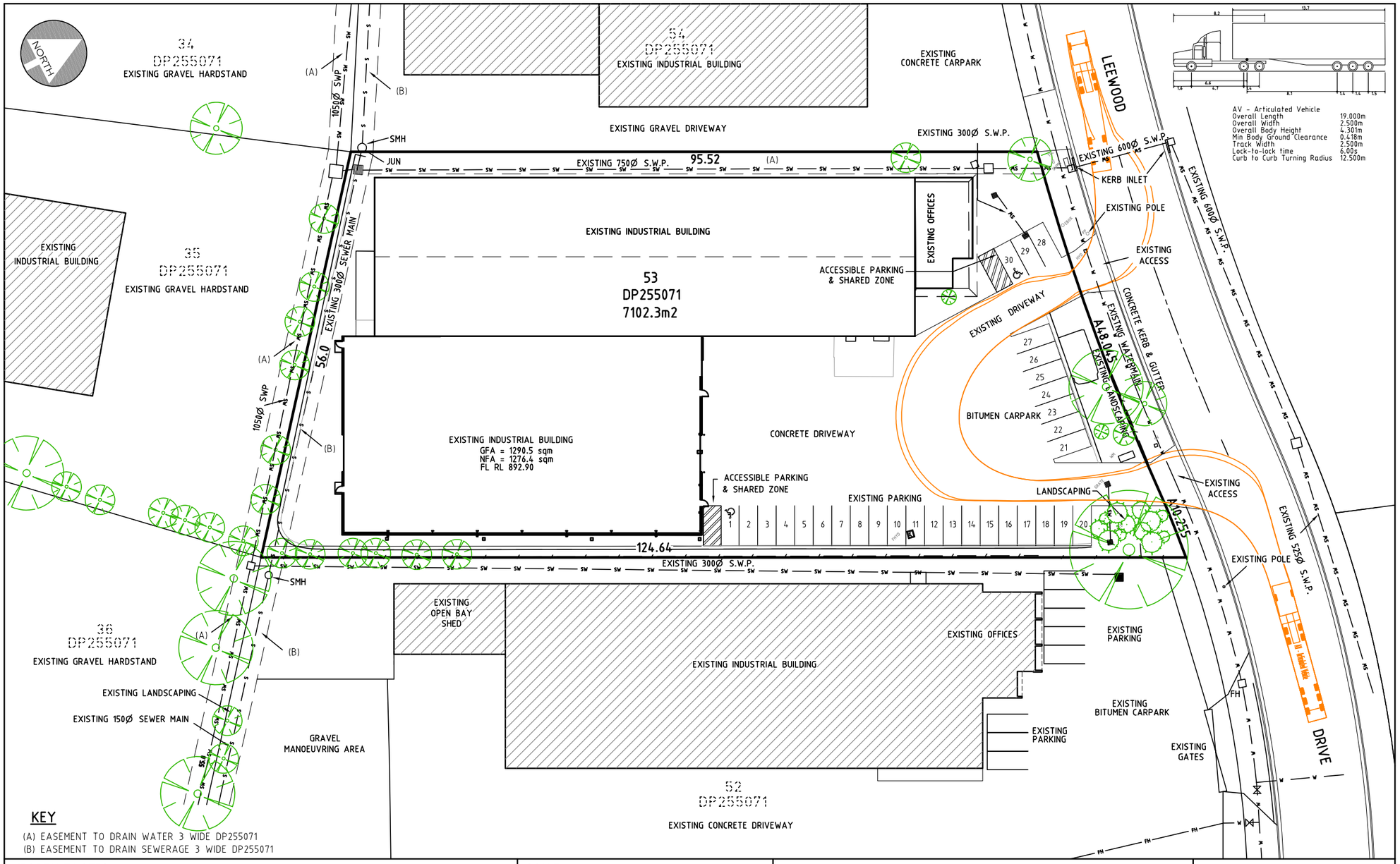
PLAN
1 : 3000

PROPOSED BUILDING FIT-OUT & REARRANGEMENT
LOT 53 DP255071 No. 10 LEEWOOD DRIVE - ORANGE

FIGURE 1 - LOCATION

DATE:	28.06.2022	REFERENCE:	21037DA	SHEET:	1 OF 3

PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800



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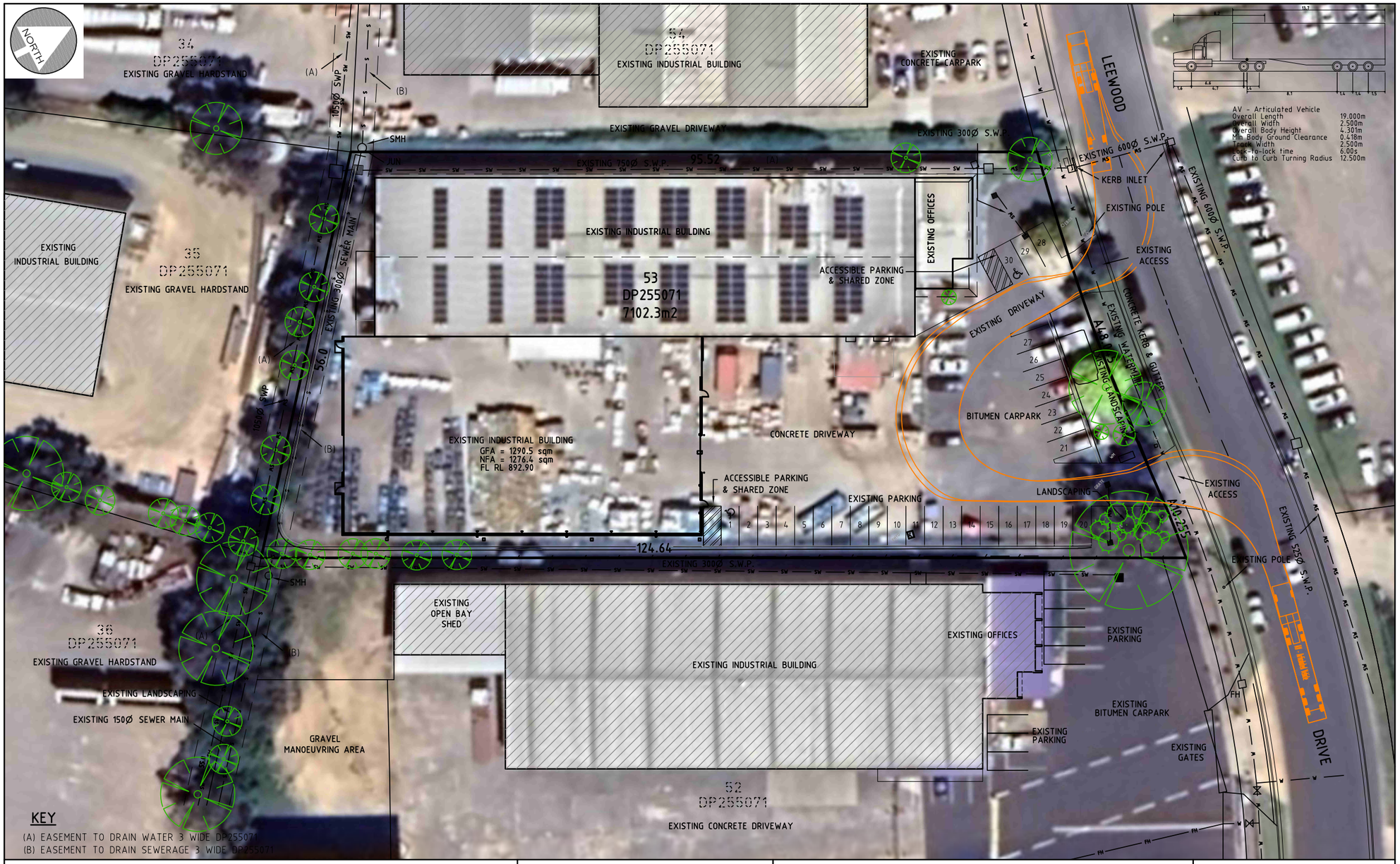

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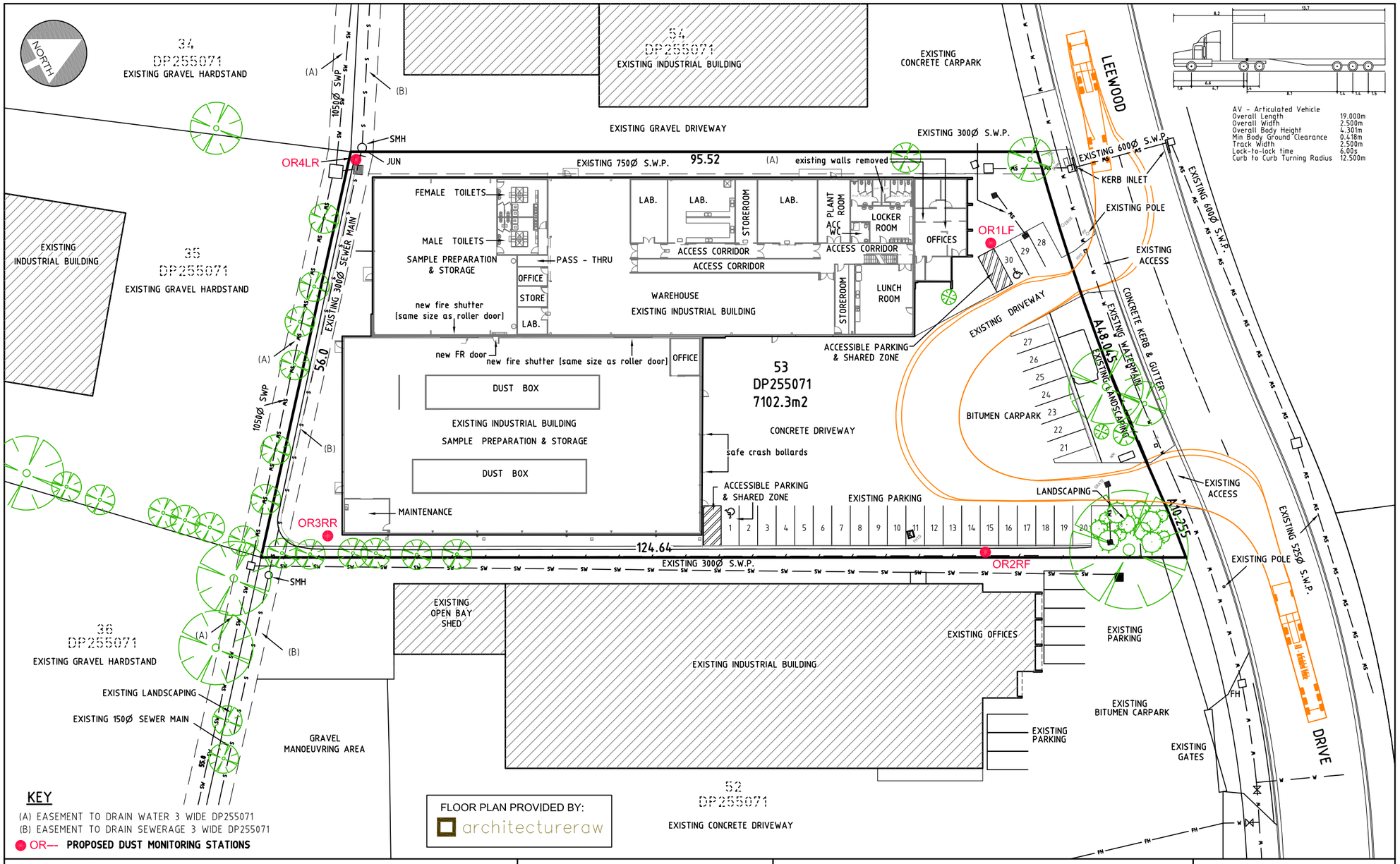

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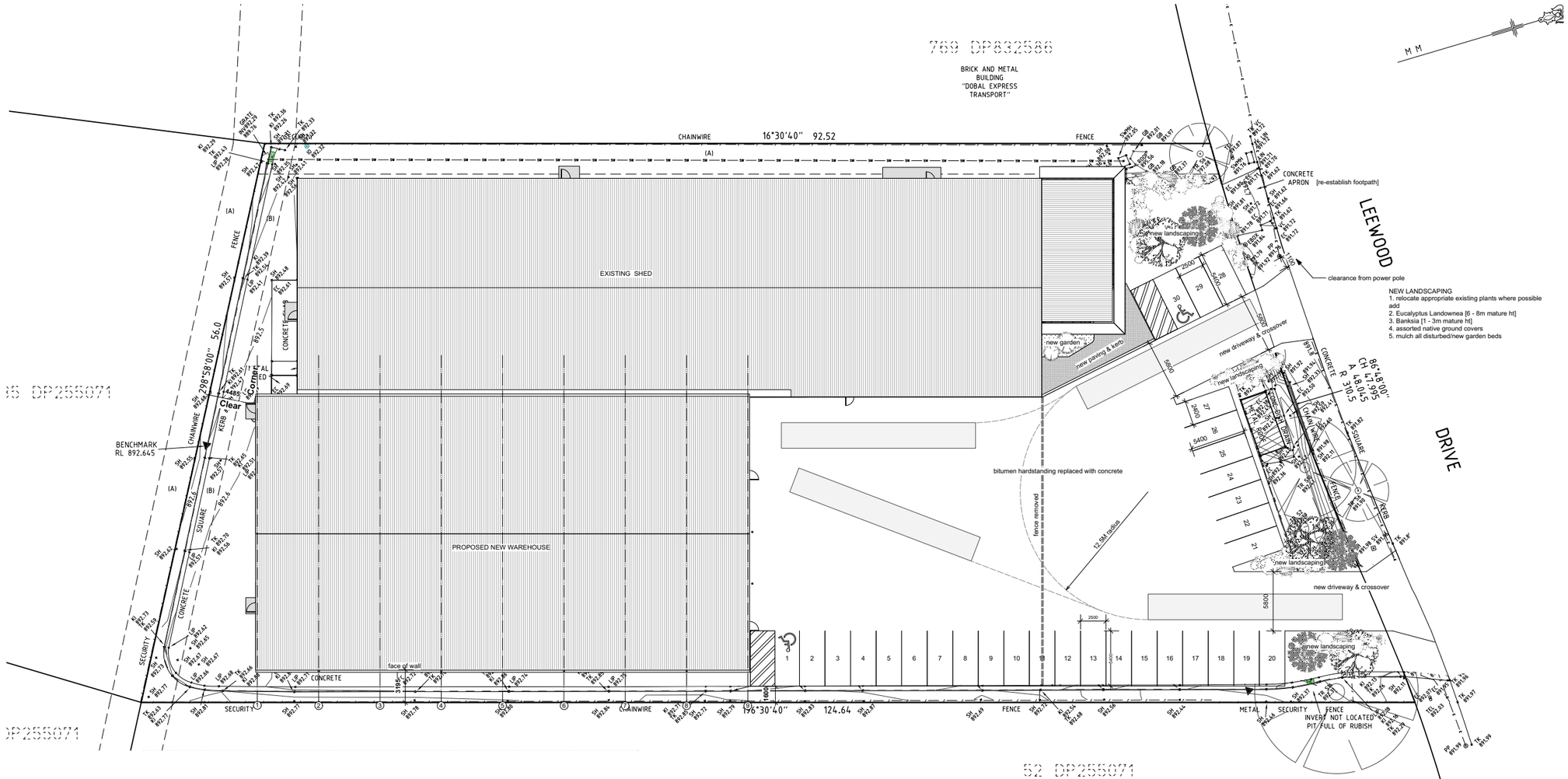

SITE AREA: = 5898 sqm

EXISTING
SHED = 1560 sqm
OFFICE = 104.5 sqm
Total GFA : 1664.5 sqm

NEW
WAREHOUSE = 1290.5 sqm

New Total GFA : 2955 sqm

SITE COVER = 50.10%

0 5 10 15 20
SCALE 1:200 (A1)
1:400 (A3)

No.	Date	REVISION
A	11/3/22	Fitout DA Issue

ISSUE

TRUE NORTH

Consultants:
Notes

Notes :
1. Figured dimensions to be taken in preference to those scaled.
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E wayne@architectureraw.com.au

Drawn By: GG
Checked By:
CAD File: ALS.vwx
PROJECT No. 220301

Client :
ALS

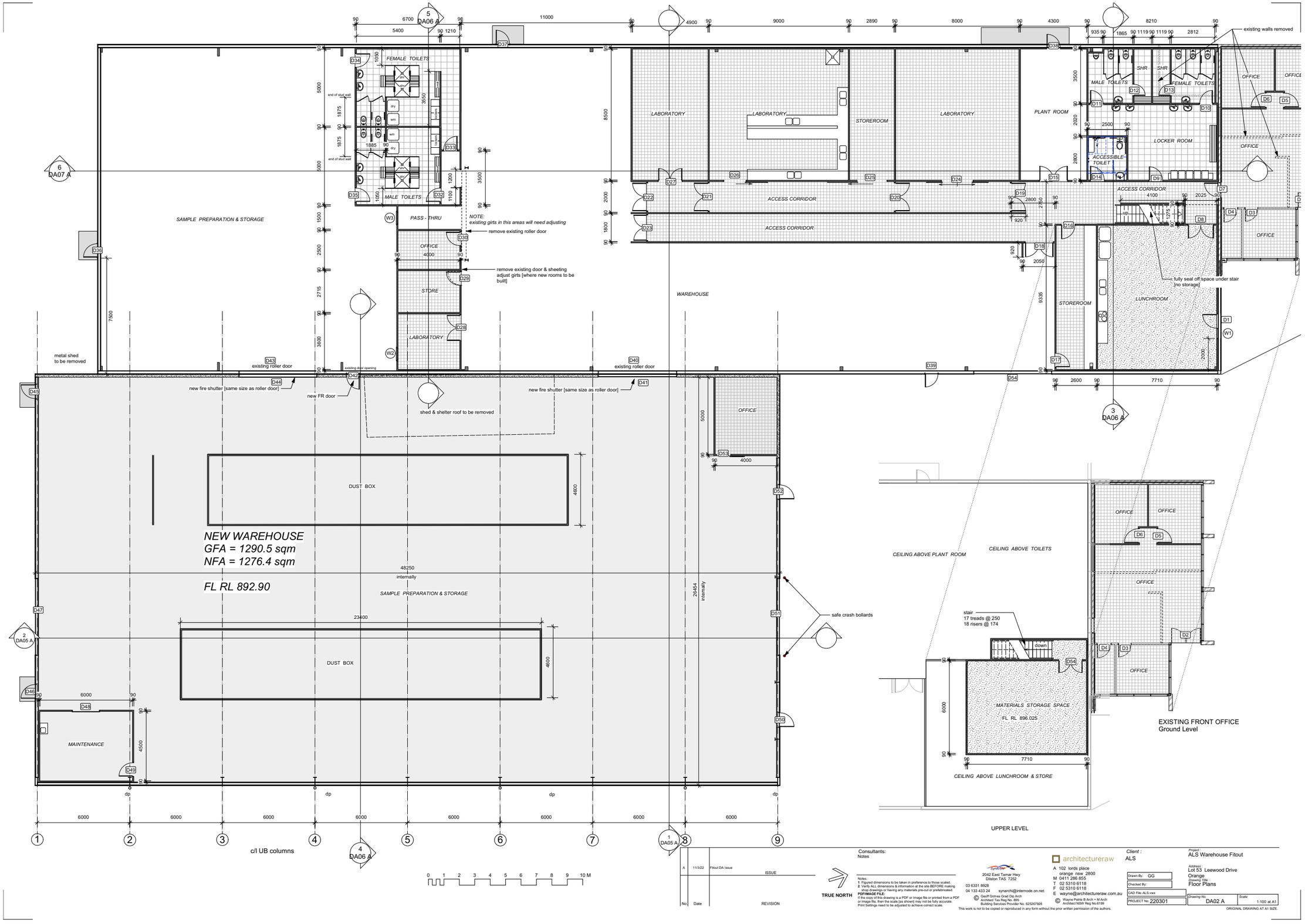
Project :
ALS Warehouse Fitout

Address :
Lot 53 Leewood Drive
Orange

Drawing Title :
Site Plan (proposed]

Drawing No. DA01A
Scale: 1:200 at A1

ORIGINAL DRAWING AT A1 SIZE.


FEMALE TOILETS
MALE TOILETS
SAMPLE PREPARATION & STORAGE
PASS - THRU
OFFICE
STORE
LABORATORY
NOTE:
existing girts in this areas will need adjusting
remove existing roller door
remove existing door & sheeting adjust girts [where new rooms to be built]
WAREHOUSE
ACCESS CORRIDOR
STOREROOM
PLANT ROOM
SHR
LOCKER ROOM
ACCESSIBLE TOILET
LUNCHROOM
fully seal off space under stair [no storage]
existing walls removed
metal shed to be removed
existing roller door
new fire shutter [same size as roller door]
new FR door
shed & shelter roof to be removed
DUST BOX
NEW WAREHOUSE
GFA = 1290.5 sqm
NFA = 1276.4 sqm
FL RL 892.90
48250 internally
26454 internally
safe crash bollards
MAINTENANCE
c/l UB columns
CEILING ABOVE PLANT ROOM
CEILING ABOVE TOILETS
stair
17 treads @ 250
18 risers @ 174
MATERIALS STORAGE SPACE
FL RL 896.025
CEILING ABOVE LUNCHROOM & STORE
EXISTING FRONT OFFICE
Ground Level
UPPER LEVEL
TRUE NORTH
Consultants:
Notes
ISSUE
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orange nsw 2800
M 0411 286 855
T 02 5310 6118
F 02 5310 6118
E wayne@architectureraw.com.au
Client :
ALS
Project :
ALS Warehouse Fitout
Address :
Lot 53 Leewood Drive
Orange
Drawing Title :
Floor Plans
Drawn By: GG
Checked By:
CAD File: ALS.rvet
PROJECT No. 220301
Drawing No. DA02 A
Scale: 1:100 at A1
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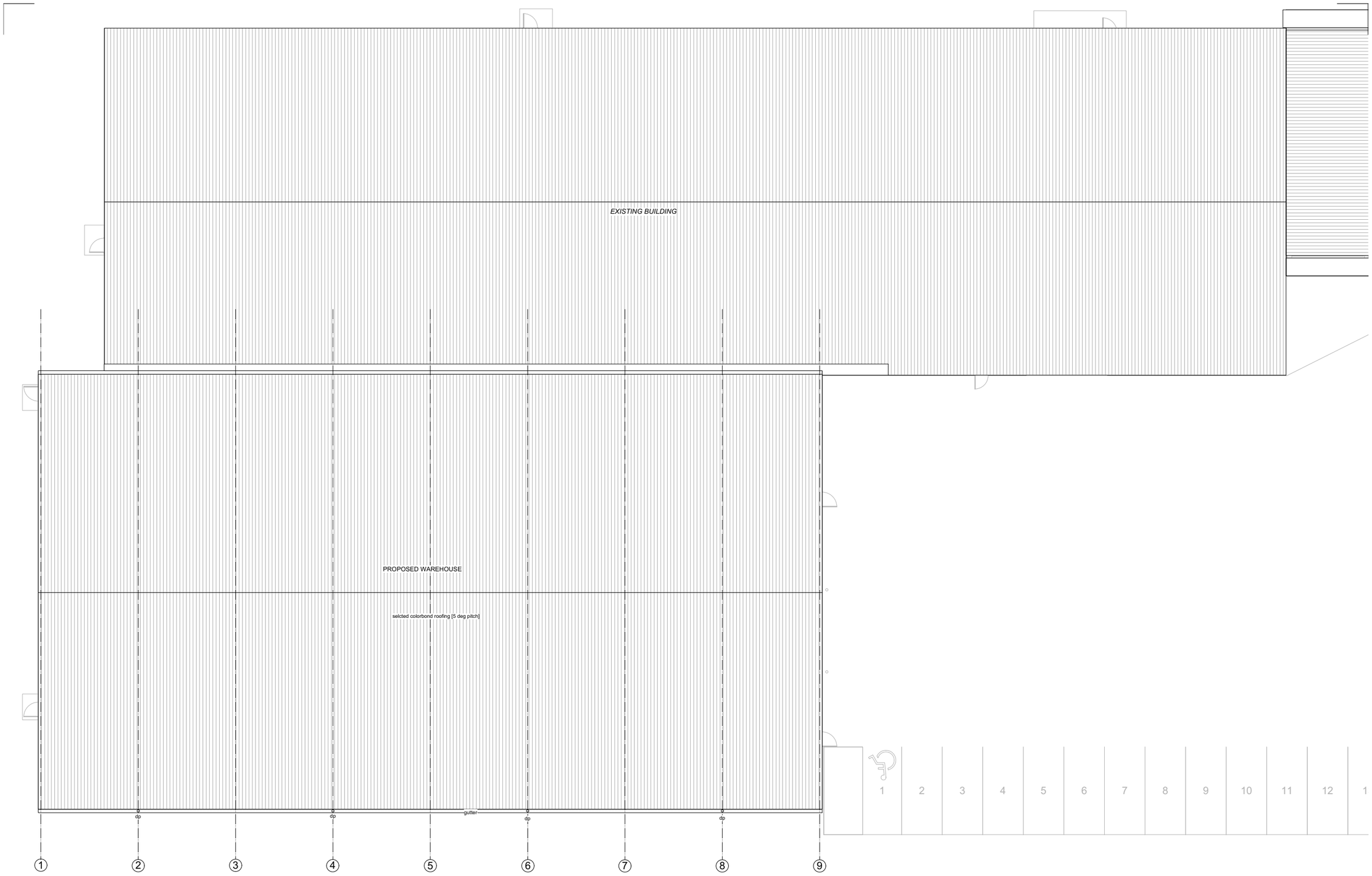

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Client :
ALS

Drawn By: GG
Checked By:
CAD File: ALS.vwx
PROJECT No. 220301

Project :
ALS Warehouse Fitout
Address :
Lot 53 Leewood Drive
Orange
Drawing Title :
Roof Plan
Drawing No. DA03 A
Scale: 1:100 at A1
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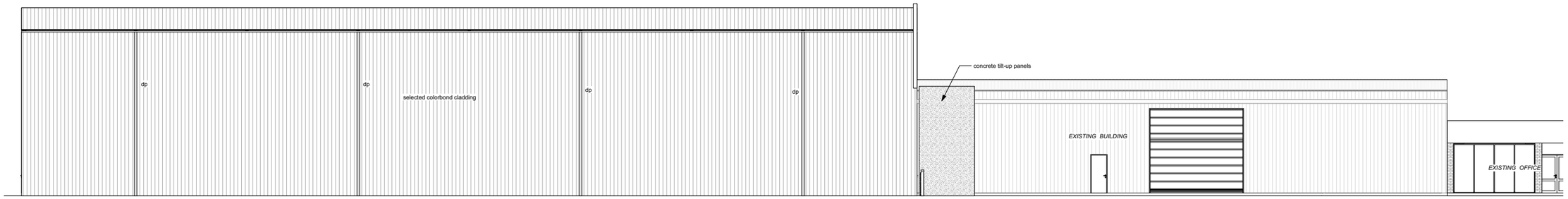
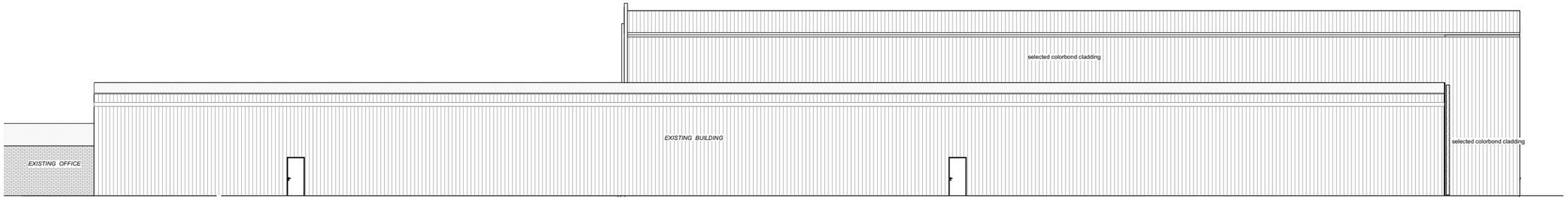
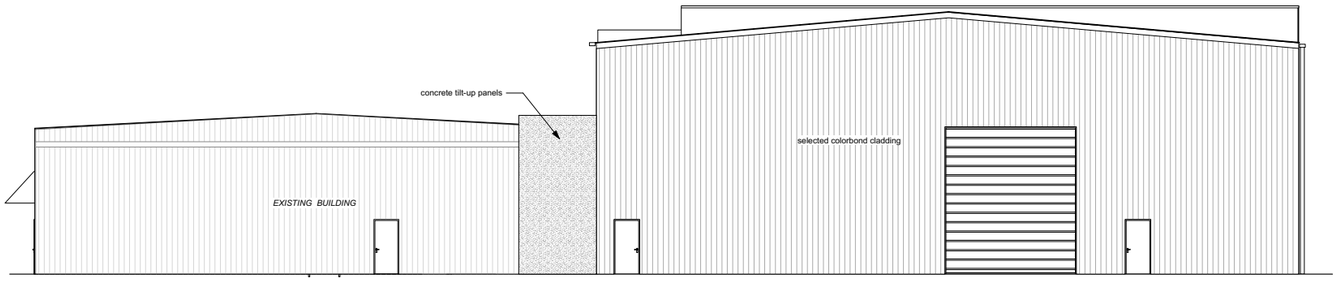


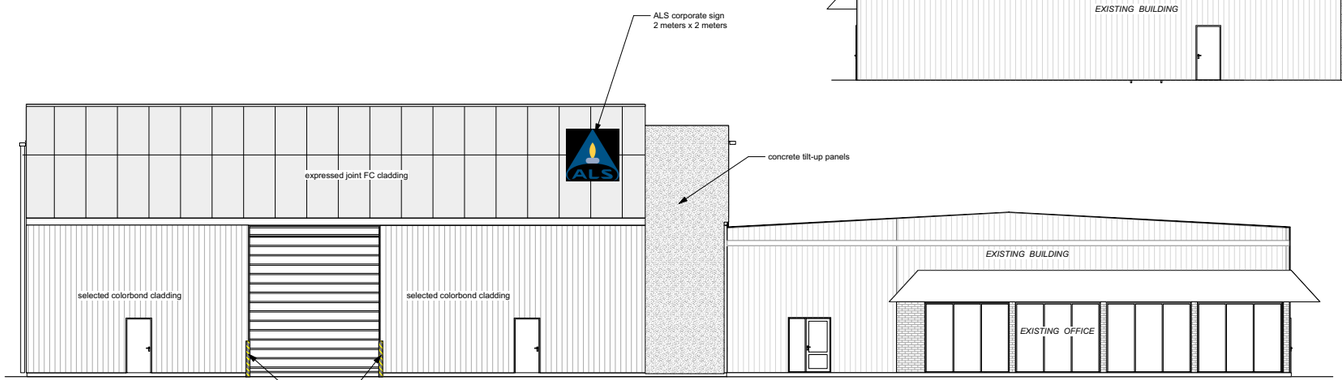
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

No.	Date	REVISION	ISSUE
A	11/3/22	Fitout DA Issue	

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Client :
ALS

Project :
ALS Warehouse Fitout

Address :
Lot 53 Leewood Drive
Orange
Drawing Title :
Elevations

Drawn By: GG
Checked By:
CAD File: ALS.vwx
PROJECT No. 220301
Drawing No. DA04 A
Scale: 1:100 at A1
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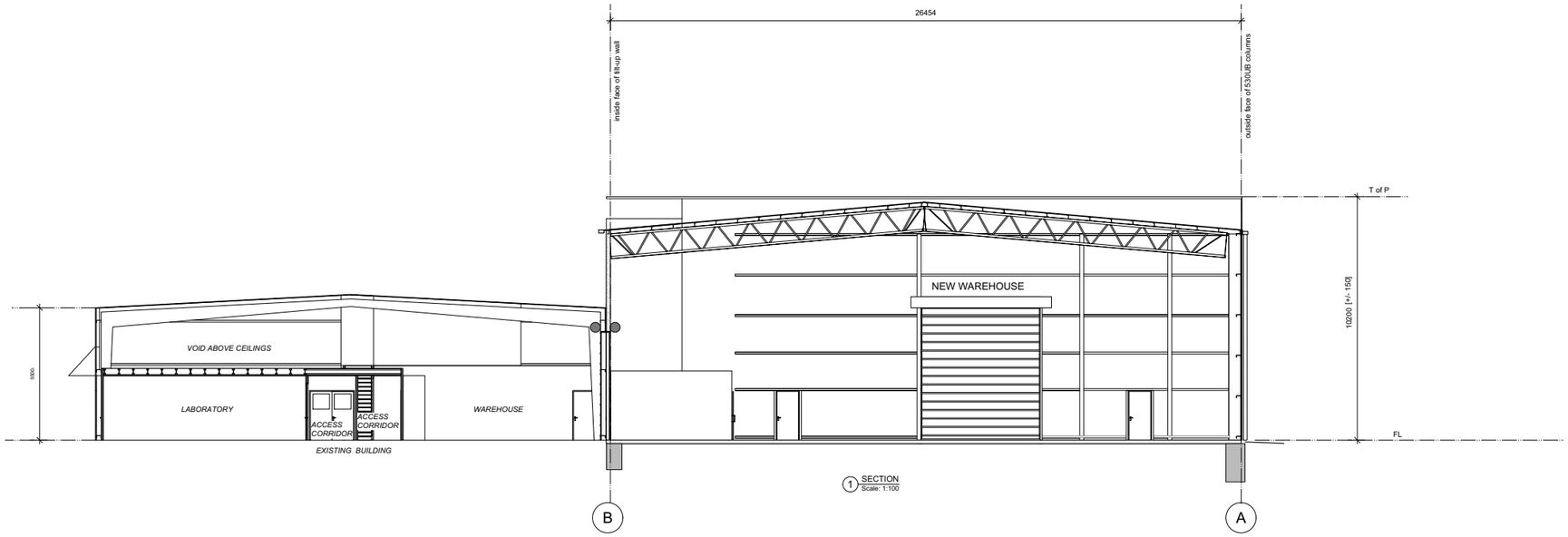

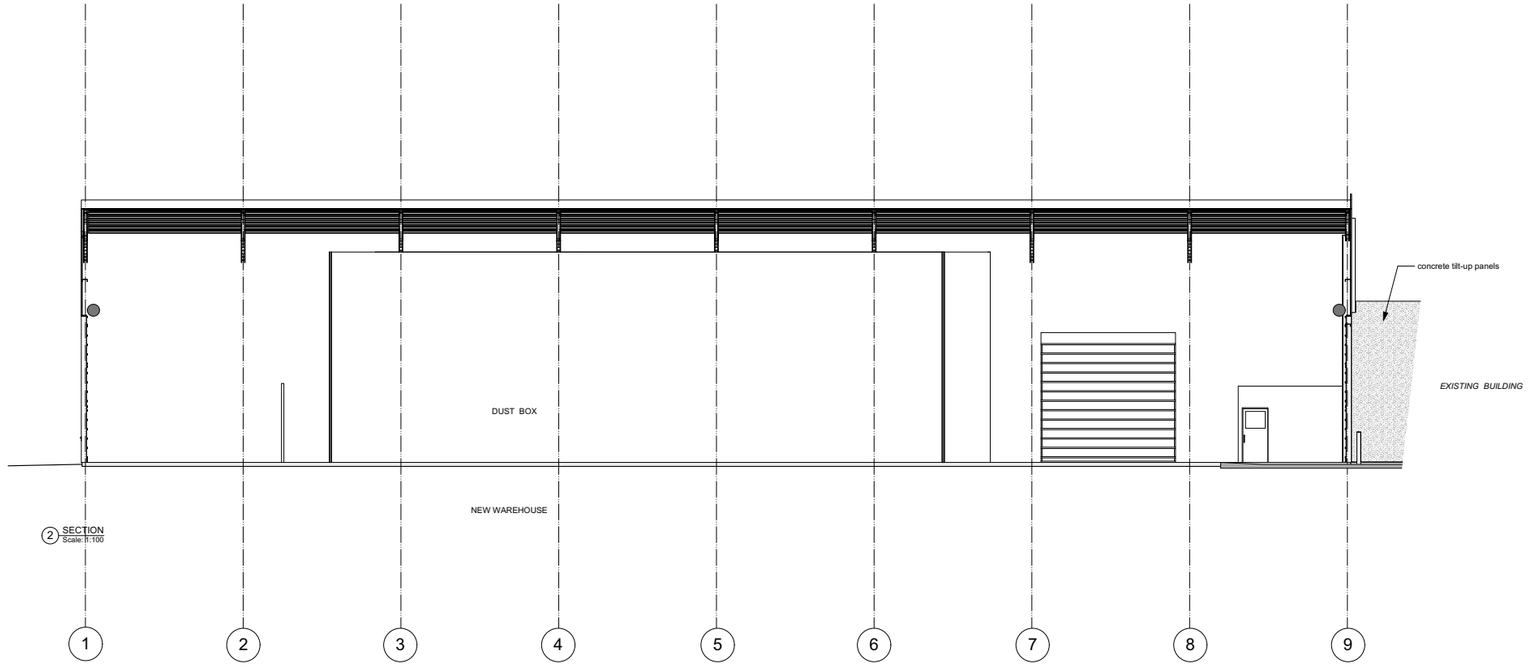

No.	Date	REVISION	ISSUE
A	11/3/22	Fitout DA Issue	

TRUE NORTH

Consultants:
Notes

Notes :
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2. Verify ALL dimensions & information at the site BEFORE making shop drawings or having any materials pre-cut or prefabricated.
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Client : ALS

Drawn By: GG
Checked By:
CAD File: ALS.vwx
PROJECT No: 220301

Project : ALS Warehouse Fitout
Address : Lot 53 Leewood Drive Orange
Drawing Title : Sections
Drawing No. DA05 A
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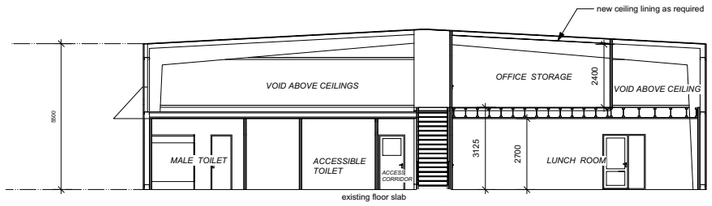

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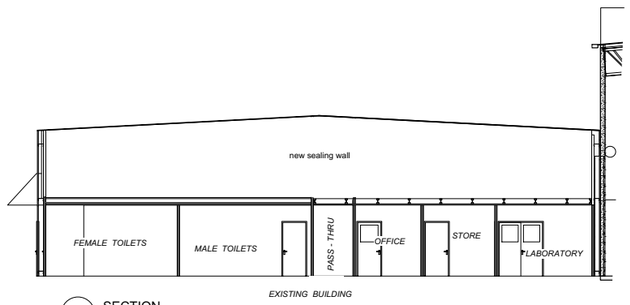

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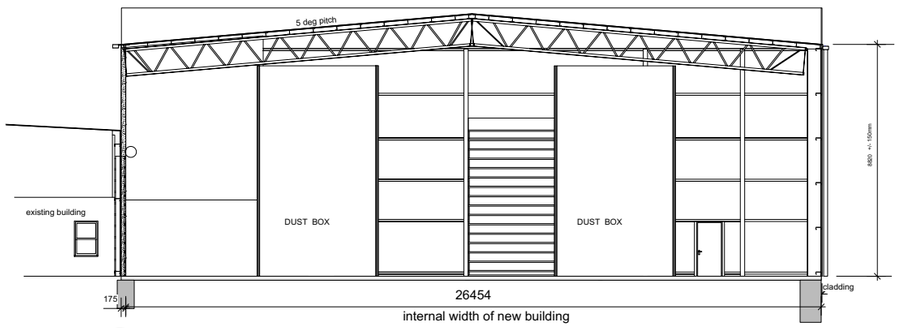

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No.	Date	REVISION
A	11/3/22	Fitout DA Issue

ISSUE

TRUE NORTH

Consultants:
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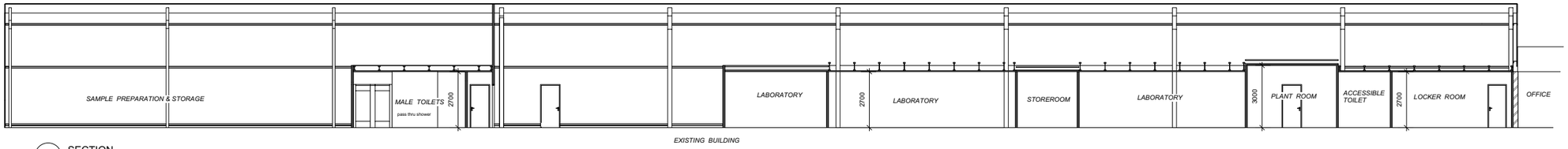
Orange

Drawing Title :
Sections

Drawn By: GG
Checked By:
CAD File: ALS.vwx
PROJECT No: 220301
Drawing No. DA06 A
Scale: 1:100 at A1

ORIGINAL DRAWING AT A1 SIZE.



6 SECTION
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No.	Date	REVISION
A	11/3/22	Fitout DA Issue

ISSUE

TRUE NORTH

Consultants:
Notes

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Project :
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Lot 53 Leewood Drive
Orange
Drawing Title :
Sections
Drawing No. DA07 A
Scale: 1:100 at A1
ORIGINAL DRAWING AT A1 SIZE.

2.3 DEVELOPMENT APPLICATION DA 182/2022(1) - 20 ASTILL DRIVE

RECORD NUMBER: 2022/1889
AUTHOR: Ben Hicks, Senior Planner

EXECUTIVE SUMMARY

Application lodged	6 June 2022
Applicant/s	Allied Group Pty Ltd
Owner/s	CT NSW Pty Ltd
Land description	Lot 114 DP 1173680, 20 Astill Drive, Orange
Proposed land use	General Industry (44 industrial units), Kiosk, Business Identification Signage and Subdivision (45 lot Strata)
Value of proposed development	$15,497,253.00

Council's consent is sought for General Industry (44 industrial units), Kiosk, Business Identification Signage and Subdivision (45 lot Strata) on land known as Lot 114 DP 1173680, 20 Astill Drive, Orange (the 'subject property').

The subject property comprises a total area of 2.07 hectares in an irregular shape. The property is currently vacant, save for an electricity substation located at the north-western boundary of the site. The site has been used for the storage of machinery since its subdivision.

The proposal involves the construction of 44 industrial units ranging in size from 70sqm to 540sqm, a food kiosk, site manager's office and cleaner's store over three detached buildings. Site works include the installation of services, security fencing, car parking, landscaping, and installation of a single multi tenancy pylon sign.

The use of the units will be for 'general industry' as defined by the Orange Local Environmental Plan 2011 and while no tenants have been secured for the proposed development at this time, any future tenants will need be consistent with the definition of that use.

The kiosk will serve light refreshments including tea/coffee within the proposed industrial precinct and wider the industrial estate.

It is also proposed to subdivide each unit by way of Strata Title, being 45 lots. Each unit lot will contain one building unit and associated car parking spaces. Access to the site is via Astill Drive.

The proposal has a capital investment value exceeding $2.5 million ($15.5m). Accordingly, the application has been tabled to the Planning Development Committee for determination, pursuant to Clause 4.10 Delegations of Orange City Council's *Declaration of Planning and Development Assessment Procedures and Protocols (Vers 5, 2019).*

A Section 4.15 assessment demonstrates that the proposal is consistent with the planning regime that applies to the land, where industrial development is permitted with consent in the IN1 General Industrial zone.

Impacts of the development are considered to be within reasonable limit, are consistent with applicable standards and policies, and can be addressed by appropriate conditions of consent. Approval of the application is recommended.

Figure 1 - Site Context and Locality Map

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.

DIRECTOR'S COMMENT

The proposal involves the construction of 44 industrial units, a small kiosk and a site manager's office.

The specific use of each individual unit is not known at this time. It is reasonable to simply therefore apply a 'general industry' use to the approval. Given the site is located on the eastern side of the Narrambla Industrial Estate (ie. some distance to houses at Discovery Hill), the inclusion of conditions of consent that restrict on noise levels, delivery times and the general hours of operation will ensure that the general approval does not adversely impact on neighbours, whilst providing the development with enough flexibility to operate standard industrial businesses from this site without further planning approval from Council.

Any uses that increase the intensity beyond a standard business type, hours, or noise levels would require a separate development consent at that time.

A kiosk is not a 'shop' and has restrictions on its size and operations to ensure that they do not adversely impact on commercial zones of the City. The Kiosk will only serve light refreshments including tea/coffee within the proposed industrial precinct and wider the industrial estate.

It is recommended that Council supports the proposal.

The proposal has a capital investment value exceeding $2.5 million ($15.5m). Accordingly, the application has been tabled to the Planning Development Committee for determination, pursuant to the Delegations of Orange City Council's *Declaration of Planning and Development Assessment Procedures and Protocols.*

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 182/2022(1) for *General Industry (44 industrial units), Kiosk, Business Identification Signage and Subdivision (45 lot Strata)* at Lot 114 DP 1173680, 20 Astill Drive, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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

Council's consent is sought for the development of 44 industrial units for use as 'General Industry', Food Kiosk, Business Identification Signage and Strata Subdivision on land described as Lot 114 DP 1173680, 20 Astill Drive, Orange.

Development

The proposed development involves the construction of three industrial scale buildings across the site comprising 44 industrial units, food kiosk and associated site manager's office and cleaner's store.

The industrial units range in size from 70sqm to 540sqm, with mezzanines being provided in 43 of the units. The food kiosk is 60 sqm.

The building would generally be constructed with a combination of concrete tilt panel, steel wall cladding and roof sheeting and finished in a neutral colour scheme. The front building, which contains the food kiosk, site manager's office etc, would be distinguished from the balance of the industrial units through the use of alternative design elements (materials, colours, glazing etc).

It is also proposed to subdivide each unit by way of Strata Title, being 45 lots. Each unit lot will contain one building unit and associated car parking spaces.

Other features of the proposed development include signage, 165 car parking spaces, perimeter landscaping.

Figure 2 - perspective street Illustration

Figure 3 - perspective aerial Illustration

Use

Approval is sought for the use of the units as 'General Industry' as defined in the Orange Local Environmental Plan 2011. The applicant advises that while no tenants have been secured for the proposed development at this time, any future tenant will be required to be consistent with the land use definition. It is noted that the term *General industry* allows for a wide range of activities to occur. However, should the need for a change of use on the subject land arise, Clause 2.20A (Category 3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides for a change of use to occur from a General Industry to the specified uses such as warehousing, light industry etc as exempt development. Where a change of use is not covered under exempt development, consent will need to be sought.

The application includes a request for 24-hour use of the units, however, given the ambiguity concerning the actual activities that may occur within each individual unit in the future, Council's Environmental Health Officer advises that the hours of operation for the entire complex will need to be restricted to daytime hours only i.e., 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holidays. Where individual tenants require 24 hour operations, separate approval will need to be sought and supported by an acoustic assessment.

The kiosk will serve light refreshments including tea/coffee within the proposed industrial precinct and wider the industrial estate.

In terms of the proposed signage, the specific signage detail is unknown at this stage, however, signage structures and panels for future signage have been identified. Conditions of consent are recommended to address future messaging of all future signs.

ENVIRONMENTAL PLANNING ASSESSMENT

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

Section 1.7 of the EP&A Act identifies that Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments. The proposal is not located within an aquatic environment identified under the Fisheries Management Act 1994 and thus no assessment is made against those provisions. The relevant matters for consideration under the Biodiversity Conservation Management Act 2016 and Regulation 2017 are considered below.

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

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

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

The land is not mapped on the Biodiversity Values Map or Council's Biodiversity mapping and the proposal does not involve clearing or disturbance of native vegetation, where the site has already been altered from previous subdivision works and historical agricultural land use practises i.e., clearing and ground disturbance. The site is currently zoned for industrial land uses and adjoining parcels have been subdivided and developed for industrial purposes. Having regard to the relevant provisions, historical and adjoining uses, and an inspection of the subject property, it is considered that the proposed development is not likely to significantly affect a threatened species or ecological communities, or their habitats. A Biodiversity Development Assessment Report is not required in this instance.

Section 4.15 of the Environmental Planning and Assessment Act 1979

Section 4.15 of the *Environmental Planning and Assessment Act 1979* sets out the matters that the consent authority is to take into consideration in determining a development application. Those matters are addressed in the body of this report.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The aims of the *Orange Local Environmental Plan 2011* ('OLEP 2011') relevant to the application 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,

(c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,

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

The application is considered to be generally consistent with these objectives, as set out in the following report. In particular, the proposal will diversify the mix of industries and trades able to be accommodated in the Narrambla Industrial Area, reinforcing Orange as a major regional centre while contributing to the social and economic development of the city.

Clause 1.6 - Consent Authority

Clause establishes that Council is the consent authority for the purpose of OLEP 2011.

Clause 1.9A - Suspension of Covenants, Agreements, and Instruments

Clause 1.9A provides that 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, with the exception of:

- covenants imposed by the Council or that the Council requires to be imposed
- any prescribed instrument with the meaning of Section 183A of the *Crown Lands Act 1989*
- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974
- any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*
- any property vegetation plan within the meaning of the Native Vegetation Act 2003
- any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

An easement for sewer exists at the site frontage and easements for electrical are located at the north-western and southern boundaries. The proposal was referred to Essential Energy and their requirements are included as conditions of consent.

Clause 1.7 - Maps

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

Land Zoning Map:	**Land zoned IN1 General Industry**
Lot Size Map:	**Minimum Lot Size 2000m^2**
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
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:	Not 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:	Not within a flood planning area

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

Part 2 - Permitted or Prohibited Development

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

The site of the proposed development is zoned IN1 General Industrial under Orange Local Environmental Plan 2011. The Land Use Table for the IN1 General Industrial zone permits general industries, kiosks, business identification signage and subdivision with the prior consent of Council. Orange LEP 2011 defines the described land uses as follows:

> ***general industry*** *means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.*

To elaborate on that definition;

> ***industrial activity*** *means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting, or servicing of, or the research and development of, any goods, substances, food, products, or articles for commercial purposes, and includes any storage or transportation associated with any such activity.*

Kiosk is defined as follows:

> ***kiosk*** *means premises that are used for the purposes of selling food, light refreshments and other small convenience items.*

Subdivision is defined in the EP&A Act as:

> ***Subdivision of land*** *means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.*

business identification sign is defined as follows:

> ***business identification sign*** *means a sign:*
>
> *(a) that indicates:*
>
> *(i) the name of the person or business, and*
>
> *(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*
>
> *(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry-on business at the premises or place.*

No tenants have been secured for the proposed development at this time. Any future uses will need to be consistent with the above land use definitions and any conditions of consent. Should the need for a change of use on the subject land arise, Clause 2.20A (Category 3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides for a change of use to occur from a general industry to the specified uses such as warehousing, light industry etc as exempt development.

Clause 2.3(2) of the Orange LEP 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the IN1 General Industrial zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development along the Southern Link Road has an alternative access.*

It is considered the proposed development is consistent and reinforcing of the above objectives on the basis of the following:

- the proposal will provide a mix of industrial accommodation to suit the varied needs of industries in the area
- the proposed development represents expansion of industrial development in Orange and may encourage employment opportunities
- the proposal is expected to support the existing Narrambla Industrial Estate
- the site is not located in the vicinity of the Southern Link Road.

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

Part 5 - Miscellaneous Provisions

Clause 5.4 - Controls Relating to Miscellaneous Permissible Uses

This clause contains various development standards that apply to specific types of development. Relevantly the clause requires kiosks to be limited to 60m^2 of gross floor area.

In this regard the proposal is consistent with this requirement, where the kiosk measures 60m^2 in size.

Part 7 - Additional Local Provisions

7.1 - Earthworks

Clause 7.1 seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and to allow earthworks of a minor nature without requiring separate development consent.

Development consent is required for earthworks unless the earthworks are exempt development under this plan or another applicable environmental planning instrument, or the earthworks are ancillary to other development for which development consent has been given.

Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development.

(b) The effect of the development on the likely future use or redevelopment of the land.

(c) The quality of the fill or the soil to be excavated, or both.

(d) The effect of the development on the existing and likely amenity of adjoining properties.

(e) The source of any fill material and the destination of any excavated material.

(f) The likelihood of disturbing relics.

(g) The proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.

(h) Any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).

The site is generally level with a slight slope to the west. No major bulk earthworks are proposed. The earthworks proposed in the application are limited to the extent of cutting and filling required for the proposed buildings noting that the buildings will be progressively stepped with the natural slope of the site. Earthworks are also required for servicing, landscaping, and manoeuvring and parking areas.

The extent of disruption to the drainage of the site is considered to be minor and is unlikely to detrimentally affect adjoining properties or receiving waterways. Conditions of consent are recommended in regard to implementing a sediment control plan, including silt traps and other protective measures, to ensure that dirt/sediment does not escape the site boundaries during construction works as well as the provision of appropriate stormwater infrastructure.

It is considered that the extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

Naturally occurring asbestos is known to occur in the area and the proponent will be required to prepare and implement a management plan as a condition of development consent. The site is not known to contain any Aboriginal, European, or Archaeological relics. While previous known uses of the site do not suggest that any relics are likely to be uncovered, conditions of consent are recommended to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

7.3 - Stormwater Management

Clause 7.3 - Stormwater Management seeks to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties, native bushland and receiving waters.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water. This includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater, or river water; and 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.

In consideration of this clause, the proposal will be acceptable. The development's stormwater design will include pit and pipe and an aboveground stormwater detention system, designed to limit peak outflows from the land to the pre-existing natural outflows which will ensure that no significant stormwater flow impacts occur on adjoining downstream properties, native bushland and receiving waters from the development site. The development also considers overland flooding in terms of building placement and FFL's. Further, permeable surfaces throughout the development as shown on the submitted plans will assist in the management of stormwater at the site.

7.6 - Groundwater Vulnerability

Clause 7.6 - Groundwater Vulnerability seeks to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.

Before determining a development application for development on land to which this clause applies, the consent authority must consider 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 any adverse 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.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact; or if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise the impact; if that impact cannot be minimised - the development will be managed to mitigate that impact.

The proposed development and subsequent use are not expected to involve processes or activities that are likely to adversely impact on groundwater resources given the relatively small scale of each unit, and the likely low-level intensity of the operations that are likely to occur within. The subject land/units will be connected to Council's reticulated sewerage system, and any trade waste agreements can be applied for if and when needed by individual tenants. Further, areas where industrial activities will occur will be completely sealed, which also minimises the potential for any groundwater contamination. Lastly, the proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. Overall, the proposal is therefore considered acceptable in relation to this clause.

7.11 - Essential Services

Clause 7.11 - Essential Services provides that 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.

Essential services include the supply of water; the supply of electricity; the disposal and management of sewage; stormwater drainage or onsite conservation; and suitable road access.

In consideration of this clause, all utility services are available to the land and Council is satisfied that they can be made adequate for the proposal.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP Resilience and Hazards 2021 requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated, is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation, it can be made suitable for the proposed development. Furthermore, the SEPP requires that before determining an application to carry out development that would involve a change of use of land the consent authority must consider a preliminary investigation of the land concerned.

The subject site is currently undeveloped but forms part of the Narrambla Industrial Estate subdivision. Council in determining the development application in relation to the subdivision which created subject title was satisfied that the land was free of contamination. It is considered that the subject site is therefore suitable for the proposed use and no further preliminary investigation is required to satisfy the requirements of the SEPP as part of this development application. Council's records indicate the site is in an area potentially containing naturally occurring asbestos. Conditions are included requiring the implementation of a management plan.

State Environmental Planning Policy (Industry and Employment) 2021

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

The application proposes a single multi-tenancy pylon sign and an individual signage zone displayed flush on the wall of each tenancy elevation. Whilst no specific signage detail is known at this time, conditions of consent are recommended to address the future messaging of all future signs to ensure they relate only to business identification.

Chapter 3 of the SEPP require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5. In accordance with the provisions stipulated under Schedule 5 of the SEPP, the assessment below is provided:

Schedule 1 Assessment Criteria

1 - Character of the Area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The area is characterised as an extension of the well-established Narrambla Industrial precinct. Signage in the area comprises business identification signage attached to the front elevation of buildings and some pylon signage within the site frontage displaying business identification signage. The size of the signs is typical of the theme of signage in the area/expected for an industrial development of this nature. The proposed signage is not incongruous with the character of the area.

2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The subject property is located within an established industrial precinct and does not fit any of the special criteria applicable under this clause.

3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed pylon sign is comparable to the relative height of the main building and all individual tenancy building signs will be wall mounted and located within the envelope of the façade. In this regard, signage will not dominate the skyline or reduce the quality of vistas in the locality. No viewing rights of other advertisers will be affected by the proposed signage.

4 - Streetscape, Setting or Landscape

- *Is the scale, proportion, and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The scale of the proposed signage is considered appropriate in relation to the proposed buildings and will result in reasonable streetscape compatibility. The signage is expected to present appropriate streetscape compatibility.

5 - Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage is of suitable scale for the site, building and the surrounding land uses. The pylon sign is not considered to be out of proportion with the surrounding locality and an acceptable way of identifying the businesses that will occupy the site in the future. Conditions can be imposed to ensure signage is acceptable in its design and material selection.

6 - Associated Devices and Logos with Advertisements and Advertising Structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices, platforms, lighting devices or logos are proposed.

7 - Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The signage is not proposed to be illuminated.

8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage is appropriately located within the site, so it will not reduce pedestrian access or public safety, or restrict sightlines for vehicles, bicyclists, or pedestrians.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15

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

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15

Development Control Plan 2004

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

- Chapter 0 - Transitional Provisions;
- Chapter 2 - Natural Resource Management;
- Chapter 3 - General Considerations;
- Chapter 4 – Special Environmental Considerations;
- Chapter 9 - Development in the Industry and Employment Zone;
- Chapter 15 - Car Parking.

The relevant matters in Chapters 2 and 4 were considered in the foregoing assessment under Orange LEP 2011. The relevant sections, objectives, and planning outcomes of Chapters 0, 3, 9 and 15 are addressed below.

CHAPTER 0 - TRANSITIONAL PROVISIONS

Section 0.2 - General Translation of Zones

Clause 0.2 - General Translation of Zones provides that any reference to a zone under Orange LEP 2000 is to be a reference to the corresponding zones in a zone conversion table. The table identifies that the IN1 General Industrial zone corresponds with the former Zone 4 - Industry and Employment.

Section 0.4 Former LEP Matters

0.4-10 Interim Planning Outcomes - Residential Proximity

Clause 0.4-10 - Interim Planning Outcomes - Residential Proximity identifies that industrial development has the potential to generate adverse impacts on surrounding land and therefore must be designed and operated in a manner that minimises such impacts. This is particularly relevant where industrial land adjoins or is in proximity to residential land.

This clause applies to development on land within 800m of residential zones or established dwellings in any zone.

Specific objectives and planning outcomes include the following:

Objectives

1 To preserve reasonable levels of residential amenity for existing and future residents.

2 To protect the character of residential areas from intrusive or obnoxious development.

Planning Outcomes

1 *The design of industrial and commercial development is consistent with nearby residential areas in terms of design, siting and landscaping.*

2 *The hours of operation, traffic and noise generation do not interfere with reasonable expectations of residential amenity.*

3 *Noise-generating activities are contained within the building where practicable.*

4 *Industrial air conditioning compressors are shielded to direct noise away from residential development.*

5 *Car park and security lighting is positioned and shielded to prevent direct light spill onto residential properties.*

6 *Measures to prevent dust, odour and chemical spray from reaching or affecting residential properties must be demonstrated.*

7 *The design must demonstrate how residential privacy and solar access will be maintained.*

The subject property is located within 100m of land zoned R5 Large Lot Residential and 120m from land zoned R2 Low Density Residential (highly unlikely to be developed due to flooding) and between 300-500m from established residential areas/established dwellings north, south, and west of the subject site.

Supporting information submitted with the development application and assessment by internal specialist staff indicates that the proposed development would not have an unacceptable impact on proximate residential areas for the following reasons:

<u>Noise</u>

An acoustical report was prepared by *Koikas Acoustics Pty Ltd* to support the proposed development. The Noise Impact Assessment makes broad assumptions on the types of activities that may occur under the land use term of *General Industry* as defined by the OLEP 2011 and assesses the potential impacts of noise generation from within the complex on surrounding receivers.

Council's Environmental Health Officer has reviewed the report and makes the following comments:

> *Conditions applied in regard to noise address the inadequacies found in the submitted acoustic report. Discussions with DDS outcome to restrict hours of operation to daytime hours, conducting any loud noise generating activities indoors, and keeping roller doors shut during such activities. Also included is the standard condition of noise not to exceed 5dB(A) above background level.*

The combination of the above, the proposed construction material i.e., 1500mm thick concrete walls of the units and distance with receivers will ensure noise generation from activities within the units can comply with the noise policy for industry. 24 hour use of the units is not supported at this stage and any tenant requiring extended hours will need to seek further approval supported by an acoustic assessment.

<u>Air Quality</u>

The supporting information submitted with the development application does not identify any specific uses/activities that will occupy the units at this stage.

Notwithstanding, given the relatively small scale of each unit, and the likely low-level intensity of the operations that are likely to occur within, ongoing air quality is not expected to be an issue. Further, all industries including plant and machinery are required to operate in accordance with the emission limits and controls contained with the Protection of the Environment Operations (Clean Air) Regulation 2021 which ensures protection of human health and the prevention of degradation of the environment.

Emissions of dust may be expected during construction activities; however, these impacts would be relatively localised, short-term and only for the duration of the works. Conditions of consent are recommended for dust suppression during works to protect the air quality. Long-term discernible impacts on air quality or on the microclimate of the locality is not expected.

Light Spill

The plans submitted with the development do not identify the use of any external lighting. Notwithstanding, it is recommended that a condition of consent be applied requiring that any external lighting is to be positioned and/or shielded to prevent direct light spill onto any residential properties/land in the vicinity.

Residential Privacy and Solar Access

Given the location of the subject property and its substantial separation from residential properties and intervening elements, it is considered that the proposed development will not have a detrimental impact on residential privacy and solar access.

Design

Given that the subject property is located within an existing industrial estate and is physically separated from the residential areas by roads and other industrial buildings, it is considered that it is unnecessary that the design, siting, and landscaping of the proposed development be consistent with the residential area.

CHAPTER 3 - GENERAL CONSIDERATIONS

Section 3.1 - Cumulative Impacts

Section 3.1 - Cumulative Impacts identifies that Council will consider not only the direct impacts of a particular development but also whether the development, when carried out in conjunction with other development in the locality, has a more significant environmental impact.

Specific planning outcomes regarding cumulative impact include:

Planning Outcomes

1 *Applications for development demonstrate how the development relates to the character and use of land in the vicinity.*

2 *The introduction of new development into a locality maintains environmental impacts within existing or community accepted levels.*

3 *Water conservation measures are implemented.*

The proposed development is consistent with the intended use of land within the Narrambla Industrial Area insofar as it provides for accommodation for industrial uses within the IN1 General Industrial zone.

Further, with regard to the assessment set out under *0.4-10 Interim Planning Outcomes - Residential Proximity*, it is considered that the potential off-site environmental impacts associated with the proposed development, including noise and air quality, can be maintained within accepted levels. Recommended conditions of consent are contained within the attached Notice of Determination.

CHAPTER 9 - DEVELOPMENT IN THE INDUSTRY AND EMPLOYMENT ZONE

Section 9.3 - Design and Siting of Industrial Development

Section 9.3 - Design and Siting of Industrial Development outlines the following planning outcomes that are relevant for the development of an industrial site:

Planning Outcomes

1 *Buildings are set back a minimum of 10m from front boundaries (5m to a secondary boundary on a corner lot) for lots greater than 1,000m^2 or 5m for lots less than 1,000m^2 or otherwise to a setback consistent with existing setbacks in established areas. A 10m setback applies to lots that have frontage to Clergate Road.*

The proposed development complies with this outcome as it provides for a minimum 10m setback from Astill Drive.

2 *Buildings cover up to 50% of the site area (excluding the area of accessways for battleaxe lots).*

The site comprises an area of 20,720m^2 allowing a maximum site coverage of 10,360m^2. The design plans submitted with the development application indicate that the proposed development would have a site coverage in the order of 10,720.76m^2 or 51.74% of the site area. This is considered to be a minor departure and is supported given the development complies with the prescribed setbacks, parking, manoeuvring, and landscaping requirements.

3 *Landscaping is provided along boundaries fronting roads including trees with an expected mature height at least comparable to the height of buildings on the site. All sites contain an element of landscaping. Landscaping provided is of a bulk, scale and height relative to buildings nearest the front property boundary so as to provide beautification and visual relief to the built form proposed or existing on the site. The depth of the landscape bed at the site frontage is sufficient to accommodate the spread of plantings that meet the abovementioned outcomes but, where practicable, a minimum depth of 3.5m is provided. Plantings are designed to provide shade for parking areas, to break up large areas of bitumen, to enhance building preservation and to screen against noise.*

The design plans submitted with the development application provide two large landscaping beds (approx. 792.9m^2 combined) within the Astill Drive frontage of the subject property. Landscaped areas are also provided to the side and rear boundary. The planting schedule provides for a mix of plantings including trees, ground covers, hedges, and turf.

The mature height of the trees proposed will be comparable to the height of buildings on the site. It is recommended that the understory of the landscape beds should also comprise mass planting areas of native shrubs and strappy leaved plants to suit the industrial growing environment.

Attached is a recommended condition of consent requiring that an amended detailed landscape plan be provided to Council prior to the issue of a Construction Certificate.

4 Architectural features are provided to the front building façade to provide relief using such elements as verandahs, display windows, indented walls, etc.

The building design proposes a variation of materials, colours, window sizes and locations to provide aesthetic relief. The building will consist of a mix of concrete tilt panel walls, metal sheeting and glazing. Selected aluminium extruded boxes will be used to feature around windows. The variation in materials and design will present satisfactorily. It is considered that the proposed development will achieve an appropriate level of urban design in its context.

The introduction of suitable landscaping along the Astill Drive frontage will also assist to soften any visual impact of the buildings.

5 External materials consist of non-reflective materials.

Supporting information submitted with the development application identifies that all proposed external materials will be of subdued tones and low reflective finishes. These materials primarily include concrete tilt panel finished in light greys. Roof sheeting and roller doors will be recessive in colour. The proposed colours and building materials are considered to be acceptable in this context.

6 Adequate parking and onsite manoeuvring is provided.

Section 9.3 and Chapter 15 of the DCP identifies that typical car parking rates to be applied in industrial areas are:

Industry/warehouse/depot:	One (1) space per 100m^2 gross floor area or 1 space per two employees, whichever is greater
Kiosk:	One (1) space per 15m^2 gross floor area

The proposed workshop areas, cleaners store and site managers office including the mezzanine levels of the development will comprise a GFA of 12,926.12m^2 generating a requirement for 130 spaces (12,926.12m^2/100m^2 = 129.3). The kiosk component will comprise a GFA of 60m^2 requiring 4 spaces. The proposed development has the provision of 165 parking spaces and thus complies with onsite parking requirements.

7 Advertising involves business-identification signs within the front façade and/or by a pole sign comparable to the relative height to the main building on the site.

The specific signage detail is unknown at this stage; however, signage structures and panels for future signage have been identified. Conditions of consent are recommended to address future messaging of all future signs.

8 *Security fencing is located or designed in a manner that does not dominate the visual setting of the area.*

Supporting information submitted with the development application identifies that perimeter fencing for the side and rear boundaries will comprise black Chainwire fencing and Black palisade security fencing will be provided to the site frontage. It is considered that the proposed fencing will achieve a positive visual outcome within the Narrambla Industrial Estate.

CHAPTER 15 - CAR PARKING

Section 15.4 - Parking Requirement

Section 15.4 - Parking Requirements identifies the requirements for off-streetcar parking spaces.

The requirements of Section 15.4 have previously been addressed under Section 9.3 - Design and Siting of Industrial Development.

Section 15.6 - Parking Area Construction

Section 15.6 - Parking Area Construction outlines planning outcomes for parking area construction.

Planning Outcomes

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-park 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.*

Council's Development Engineer has advised that the proposed car parking spaces have been designed appropriately and that suitable arrangements have been made for the onsite loading and unloading of vehicles. All vehicles will be required to enter and leave the premises in a forward direction.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15

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)

Council's Building Surveyor has identified that Section J of the Building Code of Australia (BCA) would apply to the proposed development.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15

Context and Setting

The surrounding locality is characterised by various industrial premises typical of an industrial estate. The proposed development is consistent with the objectives of the zone and is reflective of the locality which provides a broad range of land uses within an industrial setting. It is not expected that the proposal will create significant impacts on the context and setting of the area.

Further, the foregoing assessment of the proposal demonstrates that the proposed can be operated on the site without causing significant impacts on surrounding landuses. Conditions concerning noise, air quality, delivery times and lighting will also be imposed to ensure there are no adverse impacts on sensitive receivers in the locality.

Traffic and Transport Impacts

It is considered that adverse traffic and car parking impacts are unlikely for the following reasons:

- sufficient car parking can be provided on the site for the proposal, where more parking will be provided than required by the DCP
- traffic associated with the proposed development is via the existing road network, which is capable of increased traffic movements
- sufficient manoeuvring will be available on the site for service vehicles, subject to suitable standards of construction for the entrance/access as discussed in the main body of this report.

Visual Amenity/Streetscape

The proposed buildings are acceptable in design and detailing for an industrial area. The building design proposes a variation of materials, window sizes and locations to provide aesthetic relief. The building will consist of a mix of concrete tilt panel walls and metal components (roof, doors, window treatments). The applicant has suitably demonstrated that the proposed design will not have an adverse impact upon the visual amenity of the industrial precinct. The introduction of appropriate landscaping will also assist in reducing any potential impacts of the buildings.

Environmental Impacts

The subject land is a highly modified industrial parcel of land within a well-established industrial precinct and is not located in proximity to any environmentally sensitive areas. To this end, the subject land is not likely to contain any threatened species, endangered ecological communities, or their habitats.

The proposed development and ongoing use are not expected to have adverse impact on the natural environment by reason of the emission of noise, dust, odours etc provided compliance with recommended conditions of consent and relevant regulations concerning these matters.

The site is located where there is a potential for naturally occurring asbestos to be found. Appropriate precautions are to be taken while works are taken onsite in accordance with Council's policy. Further, in line with Council's standard procedures a precautionary condition is recommended in relation to an unexpected finds protocol concerning contaminants.

Construction works may generate some impacts in the immediate locality including the emissions of dust and odour/fumes from earthmoving equipment, construction vehicles entering and existing the site and so on. However, these impacts will be short-term and only for the duration of construction works. The proposal is not expected to have any long-term discernible impact on air quality or on the microclimate of the locality. Conditions of consent are recommended for dust suppression during subdivision works to protect the air and microclimate.

Social and Economic Impacts

The proposed development has the potential to generate positive social and economic effects due to the following:

- the proposal will facilitate the expansion of industrial accommodation within Orange and will assist to increase employment opportunities
- the proposal will complement and enhance the role of Orange as a major regional business centre
- the construction phase of the development will provide short-term economic benefits due to the engagement of contractors and purchase of materials.

Waste Management

A waste management report was submitted in support of the subject development application. The Plan addresses waste generation during construction and includes controls relating to the future management of waste generated by the use of each tenancy. The applicants advise that the proposed industrial units will be serviced by a private waste collection contractor. Size of complex allows for drive around access via garbage trucks to service the bins. The exact number of waste bins for each premises (recycling and general rubbish) will be based on the individual demand of each tenancy with a requirement that all bins are stored out of view from the public street. Attached are recommended conditions addressing these arrangements.

The proposed kiosk will be equipped with a grease trap which will be emptied on a periodic basis by a suitably qualified contractor.

THE SUITABILITY OF THE SITE s4.15

The proposed development is located in the IN1 General Industrial zone and is permissible with the consent of Council. The subject land is considered to be suitable to undertake the proposed development due to the following:

- The development is permissible and compliant with the relevant provisions of the LEP.
- The development is considered to be satisfactory in regard to s4.15 of the Environmental Planning and Assessment Act 1979.
- The potential impacts of the development can be managed appropriately through the conditions of consent.

-
- The development of the site will not create significant adverse impacts on the context and setting of the area.
- The development of the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflicts with the imposition of suitable conditions of consent.
- Suitable arrangements have been made for all utility services and vehicle access.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15

The proposed development is not defined as advertised or notified development under the provisions of the Orange Community Participation Plan 2019, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

PUBLIC INTEREST s4.15

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

INTERNAL REFERRAL ADVICE

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

WATER AND SEWER HEADWORK CHARGES

Council's Development Engineer advises that the proposed development will include approval for future unknown general industrial use of each of the 44 units. As such, following advice from the Director Technical Services, water and sewer headwork charges are charged based on NSW Water Directorate rates for industrial use under Section 5.3.2 (adopting a light industrial unknown use - see Table 7) based on the total site area of 2.07 hectares.

SECTION 64 DETERMINATIONS OF EQUIVALENT TENEMENTS GUIDELINES

Table 7: Standard ET Figures – Industrial User Categories* (General) including Assumed Discharge Factor

CATEGORY	STANDARD UNIT	SUGGESTED VALUES		ASSUMED DISCHARGE FACTOR	BASIS
		WATER ET	SEWER ET**		
Industrial General					
Light Industrial	Gross Ha	15	15	60%	Average
Future Unknown - Light	Gross Ha	15	15	60%	Light Industrial
Future Unknown - Med	Gross Ha	30	30	60%	PWD, HWC Sewer ET
Future Unknown - Heavy	Gross Ha	50	50	60%	PWD, HWC Sewer ET

* For industrial categories that have process water, it is suggested that a non-typical development ET is determined based on the methodology in Section 6.3 of the guidelines.

** Additional ET figures for sewer have been included on Table 4, for a large range of detailed subcategories. These figures are provided for background information and should only be used as a general guide or where actual consumption data cannot be observed.

Notes

1 Standard ET = Town Water Usage of 230 kL/a & Sewage Loading of 140 kL/a
Assumed Residential Standard Discharge Factor: 60%
Gross Ha = Total land area of zone

Council's Technical Services Staff advise that water and sewer headwork charges will be based on 31 ET's for water and 31 ET's for sewer. The current per ET rates for Water and Sewer headworks are approximately $8,423 for water and $5,173 for sewer. These values are subject to periodic indexation and are payable prior to the issue of a Construction Certificate. Attached is a recommended condition of consent addressing this issue.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of the LEP. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

ATTACHMENTS

1 Notice of Approval, D22/58354⇩
2 Plans, D22/57435⇩

ORANGE CITY COUNCIL	**ORANGE CITY COUNCIL** Development Application No **DA 182/2022(1)** NA22/680 Container PR25663

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application	
Applicant Name:	Allied Group Pty Ltd
Applicant Address:	PO Box 97 KOGARAH NSW 1485
Owner's Name:	CT NSW Pty Ltd
Land to Be Developed:	Lot 114 DP 1173680 - 20 Astill Drive, Orange
Proposed Development:	General Industry (44 industrial units), Kiosk, Business Identification Signage and Subdivision (45 lot Strata)
Building Code of Australia building classification:	Class to be determined by Certifier
Determination made under Section 4.16	
Made On:	4 October 2022
Determination:	**CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**
Consent to Operate From:	5 October 2022
Consent to Lapse On:	5 October 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) To ensure the utility services are available to the site and adequate for the development.

(6) To prevent the proposed development having a detrimental effect on adjoining land uses.

(7) To minimise the impact of development on the environment.

Conditions

(1) The development must be carried out in accordance with:

(a) The Architectural Drawings prepared by ZTA Group dated 14 July 2022 (9 sheets)

(b) The Subdivision Plans prepared by Timothy Collins dated 29 April 2022 (3 sheets)

(c) Statements of environmental effects or other similar associated documents including the *Waste Management Plan & Operations Guide* by LID Consulting and *Acoustical Report* by Koikas Acoustics that form part of the approval

as amended in accordance with any conditions of this consent.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

PRESCRIBED CONDITIONS

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

(3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

(4) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the adjoining premises from possible damage from the excavation, and

(b) where necessary, underpin the adjoining premises to prevent any such damage.

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

44 GENERAL INDUSTRIAL UNITS, KIOSK AND BUSINESS IDENTIFICATION SIGNAGE

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(5) Prior to the issue of a Construction Certificate, a revised landscaping plan shall be submitted to and approved by Council's Manager Development Assessments. The revised plan shall include additional understorey plantings comprising mass planting areas of native shrubs growing to a height of approximately 1m such as; Correa, Callistemon, and mass planted areas of strappy leaved plants such as Dianella, Lomandra, Dietes or similar plants. The landscape plan must include a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity

The landscape plan shall be supported by a *landscape maintenance strategy* for the landowner(s) to administer following the planting of landscaping. The strategy is to address maintenance issues such as, but not limited to tree and shrub survival, irrigation, soil testing, staking, fertilizing and mulching. The maintenance strategy shall also include an inspection regime/monitoring program.

(6) Prior to the issue of a Construction Certificate plans of the carpark shall be submitted to the Principal Certifying Authority for approval. The carpark plans shall provide details of levels, cross falls of all pavements, proposed sealing materials and proposed drainage works and are to be in accordance with Orange City Council Development and Subdivision Code. Stormwater shall be collected in stormwater pits located within the carpark and piped to the stormwater detention system. All parking spaces and access aisle dimensions shall be in accordance with AS 2890.1 (Off-street car parking). Parking spaces shall be located to accommodate the turn path of a 19m articulated heavy vehicle traversing the site.

(7) Engineering plans providing complete details of the proposed water, sewer and stormwater services are to be submitted to the Principal Certifier upon application for a Construction Certificate.

(Condition (7) continued over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

Prior to the issue of a construction certificate (cont)

(7) (cont)

Internal sewer lines servicing each unit from the existing sewer junction shall be constructed as private sewer mains constructed to Australian Standard AS/NZS 3500.

A single common potable water meter shall be located in the common property driveway. Internal water mains servicing each unit from the common water meter shall be constructed as private water mains constructed to Australian Standard AS/NZS 3500. The size of the common water meter shall be determined by a practicing engineer.

Proposed units 35 to 45 and the common property Lot shall be provided with interlot stormwater drainage. A grated concrete stormwater pit is to be constructed within each lot. Internal stormwater lines servicing the development from the existing stormwater pit shall be constructed as private stormwater mains constructed to Australian Standard AS/NZS 3500.

(8) A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

(9) **Payment of contributions for water, sewer and drainage works** is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 31 ETs for water supply headworks and 31 ETs for sewerage headworks. A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, will be issued upon payment of the contributions.

This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

(10) A water and soil erosion control plan 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.

(11) The development's stormwater design is to include stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments. Where appropriate, the spillway design capacity is to be determined in accordance with the requirements of the Dam Safety Committee.

The design of the detention storage is to be undertaken using the ILSAX/DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council. Engineering plans for this stormwater detention system are to be approved by Orange City Council prior to a Construction Certificate being issued.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

Prior to the issue of a construction certificate (cont)

(12) Backflow Prevention Devices are to be installed to AS3500 and in accordance with Orange City Council Backflow Protection Guidelines. Details of the Backflow Prevention Devices are to be submitted to Orange City Council prior to the issuing of a Construction Certificate.

(13) 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.

(14) Detailed plans and specifications are to be provided for the proposed kiosk, specifying the proposed fitout of the food preparation and storage areas in accordance with the requirements of Australian Standard 4674-2004 "Design and construction and fitout of food premises" and Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code.

(15) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.

PRIOR TO WORKS COMMENCING

(16) A Construction Certificate application is required to be submitted to and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

(17) 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.

(18) The location and depth of the sewer junction/connection to Council's sewerage system is to be determined to ensure that adequate fall to the sewer is available.

(19) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

(20) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

(21) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.

The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.

(22) All driveway and parking areas are to be sealed with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.

(23) The existing kerb and gutter layback and footpath crossing that is not proposed to be used is to be replaced with standard concrete kerb and gutter and the adjacent footpath area re-graded to the shape and level requirements of footpaths in the Orange City Council Development and Subdivision Code and Road Opening Permit.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

During construction/siteworks (cont)

(24) Heavy-duty concrete kerb and gutter laybacks and footpath crossings are to be constructed for the entrances to the proposed development. The location and construction of the laybacks and footpath crossings are to be as required by the Orange City Council Development and Subdivision Code. The width of the footpath crossings shall accommodate the turn paths of a 19m articulated heavy vehicle.

(25) All services are to be contained within the allotment that they serve.

(26) 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 onsite must not resume unless the express permission of the Director Development Services is obtained in writing.

(27) The site is located within an area identified as containing serpentinite rock formations, which can contain chrysotile, a naturally occurring asbestos. Therefore, the applicant or person with management or control of the site shall ensure that a written plan (an ***Asbestos Management Plan***) for the site is prepared in accordance with the provisions of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.

To assist applicants with developing an Asbestos Management Plan, applicants are encouraged to access the '*Asbestos Management Plan for* Orange City Council *2014'*, which is available on Council's website: www.orange.nsw.gov.au

(28) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.

(29) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.

(30) 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.

(31) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

(32) No person is to use or occupy the building(s) that is the subject of this approval without the prior issuing of an Occupation Certificate.

(33) Prior to the issue of any Occupation Certificate, landscaping in accordance with the approved stamped Landscaping Plan must be completed.

(34) Front boundary fencing shall comprise black palisade fencing. Side and rear fencing may comprise chain wire fencing.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

Prior to the issue of an occupation certificate (cont)

(35) The proponent shall enter into a private service agreement with a waste contractor for the collection of general waste, recycling and organic waste associated with the approved development. The agreement shall be consistent with the approved *Waste Management Plan & Operations Guide* by LID Consulting and include at least once weekly collection of all waste from the site. Details of the service agreement shall be provided to Council's Manager Development Assessment or Principal Certifier prior to the issuing of any Occupation Certificate.

(36) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

(37) 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.

(38) A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation/Final Certificate being issued for the development.

(39) Certificates for testable Backflow Prevention Devices are to be submitted to Orange City Council by a plumber with backflow qualifications prior to the issue of an Occupation Certificate.

(40) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.

(41) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.

(42) 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.

(43) 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.

STRATA SUBDIVISION (45 LOTS)

DURING CONSTRUCTION/SITEWORKS

(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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

(45) Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.

(46) Prior to the issue of a Subdivision Certificate evidence shall be provided of the payment of water and sewer headworks charges for the industrial unit development.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

Prior to the issue of a subdivision certificate (cont)

(47) Application is to be made to Telstra/NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.

(48) A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

(49) All services are to be contained within the allotment that they serve. A Statement of Compliance, from a Registered Surveyor, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

(50) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin comply with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

(51) Where staged release of the subdivision is proposed, all conditions of consent and contributions relative to the proposed staging of the development, and all engineering conditions of development consent as it relates to the servicing of the proposed lots are to be completed prior to the issuing of a Subdivision Certificate.

(52) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision 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.

(53) A Surveyor's Certificate or written statement is to be provided to the Principal Certifying Authority, stating that the buildings within the boundaries of proposed Lots comply in respect of the distances of walls from boundaries and the common wall construction prior to the issuing of the Subdivision Certificate.

(54) 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.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

(55) All tenancies shall be used in accordance with the Orange Local Environmental Plan 2011 Dictionary definition of "general industry". Separate consent will be required for any alternative land uses not permitted as exempt or complying development.

(56) All noise intensive activities are to be carried out inside individual units. When noise intensive activities are being carried out the unit roller doors are to be kept closed, unless required to be opened in an emergency, or when manoeuvring vehicles into and out of the unit, during which time all other noise intensive activities/works being carried out inside the unit are to cease until the doors are closed.

(57) Emitted noise shall not exceed 5dB(A) above background sound level measured at the nearest affected residence.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

Matters for the ongoing performance and operation of the development (cont)

(58) A complaints handling system is to be implemented, as set out in the acoustic report prepared by Koikas Acoustics, dated 18 August 2022 (ref: 5524R20220804) - Section 5.7 - Complaints Handling (page 20).

(59) Hours of operation for the entire complex are to be restricted to daytime hours - 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and public holidays.

(60) Heavy vehicle deliveries shall only occur between the hours of 7am and 6pm. All vehicular movements to and from the site shall be in a forward direction.

(61) Outdoor lighting must be in accordance with Australian Standard AS 4282-1997 - Control of the obtrusive effects of outdoor lighting.

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties and motorists.

(62) Arrangements shall be made for the regular removal and disposal of waste materials having regard to the requirements of Condition 35 above. Waste bins shall be stored within the respective units and placed out for collection in accordance with the approved *Bin Collection Location Plan* on collection days only. Kerbside placement of bins in Astill Drive is not permitted.

(63) Landscaping in accordance with the approved plans must be maintained in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

(64) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.

(65) Heavy vehicle deliveries shall only occur between the hours of 7am and 6pm.

(66) All signage must only occur within the approved signage zones and must comprise *business identification signage* only. A separate development application shall be submitted to and approved by Council prior to the erection of any advertising structures or signs of a type that do not meet the exempt development provisions.

ESSENTIAL ENERGY REQUIREMENTS

(1) A distance of 6m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.

(2) The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

(3) Pursuant to Section 49 of the Electricity Supply Act 1995 (NSW), Essential Energy may require structures or things that could destroy, damage, or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

(Essential Energy requirements (continued) over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 182/2022(1)

Conditions (cont)

Essential Energy requirements (cont)

(4) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

(5) Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure

(6) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E* (*Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Other Approvals

(1) *Local Government Act 1993* approvals granted under Section 68.

Nil

(2) General terms of other approvals integrated as part of this consent.

Nil

Right of Appeal

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

***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 ASSESSMENTS
Date:	5 October 2022

ASTILL DRIVE
INDUSTRIAL ESTATE

ALLIED GROUP

Project: **Photomontage**
20 Astill Drive , Orange NSW

Landscape Plan 1:300

	PLANTING SCHEDULE:		
	BOTANICAL NAME	COMMON NAME	ESTIMATED MATURE SIZE (HxW METERS)
	LARGE TREE: MELALEUCA LINARIFOLIA (N) CALLISTEMON VIMINALIS (N) FRAXINUS EXCELSIOR	SNOW IN SUMMER DROOPING BOTTLEBRUSH GOLDEN ASH	7.0 x 4.0 8.0 x 4.0 12.0 x 4.0
	GROUND COVER: MYOPORUM PARVIFOLIUM (N) ACMENA SMITHII 'MALLOFON (N) GAZANIA PINK OSTEOSPERMUM ERIGERON	CREEPING BOOBIALLA CUT LEAFED DAISY AFRICAN DAISY SEASIDE DAISY	0.5 x 0.5 0.5 x 1.5 0.3 x 1.0 0.3 x 1.5 0.3 x 0.3
	TALL HEDGES: 2m+ WESTRINGIA FRUTICOSA - 'MARINGA'(N) CALLISTEMON CITRINUS (N) PITTOSPORUM VIBURNUM - ODRATATISSIMUM	COASTAL ROSEMARY RED BOTTLEBRUSH WEEPING ASH SWEET VIBURNUM	2.5 x 1.5 3.0 x 2.0 6.0 x 4.0 4.0 x 4.0
	TALL HEDGES: 1m WESTRINGIA FRUTICOSA - 'SMOKEY'(N) WESTRINGIA FRUTICOSA - 'GREY BOX' (N) PHILOTHECA MYOPORIDES 'FLOWER GIRL' (N) NANDINA DOMESTIC HEBE	COASTAL ROSEMARY COASTAL ROSEMARY NATIVE WAX FLOWER HEBE SNOWDRIFT	1.0 x 1.0 0.3 x 0.3 0.5 x 1.0 1.0 x 1.0 1.0 x 1.0
	TURF: TO SUIT POSITION TALL FESCUE KIKUYU SOFT LEAF BUFFALO		

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ABN 56 164 632 517

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CONSULTANTS

ISSUE	DATE	PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
CLIENT
-

NORTH

STATUS
FOR APPROVAL
STAGE
DA
PROJECT DATE

DRAWING NO. **A102**
ISSUE **A**
JOB NO. **21423**
DRAWN BY **BY**
CHECKED BY **PS**
SCALE **1:300@ A1 1:600@ A3 UNO**
PRINT DATE **14/07/2022**
DRAWING TITLE
SITE PLAN AND LANDSCAPE PLAN

ORANGE CITY COUNCIL LEP & DCP COMPLAINCE TABLE			
LAND ZONING	IN1: GENERAL INDUSTRIAL		
SITE AREA	2.071 HA		
LOT / DP	LOT 114 DP 1173680		
	REQUIREMENT	PROPOSED	COMPLIANCE
MAX. SITE COVERAGE	MAX. 50% OF SITE AREA (10,355 m²)	51.76% (10,720.76 m²)	WITH MERIT
ALLOWABLE SETBACKS	FRONT SETBACK 10m	FRONT SETBACK: 10m	YES
PARKING AND ACCESS	INDUSTRY/WAREHOUSE/DEPOT 1 SPACE PER 100m² GFA OR 1 SPACE PER 2 EMPLOYEES, WHICHEVER IS GREATER;	WAREHOUSE 12,862.12m² GFA = 130 SPACES; TOTAL PROVIDED 165 SPACES;	
TOTAL UNITS	N/A	45 UNITS	N/A

NOTE
ALL UNITS ARE INDIVIDUAL FIRE COMPARTMENTS WITH EXCEPTION OF UNITS 5/6, 15/16, 36/37 AND 44/45

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ISSUE DATE PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
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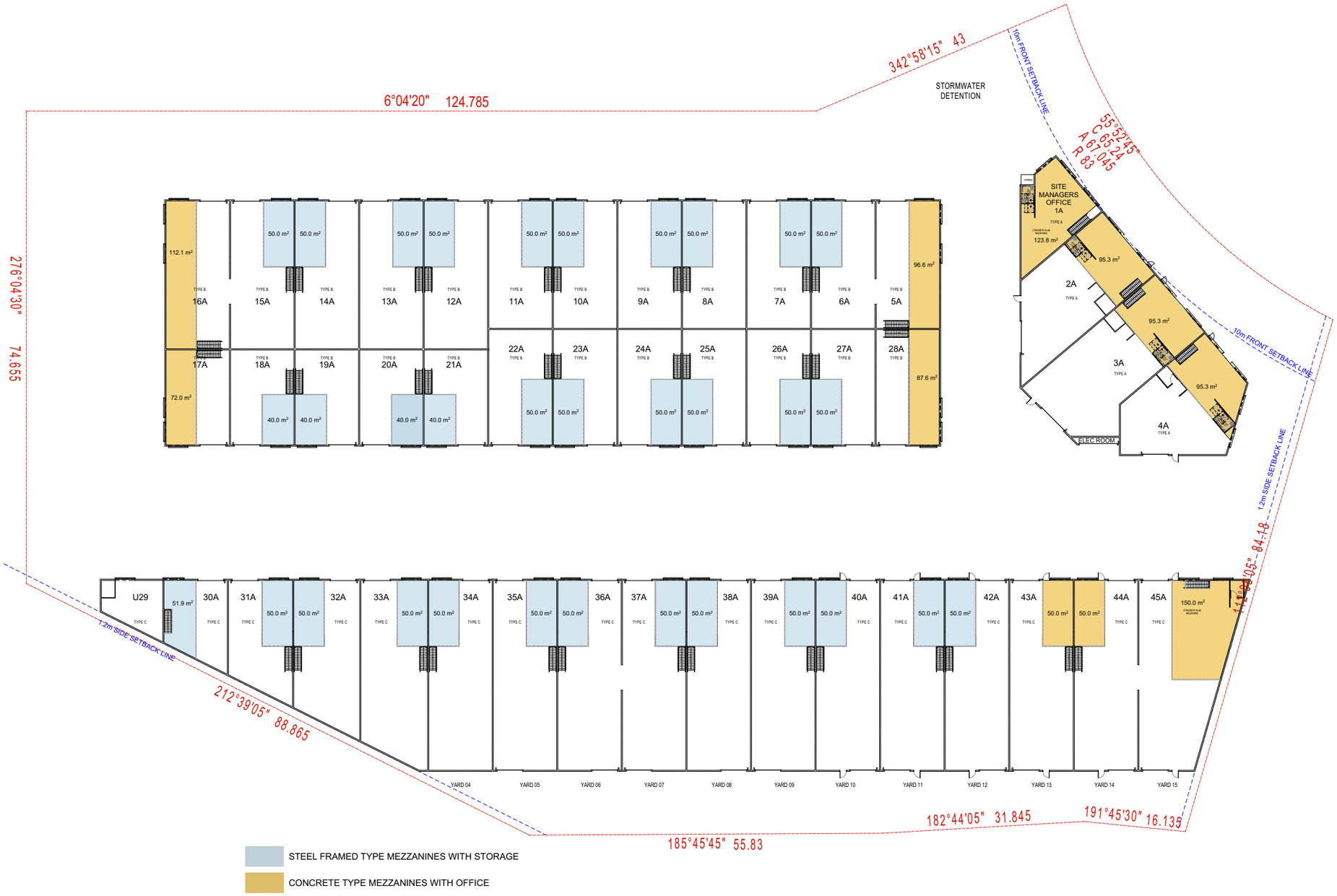
PROJECT DATE

DRAWING NO. A200
ISSUE A
JOB NO. **21423**
DRAWN BY **BY**
CHECKED BY **PS**
SCALE **1:300@ A1** **1:600@ A3** **UNO**
PRINT DATE **14/07/2022**
DRAWING TITLE
GENERAL ARRANGEMENT - GROUND FLOOR



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20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
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DRAWING NO. A201
ISSUE A
JOB NO. **21423**
DRAWN BY **BY**
CHECKED BY **PS**
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PRINT DATE **14/07/2022**
DRAWING TITLE
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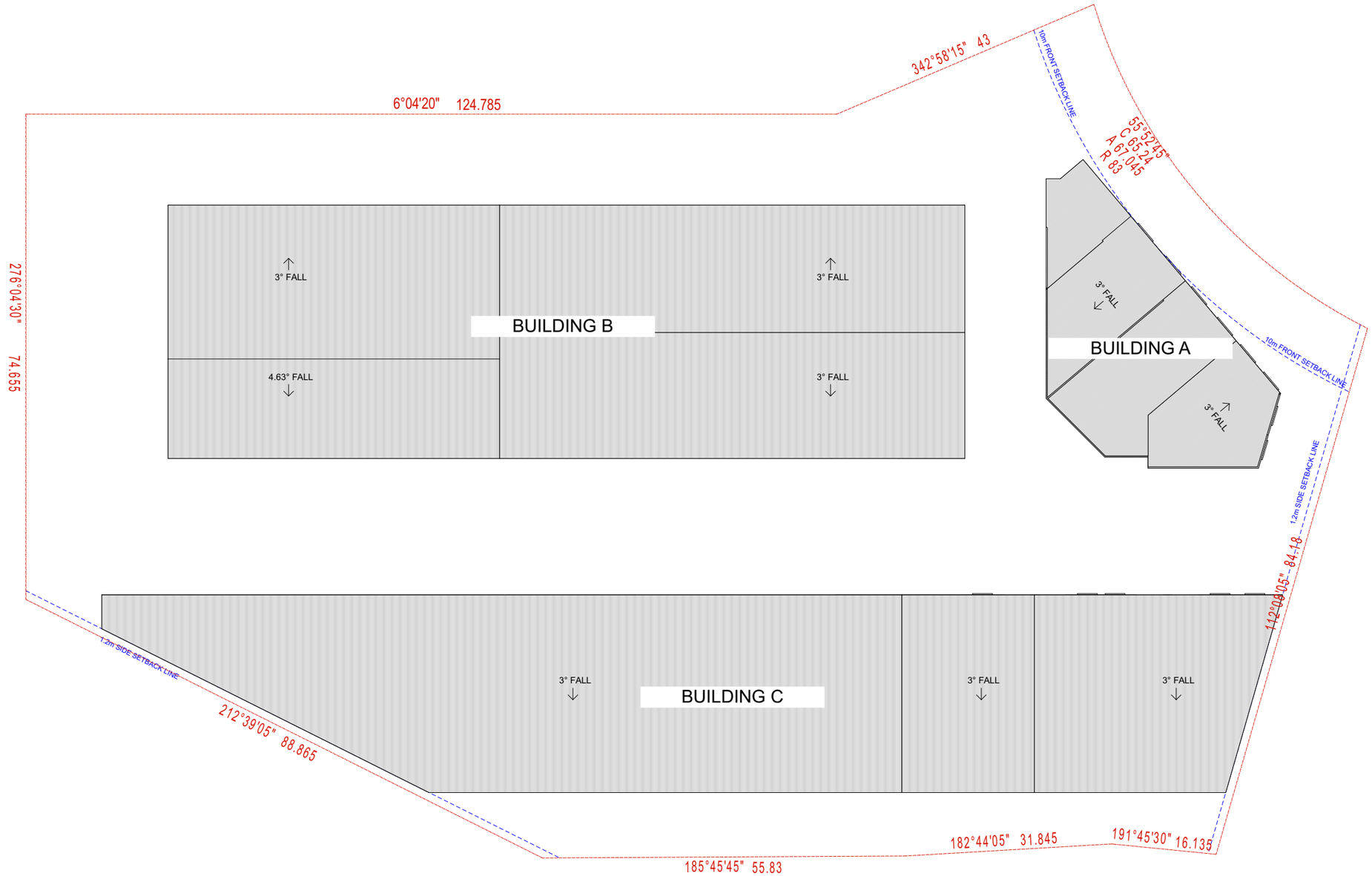

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PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
CLIENT
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STATUS
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PROJECT DATE

DRAWING NO. A202
ISSUE A
JOB NO. **21423**
DRAWN BY **BY**
CHECKED BY **PS**
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PRINT DATE **14/07/2022**
DRAWING TITLE
GENERAL ARRANGMENT - ROOF PLAN

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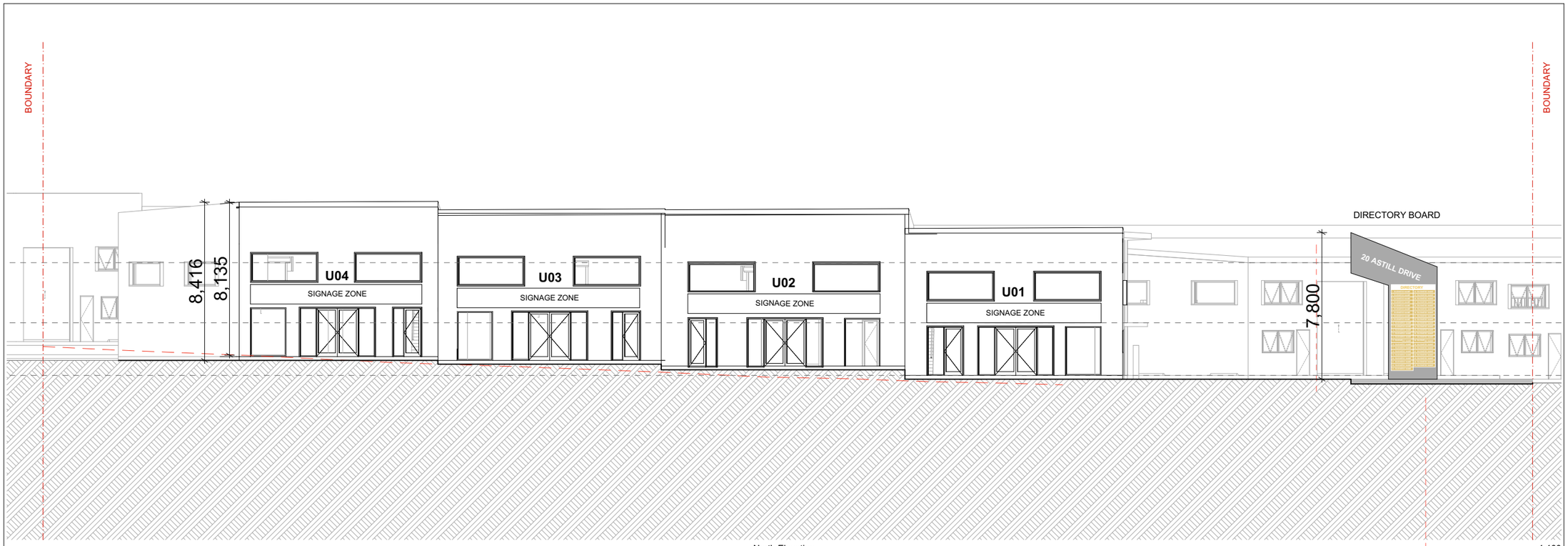
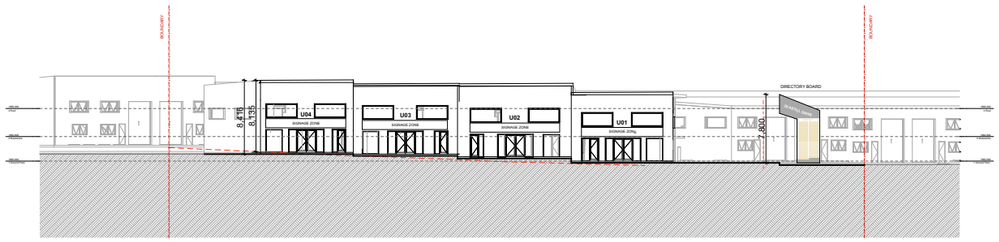


North Elevation 1:100



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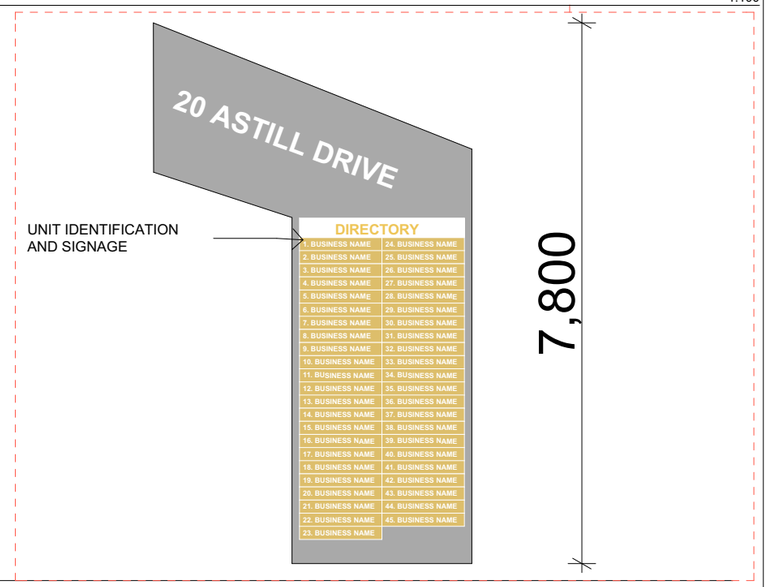

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ISSUE	DATE	PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT

CLIENT
-

NORTH

STATUS
FOR APPROVAL

STAGE
DA

PROJECT DATE

DRAWING NO.
A300

ISSUE
A

JOB NO.
21423

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BY

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PS

SCALE
1:300@ A1
1:600@ A3
UNO

PRINT DATE
14/07/2022

DRAWING TITLE
NORTH ELEVATION

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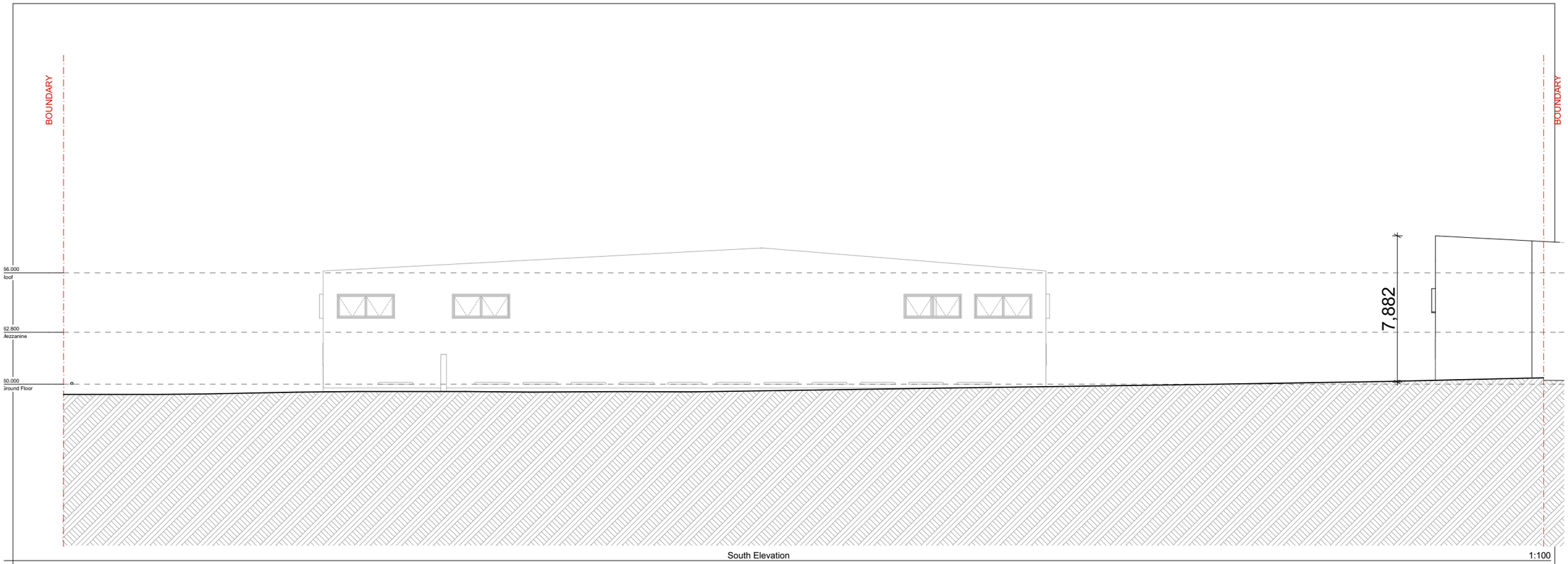

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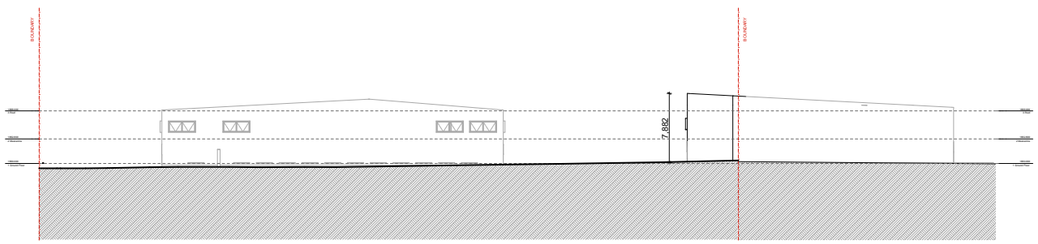

South Elevation 1:300

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zta group
architecture | urban design | interior design

CONSULTANTS

ISSUE	DATE	PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
CLIENT
-

NORTH

STATUS
FOR APPROVAL
STAGE
DA
PROJECT DATE

DRAWING NO. A301
ISSUE A
JOB NO. **21423**
DRAWN BY **BY**
CHECKED BY **PS**
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PRINT DATE **14/07/2022**
DRAWING TITLE
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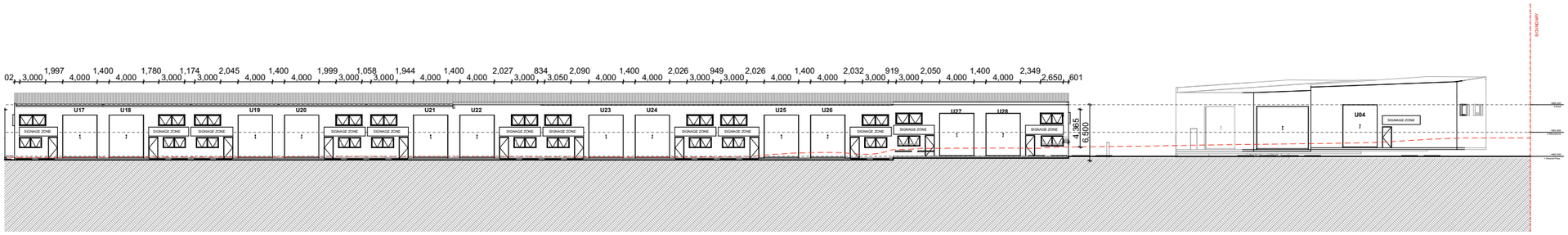

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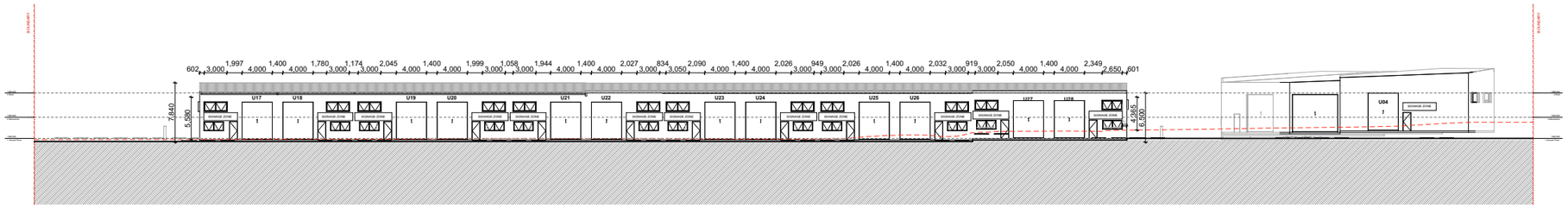

East Elevation 1:300

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CONSULTANTS

ISSUE	DATE	PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
CLIENT
-

NORTH

STATUS
FOR APPROVAL
STAGE
DA
PROJECT DATE

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ISSUE **A**
JOB NO. **21423**
DRAWN BY **BY**
CHECKED BY **PS**
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PRINT DATE **14/07/2022**
DRAWING TITLE
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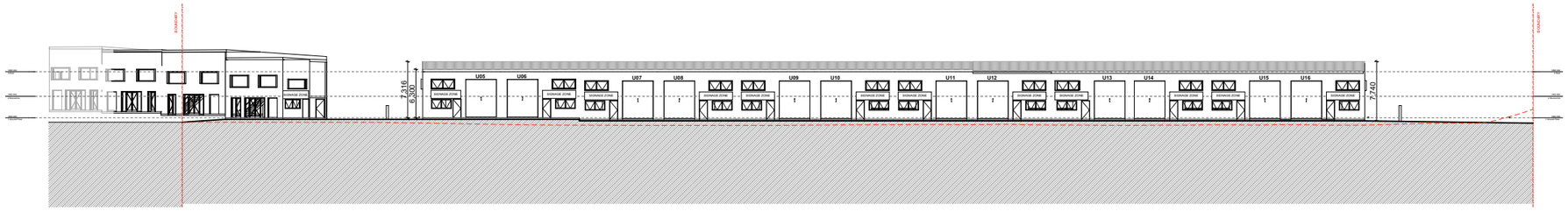

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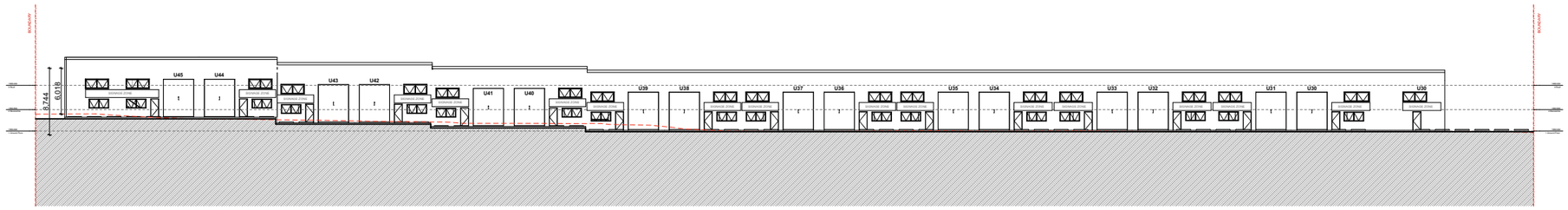

West Elevation 02 1:300

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CONSULTANTS

ISSUE	DATE	PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT

CLIENT
-

NORTH

STATUS
FOR APPROVAL

STAGE
DA

PROJECT DATE

DRAWING NO.
A303

ISSUE
A

JOB NO.
21423

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BY

CHECKED BY
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UNO

PRINT DATE
14/07/2022

DRAWING TITLE
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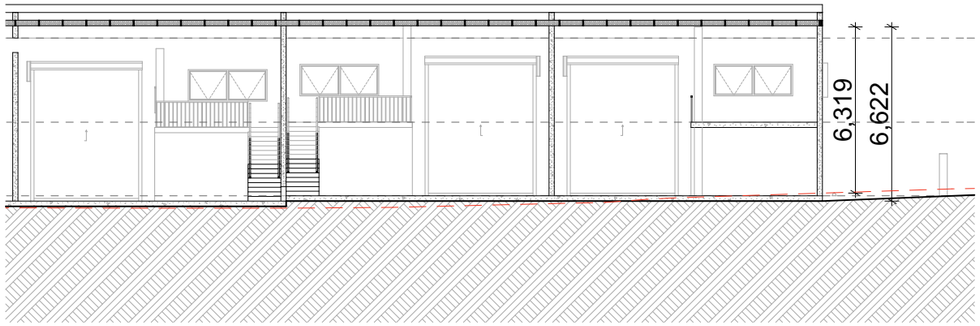

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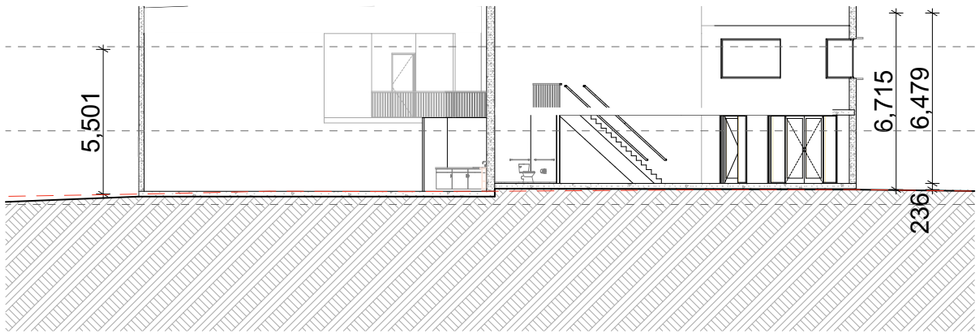

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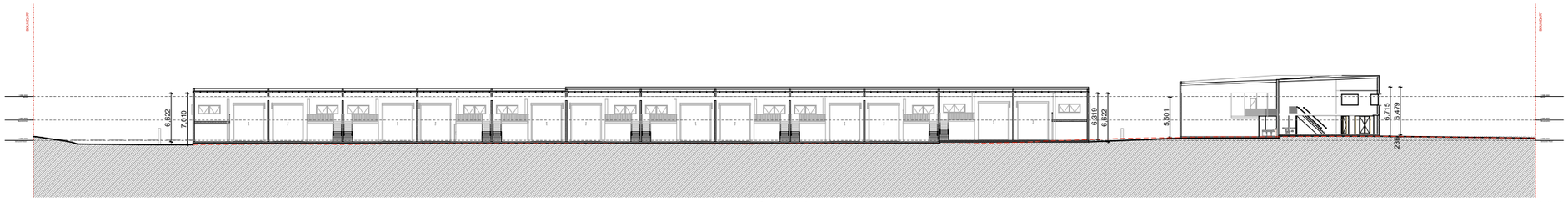

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CONSULTANTS

ISSUE	DATE	PURPOSE OF ISSUE

PROJECT ADDRESS
20 ASTILL DRIVE, ORANGE, NSW 2800

INDUSTRIAL DEVELOPMENT
CLIENT
-

NORTH

STATUS
FOR APPROVAL
STAGE
DA
PROJECT DATE

DRAWING NO.
A400

ISSUE
A

JOB NO.
21423

DRAWN BY
BY

CHECKED BY
PS

SCALE
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PRINT DATE
14/07/2022

DRAWING TITLE
SECTION AA

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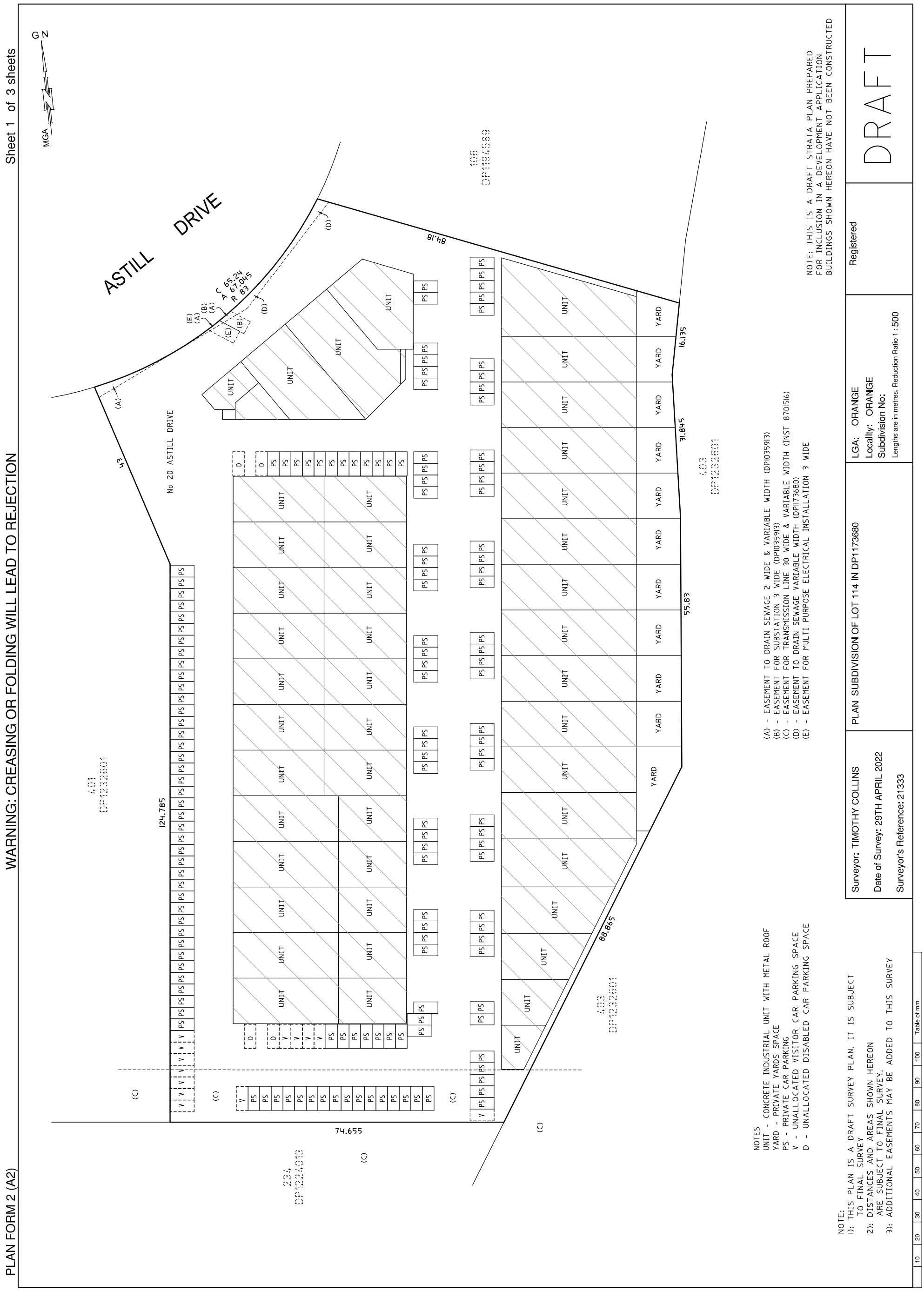
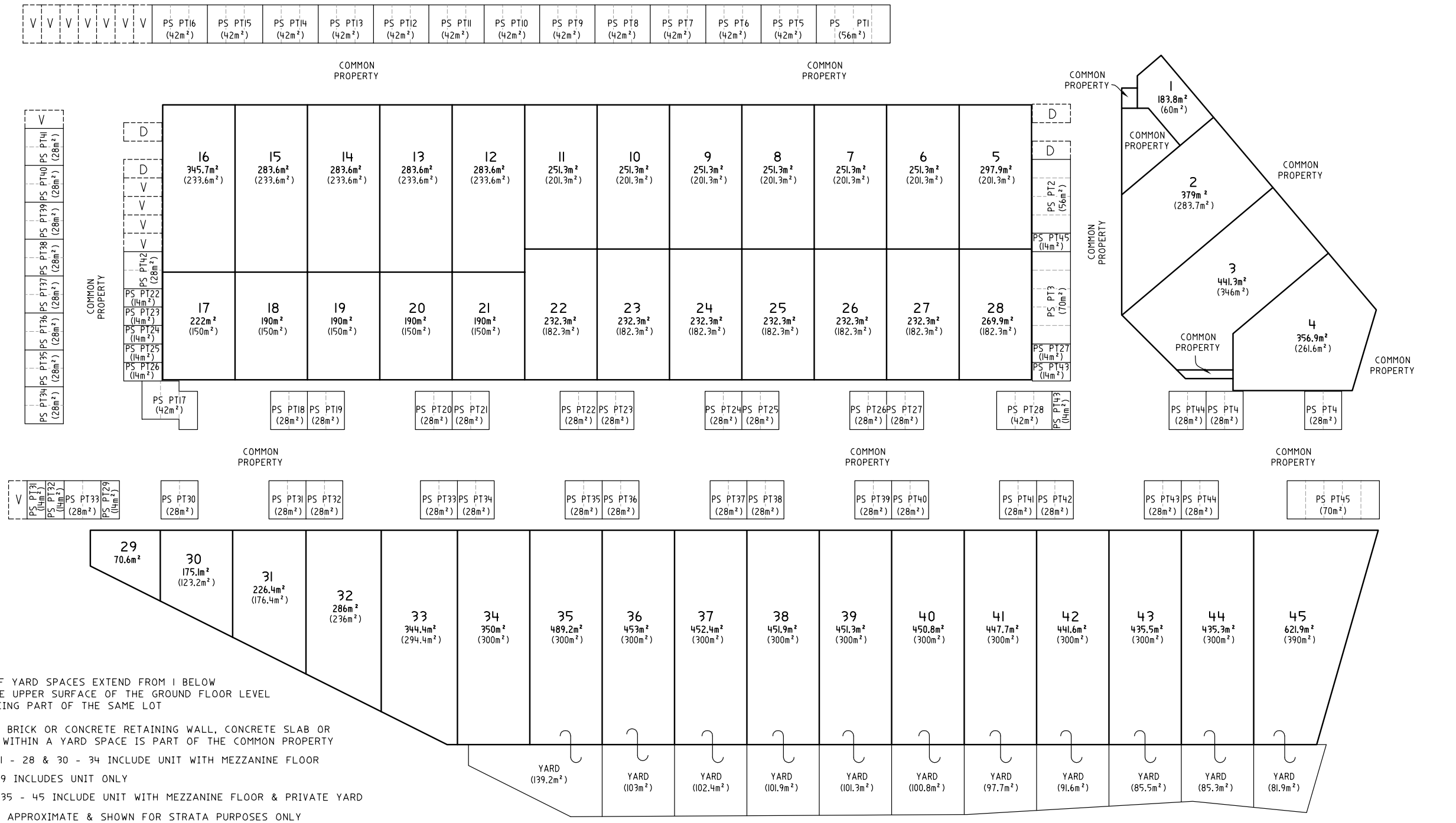

PLAN FORM 2 (A2)
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
Sheet 1 of 3 sheets
G N
MGA
ASTILL DRIVE
No 20 ASTILL DRIVE
C 65.24
A 67.045
R 83
84.18
16.135
31.845
55.83
88.865
74.655
124.785
43
401 DP1232601
402 DP1232601
403 DP1232601
234 DP1224613
UNIT
YARD
PS
V
D
(A)
(B)
(C)
(D)
(E)
NOTES
UNIT - CONCRETE INDUSTRIAL UNIT WITH METAL ROOF
YARD - PRIVATE YARDS SPACE
PS - PRIVATE CAR PARKING
V - UNALLOCATED VISITOR CAR PARKING SPACE
D - UNALLOCATED DISABLED CAR PARKING SPACE
(A) - EASEMENT TO DRAIN SEWAGE 2 WIDE & VARIABLE WIDTH (DP103591 3)
(B) - EASEMENT FOR SUBSTATION 3 WIDE (DP103591 3)
(C) - EASEMENT FOR TRANSMISSION LINE 30 WIDE & VARIABLE WIDTH (INST 870156)
(D) - EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH (DP117 3680)
(E) - EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 3 WIDE
NOTE: THIS IS A DRAFT STRATA PLAN PREPARED FOR INCLUSION IN A DEVELOPMENT APPLICATION BUILDINGS SHOWN HEREON HAVE NOT BEEN CONSTRUCTED
NOTE:
1): THIS PLAN IS A DRAFT SURVEY PLAN. IT IS SUBJECT TO FINAL SURVEY
2): DISTANCES AND AREAS SHOWN HEREON ARE SUBJECT TO FINAL SURVEY.
3): ADDITIONAL EASEMENTS MAY BE ADDED TO THIS SURVEY
Registered
DRAFT
LGA: ORANGE
Locality: ORANGE
Subdivision No:
Lengths are in metres. Reduction Ratio 1 :500
PLAN SUBDIVISION OF LOT 114 IN DP1173680
Surveyor: TIMOTHY COLLINS
Date of Survey: 29TH APRIL 2022
Surveyor's Reference: 21333
10 20 30 40 50 60 70 80 90 100 Table of mm

PLAN FORM 2 (A2) WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION Sheet 2 of 3 sheets

NOTE:
1): THIS PLAN IS A DRAFT SURVEY PLAN. IT IS SUBJECT TO FINAL SURVEY
2): DISTANCES AND AREAS SHOWN HEREON ARE SUBJECT TO FINAL SURVEY.
3): ADDITIONAL EASEMENTS MAY BE ADDED TO THIS SURVEY

GROUND FLOOR PLAN



NOTES:

- THE STRATUM OF YARD SPACES EXTEND FROM 1 BELOW TO 5 ABOVE THE UPPER SURFACE OF THE GROUND FLOOR LEVEL OF THE UNIT BEING PART OF THE SAME LOT
- ANY PART OF A BRICK OR CONCRETE RETAINING WALL, CONCRETE SLAB OR PATH WHICH IS WITHIN A YARD SPACE IS PART OF THE COMMON PROPERTY
- AREA OF LOTS 1 - 28 & 30 - 34 INCLUDE UNIT WITH MEZZANINE FLOOR
- AREA OF LOT 29 INCLUDES UNIT ONLY
- AREA OF LOTS 35 - 45 INCLUDE UNIT WITH MEZZANINE FLOOR & PRIVATE YARD
- ALL AREAS ARE APPROXIMATE & SHOWN FOR STRATA PURPOSES ONLY
- WATER TANKS, AIR CONDITIONING UNITS AND ASSOCIATED INFRASTRUCTURE WITHIN YARD SPACES ARE PART OF THE LOT WITHIN WHICH THEY STAND AND ARE NOT COMMON PROPERTY
- ANY PART OF A CONCRETE DRIVEWAY, CONCRETE RETAINING WALL OR CONCRETE SLAB OR PATH WHICH IS WITHIN A YARD SPACE IS PART OF THE COMMON PROPERTY
- PS DENOTES CAR PARKING SPACE
- V DENOTES UNALLOCATED VISITOR CAR PARKING SPACE
- D DENOTES UNALLOCATED DISABLED CAR PARKING SPACE

NOTE: THIS IS A DRAFT STRATA PLAN PREPARED FOR INCLUSION IN A DEVELOPMENT APPLICATION BUILDINGS SHOWN HEREON HAVE NOT BEEN CONSTRUCTED

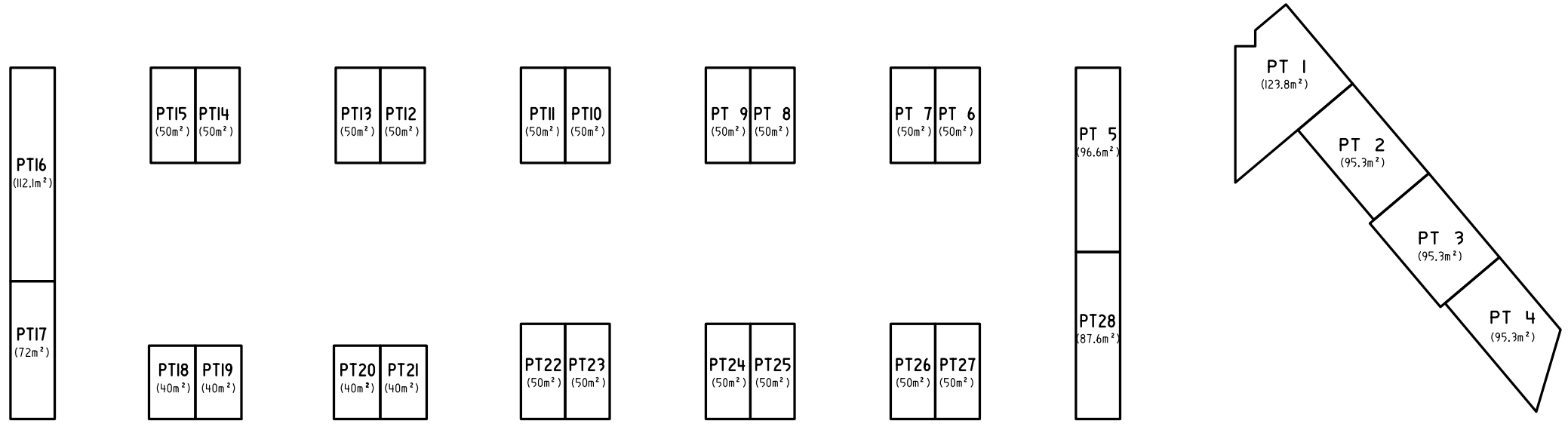
Surveyor: TIMOTHY COLLINS Date of Survey: 29TH APRIL 2022 Surveyor's Reference: 21333	PLAN OF STRATA SUBDIVISION OF LOT 114 DP1173680	LGA: ORANGE Locality: ORANGE Subdivision No: Lengths are in metres. Reduction Ratio 1 : 400	Registered	DRAFT

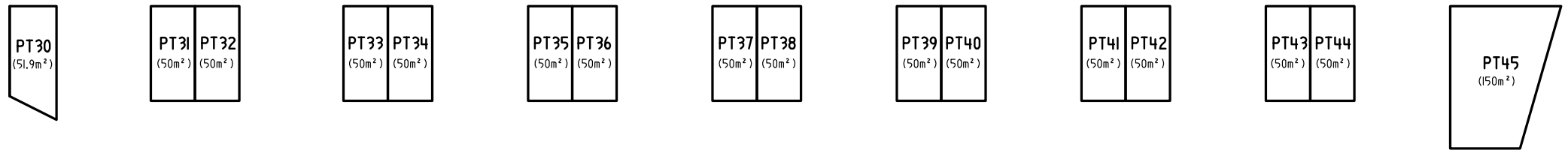
10 20 30 40 50 60 70 80 90 100 Table of mm

FIRST FLOOR PLAN

MGA GN

NOTE:
1): THIS PLAN IS A DRAFT SURVEY PLAN. IT IS SUBJECT TO FINAL SURVEY
2): DISTANCES AND AREAS SHOWN HEREON ARE SUBJECT TO FINAL SURVEY.
3): ADDITIONAL EASEMENTS MAY BE ADDED TO THIS SURVEY





NOTE: - ALL AREAS ARE APPROXIMATE & SHOWN FOR STRATA PURPOSES ONLY

NOTE: THIS IS A DRAFT STRATA PLAN PREPARED FOR INCLUSION IN A DEVELOPMENT APPLICATION BUILDINGS SHOWN HEREON HAVE NOT BEEN CONSTRUCTED

Surveyor: TIMOTHY COLLINS Date of Survey: 29TH APRIL 2022 Surveyor's Reference: 21336	PLAN OF STRATA SUBDIVISION OF LOT 114 DP1173680	LGA: ORANGE Locality: ORANGE Subdivision No: Lengths are in metres. Reduction Ratio 1 : 400	Registered	DRAFT

10 20 30 40 50 60 70 80 90 100 Table of mm

2.4 DEVELOPMENT APPLICATION DA 516/2021(1) - 11 CARWOOLA DRIVE

RECORD NUMBER: 2022/1948
AUTHOR: Rishelle Kent, Senior Planner

EXECUTIVE SUMMARY

Application lodged	25 November 2021 Additional information received 11 August 2022
Applicant/s	UPG 219 Pty Ltd
Owner/s	UPG 219 Pty Ltd
Land description	Lot 100 DP 1121143 - 11 Carwoola Drive, Orange
Proposed land use	Demolition (existing dwelling and tree removal) and Subdivision (13 lot Torrens Title)
Value of proposed development	$0

Council's consent is sought for demolition of a dwelling and trees, and subdivision of the development site into 13 residential Torrens title allotments. The land is described as 11 Carwoola Drive - Lot 100 DP 1121143.

The land is subject to a Master Plan under Area 3 of the Ploughmans Valley urban release area. The subdivision design varies from the Master Plan, by increasing the lot yield by four (4) lots. The proposed lots will range in area from 850m² to 1202m². A small section of public road will be created, in accordance with the Master Plan.

The development comprises 'advertised development' with one (1) submission received. Concerns relate to the height of future dwellings and stormwater drainage. These matters have been addressed in the following report.

As outlined in this report, the proposed development can satisfy the relevant planning controls applicable to the site and landuse. Impacts of the development will be within reasonable limit, subject to mitigation conditions. Approval of the application is recommended.

Figure 1 - locality plan

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.

DIRECTOR'S COMMENT

Council's consent is sought for demolition of a dwelling and trees, and subdivision of the development site into 13 residential Torrens title allotments. The land is subject to a Master Plan under Area 3 of the Ploughmans Valley urban release area. The subdivision design varies from the Master Plan, by increasing the lot yield by four (4) lots. The proposed lots will range in area from 850m² to 1202m². A small section of public road will also be created, in accordance with the Master Plan. It is considered that the proposal will result in a more appropriate residential pattern of development for this locality. The change in design has been heavily influenced by the proposal to demolish the existing dwelling. There are no objections to the demolition of the existing dwelling so as to accommodate a more traditional streetscape.

It is recommended that the application approved subject to the adoption of the attached Notice of determination.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 516/2021(1) for *Demolition (existing dwelling and tree removal) and Subdivision (13 lot Torrens Title)* at Lot 100 DP 1121143 - 11 Carwoola Drive, 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 Torrens title subdivision of the site to create thirteen residential allotments. The lots will range in size from 850m² to 1202m². Each lot will have access to a public road.

The proposed lots will be connected to urban utility services (water, sewer, stormwater, electricity and telecommunications). The existing dwelling, and a number of trees, will be removed to facilitate the subdivision.

The proposed subdivision plan is depicted below (see Figure 2).

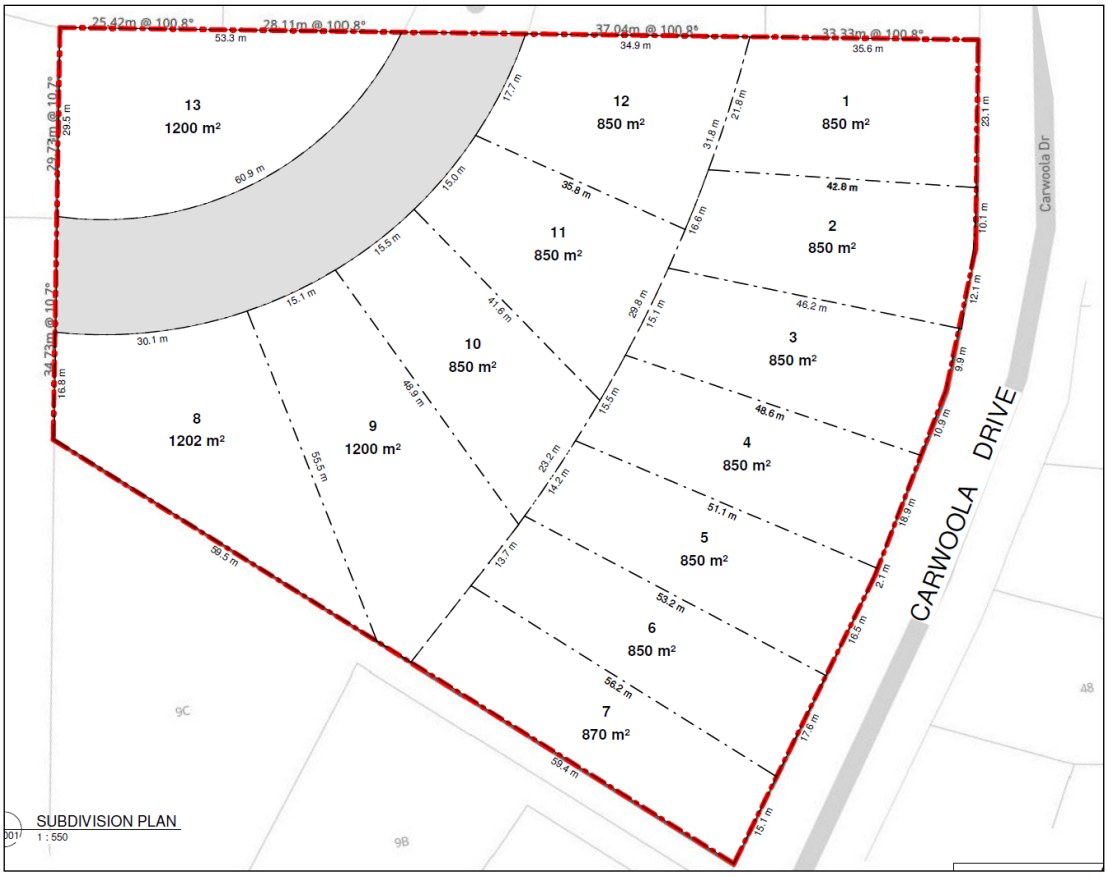


Figure 2 - proposed subdivision

PROPERTY HISTORY

DA 112/2006 was approved in April 2006 for a nine (9) lot residential subdivision of the site. Dedication of a small portion of public road was enacted under the consent.

MATTERS FOR CONSIDERATION

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

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

There are three applicable triggers known to insert a development into the Biodiversity Offset Scheme (ie the need for a BDAR to be submitted with a DA):

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

Trigger 1

The subject land is not identified as biodiversity sensitive on the Biodiversity Values Map.

Trigger 2

The prescribed clearing threshold for the site is 0.25ha (based on the minimum lot size for the subject land of less than 1ha (cl. 7.2 Biodiversity Conservation Regulation 2017). The site and surrounds consists of deciduous, non-native trees and shrubs that are ornamental in nature and will be removed as part of the development. The development does not involve clearing or disturbance of native vegetation.

Trigger 3

The subject site is not mapped as biodiversity sensitive on the LEP 2011 map.

The land is contained within an established urban area and developing residential release area. The development site does not contain or adjoin mapped biodiversity sensitive lands. The natural state of the site and surrounding area have been highly modified by the urban landuse pattern. The development is unlikely to adversely fragment or disturb the biodiversity structure or ecological functions of the development site or surrounding lands. Although subdivision is considered to be a key threatening process, there are no known or threatened ecological communities on the land, nor is it likely to contain any habitat for such species or communities.

Based on the foregoing consideration, a BDAR is not required and the proposal suitably satisfies the relevant matters at Clause 1.7 EPAA 1979.

Section 4.15

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

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

Orange Local Environmental Plan 2011

Clause 1.2 - Aims of Plan

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

(e) to provide a range of housing choices in planned urban and rural locations to meet population growth,

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

The application is considered to be consistent with the aims of the LEP, as outlined in this report.

Clause 1.7 - Mapping

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

Land Zoning Map:	**Land zoned R2 Low Density Residential**
Lot Size Map:	**Minimum Lot Size 850m^2**
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
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:	Not 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:	**Ploughmans Creek PMF**

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

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

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement under the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan under the Native Vegetation Act 2003, or

(f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above. Research of the title does not include restrictions on the land (CA 4591).

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

The subject site is located within the R2 Low Density Residential zone.

The proposed development is defined as *subdivision of land*, which means:

> *The division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition* (Section 6.2 Environmental Planning and Assessment Act 1979).

Subdivision of land is permissible with the consent of Council. This application is seeking consent.

The objectives for land zoned R2 are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *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 that development along the Southern Link Road has an alternative access.*

The development is considered to be consistent with the objectives of the R2 Low Density Residential zone, as follows:

The subdivision will provide for additional lots for dwelling stock to accommodate the housing needs of the community. The subject land is located between recently established residential developments and will integrate with the existing road and transport networks, including public transport services. The land is accessible to open space linkages for walking and cycling in the area. The proposed lot sizes and resulting pattern of development is generally consistent with that of the locality and surrounding residential development.

The development is not located adjacent to the Southern Link Road.

Clause 2.6 - Subdivision - Consent Requirements

Clause 2.6 is applicable and states:

(1) Land to which this Plan applies may be subdivided but only with development consent.

Consent is sought for Torrens title subdivision of the subject land in accordance with this Clause.

Clause 2.7 - Demolition Requires Development Consent

The demolition of the dwelling will have no significant impact on adjoining lands, streetscape or public realm. Conditions may be imposed in respect of hours of operation, dust suppression and the need to investigate for, and appropriately manage the presence of, any materials containing asbestos. A waste management plan is required before works commence, conditioned accordingly.

The demolition of trees is discussed under Chapter 0 of the DCP.

Clause 4.1 - Minimum Subdivision Lot Size

This clause requires the subdivision of land to be equal to or greater than the size nominated for the land under the Minimum Lot Size Map.

In relation to this site, the map nominates a minimum lot size of 850m². All lots proposed are of minimum 850m².

Clause 7.1 - Earthworks

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

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

(b) the effect of the development on the likely future use or redevelopment of the land

(c) the quality of the fill or the soil to be excavated, or both

(d) the effect of the development on the existing and likely amenity of adjoining properties

(e) the source of any fill material and the destination of any excavated material

(f) the likelihood of disturbing relics

(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area

(h) any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).

Earthworks will be required in conjunction with civil and construction works required to create the proposed lots, new roads, installation of services etc. The excavation plans indicate filling of the neighbouring property to the north of approximately 2-2.5m, and cut to the eastern neighbouring property of approximately 500mm. Consent of adjoining landowners will be required at construction stage, and has been conditioned accordingly.

The extent of disruption to the drainage of the site is considered to be reasonable and steps will be taken to ensure the works will not detrimentally affect adjoining properties or receiving waterways. The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan. Appropriate sediment controls, including silt traps and other protective measures will be required to protect adjoining lands during subdivision works as a condition of development consent.

The site is not known to be contaminated as demonstrated by the submitted preliminary contamination investigation. Notwithstanding this, in line with Council's standard procedures a precautionary condition is recommended in relation to an unexpected finds protocol. Excavated materials will be reused onsite as far as possible.

Steps will be undertaken to ensure that earthworks will be appropriately supported onsite, and the change in ground level is not substantial. Therefore the effect on the amenity of adjoining properties is considered to be within reasonable limit.

7.2 - Flood Planning

This clause applies to land identified on the Flood Planning Map as a Flood Planning Area and requires that, before any consent is issued, Council must be satisfied that the proposal:

(a) is compatible with the flood hazard of the land, and

(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or 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.

The subject land is not affected by the Flood Planning area controls. See discussion below in relation to stormwater management

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

(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

(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.

Council's Assistant Development Engineer provides the following assessment:

The existing stormwater network downstream appears to have limited capacity for additional stormwater loading (as identified by 2019 Flood Study). The applicant will be required to undertake an assessment of the downstream stormwater network to assess the capacity of the system and identify potential augmentation.

If the downstream network is unable to cope with the additional loading, and augmentation is not possible, the applicant will be required to provide on-site detention to limit post development peak flows to that of pre-development peak flows.

The developments drainage pit and pipe system (and downstream network) shall allow for all upstream 10% AEP post development flows shown within the catchment area. The developments overland flow paths shall accommodate all upstream 1% AEP post development flows shown within the DCP area.

Figure 3 - 5% AEP storm event - pits starting to surcharge in Poplars

Figure 4 - 1% AEP event, note blue dot

Suitable conditions of consent have been attached to this effect.

7.6 - Groundwater Vulnerability

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

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

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

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) storm water drainage or on-site conservation,

(e) suitable road access.

In consideration of this clause, the listed utility services are available and suitable for augmentation to the site.

The development will be required to connect to Council's existing reticulated dual water system. A water reticulation analysis will be required to ensure that the proposed water reticulation system meets Council's standard. Carwoola Drive mains are existing (eastern side of road), Brookfield Way mains are to be extended to the western boundary.

The development will be required to connect to Council's existing sewerage system. Sewer mains to be extended to the western boundary.

The proposed road layout is satisfactory, allows adjoining land to be developed and is generally in accordance with the DCP. Lot yield is increased. The applicant will be required to build footpaths in accordance with Council requirements (eastern side of Brookfield Way and western side of Carwoola Drive).

Council's Assistant Development Engineer has included conditions on the attached Notice of Approval in relation to reticulated dual water; reticulated sewer; stormwater detention; and road and footpath construction.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated, is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore, the SEPP requires that before determining an application for consent to carry out development that would involve a change of use on any of the land specified in Subclause (4), the consent authority must consider a report specifying findings of a preliminary investigation of the land concerned.

A preliminary site investigation was prepared by Geotesta (report NE956 dated 22 November 2021) to determine the soil contamination status and suitability of the site for residential land-use. The report provides that:

- Based on the historical background review of the site, the site is considered to have a low risk of significant soil and groundwater contamination.
- The limited soil sampling and analysis program conducted supports the findings of the background review of a low risk of soil and groundwater contamination.
- All the analytes concentration were found to be below the site assessment criteria.
- The site is suitable for the proposed land use.

Council's Environmental Health Officer supports the findings of the report, and has placed a standard condition of consent upon the Notice, relating to unexpected finds.

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

Development Control Plan 2004

Development Control Plan 2004 ("the DCP") applies to the subject land. The relevant chapters are:

- **Part 0.4-1 - Scenic Areas**
- **Part 0.4 - 2 Tree Preservation**
- **Part 7 - Development in Residential Areas**

Part 0.4-1 Interim Planning Outcomes - Scenic Area

- *Development blends into the landscape though the use of appropriate siting, design, external materials and colours, retention of trees including remnant vegetation, establishing of new trees, and enhancing the skyline when viewed either from the urban area of Orange or from public places in the vicinity of the land.*

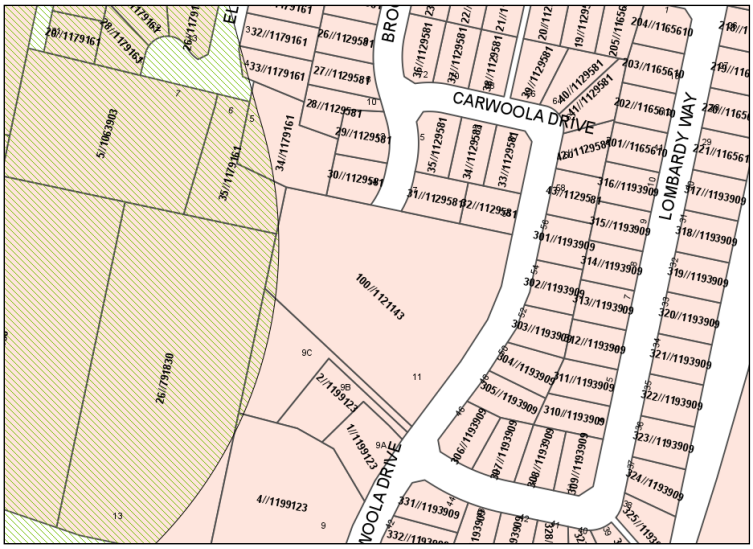


Figure 5 - scenic protection overlay

The site is only marginally located within the Scenic Protection Area (SPA) as identified in Figure 5 above. The SPA falls within the western boundary of proposed Lot 8, and includes the proposed public road. Given the configuration of proposed Lot 8 with a depth of 16m in this area, combined with a 4.5m minimum setback, it is not likely that built form will be located within this area, which is most likely to be landscaped.

Given the nominal amount of SPA, it is not recommended that restrictions be placed on the development relating to height of dwellings and landscaping requirements. The scenic qualities of the area will not be reduced by removing this requirement from the development site.

Part 0.4-2 Tree Preservation

The following Interim Planning Outcomes for Tree Preservation applies:

1 *Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowner's consent.*

2 *This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.*

3 *This clause applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height.*

4 *This clause does not apply to species indicated as exempt in the tree preservation table.*

5 *An application for the Council's approval must be accompanied by an appropriately qualified specialist (arborist) report.*

The Arborsaw arborist report (March 2022) submitted with the application identified 81 trees upon the site, comprising three (3) trees as B retention value, 76 trees as C retention value, and two (2) trees classes as (Remove) Retention value. The report states:

> *If the proposed plan for the site is to proceed, then 74 trees require removal. Tree 24 is located on the rear boundary between three (3) proposed lots and its location conflicts with the proposed sewer and storm water lines along proposed lot boundaries. Tree 11 Corymbia Maculata (Spotted Gum) is the dominant tree on the Carwoola Drive frontage and conflicts with the proposed sewer location. To retain Tree 11, proposed works must be altered to include under boring and the provisions of a space for a vehicle cross over that consumes less than 10% of the TPZ or special construction measures that protect and avoid tree roots >40mm.*
>
> *Two (2) hedgerows forming Trees 38 and 44 on the southern boundary can be protected using the "Measures to minimise impacts to retained trees" section of this report.*
>
> *In order to minimise the impact of the proposal and to ensure any trees nominated for retention remain viable during and post construction, tree protection measures must be incorporated into the works. If the measures to minimise that are provided within this report are adopted, the impact to the trees from the proposed works will be minimized.*
>
> *The canopy lost through tree removal should be replenished with replanting. Tree planting is required within the proposed development as detailed in the Orange Council DCP 2004.*

Council's City Presentation Manager makes the following comment:

In principle I agree with the Arborsaw Arboricultural Impact Assessment Report. A site inspection reveals that many of the trees on the subject Lot 11 Carwoola Drive are specimens of poor heath, poor form and carry structural issues and do not warrant attention for retaining in the proposed subdivision of the subject site.

I agree that:

- **Tree Number 44** - the Camelia hedge should be retained and protected and the condition here is that tree protection fencing to 0.5m from the edge of the canopy of the hedge be installed as per AS4970 - 2009 Protection of trees on development sites.

In addition to the above the following shall be retained:

- **Tree Number 11** - Corymbia maculata (Spotted Gum) - if true to this species (ie ID is correct) it is not a common Eucalypt (Corymbia sp) grown in Orange as generally it would be referred to as climatically unsuitable. However, as this specimen is healthy and actively growing it shall be retained. Tree 11 location is such that it doesn't conflict with the opportunity to develop a dwelling on the subject site. NOTE: the sewer will need to be redesigned or constructed by non-invasive methods such as under boring. No excavation shall be permitted within the TPZ as described on Page 22 of the Arborsaw Report at 6.8m radius from the centre of the tree's stem. TPZ fencing shall be installed as per AS4970-2009.
- **Tree 5 and Tree 7** - Acer platanoides (Norway Maple) Liriodendron tulipifera (Tulip Tree) shall be retained with TPZ fencing as per AS4970-2009 and to the TPZ dimensions identified in the Arborsaw Report Page 22. NOTE: that at the time of Development Application for Lot 4 a further assessment and determination can be made as to the retention or otherwise of these trees.
- **Tree 18** - Ulmus glabra 'Camperdownii' (Weeping Elm) – this tree has a small footprint (TPZ) as it is a 'grafted standard' with very slow growth rate. TPZ fencing shall be erected as per the Arborsaw Report Page 22 and in accordance with AS4970-2009. A further determination can be made should this tree be located such that the development of the Lot it occurs upon (possibly Lot 3) at the time of a development application being submitted for the individual Lot. No excavation shall be permitted within the TPZ.
- **Tree 21 and Tree 28** - Fagus sylvatica (European Beech) and Pistacia chinensis (Chinese Pistachio) - shall be retained and fenced in accordance with AS4970 - 2009 and as per the Arborsaw Report Page 22. Again these trees can be assessed further when development applications are lodged of the individual Lots. No excavation shall be permitted within the TPZ.
- **Tree 24** - Golden Elm (Ulmus glabra 'Lutescens') is a significant specimen and whilst as described in the Arborsaw Report as having moderate landscape significance, poor structure and susceptibility to Elm leaf Beetle (ELB) the structure is normal characteristic for Golden Elms. The subject tree is set in the rear of Lot 10 and therefore has capacity to be retained and further assessed at development application for the individual Lot stage. Note ELB susceptibility is not a justifiable reason to remove a health, semi mature specimen. In the past two (2) years the presence of ELB in Orange has had a minor to negligible effect on Elm trees. The retention of this tree will require the sewer to be constructed using non-invasive methods (eg under boring) from outside the of the TPZ on either side of the tree. This tree shall be fenced in accordance with AS49780-2009 and the Arborsaw Report Page 22. No excavation shall be permitted within the TPZ.

Conditions have been attached accordingly.

Part 7 - Development in Residential Areas

- *The allotment layout is generally in accordance with the Conceptual Subdivision Layout at Appendix 16.7.*

The subdivision pattern is not strictly in accordance with the relevant Conceptual Subdivision Layout for the Ploughman's Valley Area 3 (Figure 6, below). The proposed subdivision design increases the lot yield by four (4) additional allotments, however, the road design and lot orientation is generally in accordance with the DCP, and presents a better subdivision design.

The principal objectives of the Masterplan were to provide 850m^2 lots with regular frontages to allow for landscaped front yards and consistent building setbacks. The proposed subdivision design will achieve these objectives.

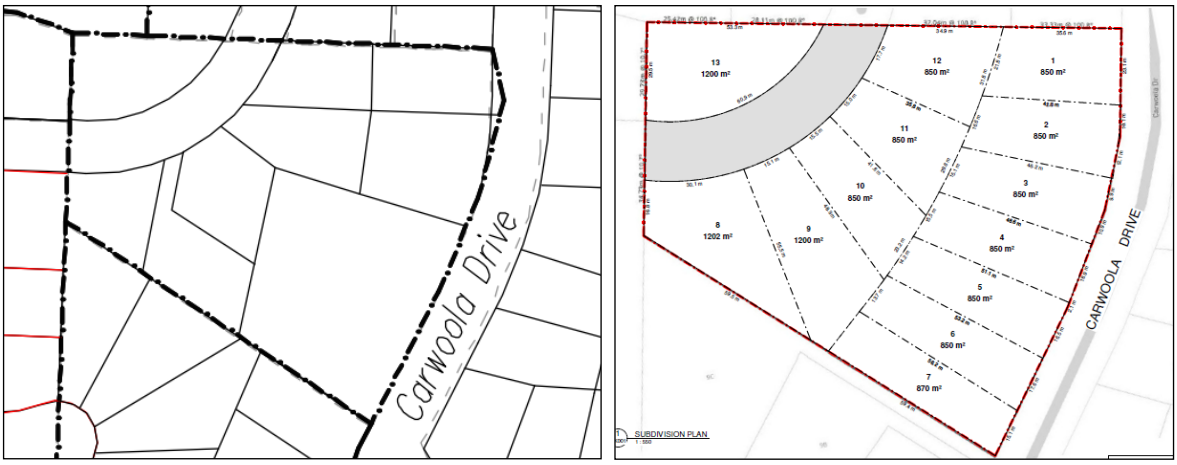


Figure 6 - proposed subdivision vs DCP Masterplan

- *Subdivision design and construction complies with the Orange City Development and Subdivision Code.*

Relevant conditions are attached in this regard.

- *The allotment layout provides a high standard of residential amenity.*
  - *In Areas 2, 3 and 4, lots have a minimum allotment size of 850m^2.*

The proposed lots range in area between 850m² and 1202m². The proposed allotment layout is expected to achieve a high standard of residential amenity.

- *Lots are oriented to maximise energy-efficiency principles. Where practicable, lots are rectangular rather than splay shaped and oriented to provide the long axis within the range N200W to N300E or E200N to E300S.*

The lots are orientated such that solar access principles for future residential development is achievable.

- *Subdivision design retains significant landscape features and minimises disturbance to natural vegetation, landform and overland flowpaths.*

The removal of trees has been discussed previously.

- *The road layout comprises a modified grid layout with restrained use of cul-de-sacs, generally in accordance with the Conceptual Subdivision Layout.*

The proposed road layout is satisfactory, will allow adjoining land to be developed, and is generally in accordance with the DCP.

- *Lots have direct frontage or access to a public road.*
- *Stormwater runoff from the site is consistent with pre-development stormwater patterns.*
- *All utility services are provided to the proposed lots.*

The provision of services has been previously addressed under the LEP.

- *Public open-space linkages are provided across the subdivision. Approximately 1ha of public open spaces for each development area is provided in the form of local parks, drainage paths and creek corridors. Public open space provides opportunities for passive and active recreation.*

The DCP for this locality provides for separate areas of open space within the valley and does not require the physical provision of open space within the subject land. As such, a development contribution towards the provision of open space will be required in accordance with Council's 7.11 Contribution Plan. Attached is a condition of consent to this effect.

DEVELOPMENT CONTRIBUTIONS PLAN 2017

Development contributions are applicable to the proposed subdivision (12 additional lots), pursuant to Orange Development Contributions Plan 2017 (Ploughmans Valley), as follows:

Open Space and Recreation	3,989.24 x 12 additional lots	47,870.88
Community and Cultural	1,156.85 x 12 additional lots	13,882.20
Roads and Traffic Management	5,265.65 x 12 additional lots	63,187.80
Local Area Facilities	9,005.73 x 12 additional lots	108,068.76
Plan Preparation and Administration	582.53 x 12 additional lots	6,990.36
TOTAL:		**$240,000.00**

Conditions are recommended requiring payment of contributions prior to issue of a Subdivision Certificate.

Section 64 Water and Sewer Headworks Charges

Section 64 water and sewer headwork charges are applicable to the proposed development. Conditions are recommended requiring payment of contributions prior to issue of a Subdivision Certificate.

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

The proposed development is not contrary to any matter prescribed by the Regulations.

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

Context and Setting

The site is located in an urban residential locality and has been zoned for residential purposes for many years. The proposed subdivision is expected to alter the character and amenity of the area by increasing the population density, providing new roads, and altering the landscape with the removal of trees and the subsequent construction of thirteen new dwellings. However; this renewed character and amenity is a reasonable expectation of this locality, given the zoning and master planning undertaken for this site.

Traffic and Access

The proposal is considered to be satisfactory in regard to traffic impacts. The proposed lots will have appropriate connectivity to the existing and proposed road network.

The development will result in additional traffic in the locality given the increases in residential density at the completion of the subdivision; however, the street network (existing and proposed) will be capable of serving the additional load.

Air and Microclimate

Subdivision works may generate some impacts in the immediate locality including the emissions of dust from earthmoving equipment, construction vehicles entering and existing the site and so on. However, these impacts will be short term and only for the duration of subdivision construction works. The proposal is not expected to have any long-term discernible impact on air quality or on the microclimate of the locality. Conditions of consent are recommended for dust suppression during subdivision works to protect the air and microclimate.

Economic Impacts

The proposed development is consistent with Council's long term land use strategy identifying the Ploughman’s Valley as a residential growth area. The proposed subdivision will promote the growth and investment in residential development in a serviceable area of Orange and thus is expected to have positive economic stimulus for the construction and building sector of Orange.

Cumulative Impacts

The proposed subdivision is considered to be largely consistent with the intended development pattern and acts as a natural continuation of residential land to the west. The cumulative impacts of the proposed development have been considered throughout the foregoing report and are considered acceptable.

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

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

- The site is contained within Area 3 Ploughmans Valley urban release area.
- The proposal is permissible with the R2 Low Density Residential zoning.
- The site has direct access to a public road.
- All utility services will be available and adequate subject to augmentation.
- The site is not known to natural or technological hazards.

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

The proposed development is not defined as advertised development under the provisions of the LEP, and as such no formal exhibition of the application was required. One (1) submission was received in relation to this application, which raised the following concerns:

"**We would like to request that any residence being built on our southern boundary, be restricted to a single storey dwelling**"

The DCP allows for multiple storeys of dwellings in residential areas. The LEP Height of Building map does not apply to the development site. As a result, it is not fair or reasonable to restrict dwelling heights.

"… the stormwater pipe that runs through our residence, never be used to support the drainage of future Borrodell Drive"

Council's Assistant Development Engineer advises "*The new subdivision will not send stormwater into the existing stormwater pipe running through the (submittor's) property*."

PUBLIC INTEREST s4.15(1)(e)

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

COMMENTS

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

- Assistant Development Engineer
- City Presentation Manager
- Coordinator Building Services
- Environmental Health Officer

ATTACHMENTS

1 Notice of Approval, D22/58889⇩
2 Plan, D22/58836⇩
3 Submission (redacted), D22/58837⇩

ORANGE CITY COUNCIL	**ORANGE CITY COUNCIL** Development Application No **DA 516/2021(1)** NA22/672 Container PR22596

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application	
Applicant Name:	UPG 219 Pty Ltd
Applicant Address:	137 Gilba Road GIRRAWEEN NSW 2145
Owner's Name:	UPG 219 Pty Ltd
Land to Be Developed:	Lot 100 DP 1121143 - 11 Carwoola Drive, Orange
Proposed Development:	Demolition (existing dwelling and tree removal) and Subdivision (13 lot Torrens Title)
Building Code of Australia building classification:	Not applicable
Determination made under Section 4.16	
Made On:	4 October 2022
Determination:	**CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**
Consent to Operate From:	5 October 2022
Consent to Lapse On:	5 October 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 prevent the proposed development having a detrimental effect on adjoining land uses.

(8) To minimise the impact of development on the environment.

Conditions

(1) The development must be carried out in accordance with:

(a) Plan numbered: The Bathla Group SK001 dated Feb 2021 (1 sheet)

(b) statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 516/2021(1)

Conditions (cont)

PRESCRIBED CONDITIONS

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

(3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(4) Engineering plans, showing details of all proposed work 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.

The following Orange City Council engineering design and construction requirements shall be used in addition to, or taking precedence over, the Orange City Council Development and Subdivision Code:-

- Council requires elastic rebound deflection testing carried out on road base material prior to the placement of any asphalt to determine maximum deflection in accordance with RMS Test Method T160 utilising the Benkelman Beam or equivalent;
- All road reserves between the back of kerb and property boundary, and areas of public land shall be either hydro mulched or turfed prior to the issue of a Subdivision Certificate. All allotments shall be spread with topsoil and seed;
- Asphaltic cement wearing surface shall not be included in road pavement depth calculations;
- A 10 day soaked CBR test shall be used for road subgrade pavement evaluations;
- All stormwater drainage design shall be based on the most recent version of Australian Rainfall and Runoff calculations allowing +20% for climate change factor.
- Storm water lines in Brookfield Way shall be extended to the common boundary with Lot 26 DP 791830.

(5) 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.

(6) 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.

(7) The development's stormwater design shall include an assessment of the post development stormwater discharge on the existing downstream stormwater network from the point of connection to the existing network to the outlet at the Escort Way / NDR intersection. Where the additional storm water load exceeds the capacity of the existing storm water network the design shall include augmentation works to increase network capacity or provide on-site detention within the development site.

(Condition (7) continued over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 516/2021(1)

Conditions (cont)

Prior to the issue of a construction certificate (cont)

(7) (cont)

Where storm water detention is proposed within the development site, the system shall be designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments. Where appropriate, the spillway design capacity is to be determined in accordance with the requirements of the Dam Safety Committee.

The design of the detention storage is to be undertaken using the DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council upon application for a Construction Certificate.

(8) Proposed lots are to be provided with interlot stormwater drainage, including those lots abutting public land, where the surface of the entire lot cannot be drained to the kerb and gutter at the lot frontage. A grated concrete stormwater pit is to be constructed within each lot provided with interlot stormwater drainage. Engineering plans for this drainage system are to be approved by Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.

(9) 150mm-diameter sewer mains are be constructed from Council's existing sewer network to serve the proposed lots. Prior to a Construction Certificate being issued engineering plans for this sewerage system are to be submitted to and approved by Orange City Council. A gravity sewer main shall be extended to the common boundary with Lot 26 DP 791830.

(10) A water reticulation analysis is to be carried out by Orange City Council on any proposed water reticulation system for the development. Engineering plans are to be submitted to and approved by Orange City Council prior to the issue of a Construction Certificate. The Brookfield Way water main shall be extended to the boundary of Lot 26 DP 791830.

The reticulation system is to be designed to supply a peak instantaneous demand by gravity of 0.15 L/s/tenement at a minimum residual head of 200kPa.

(11) If services and access is to be provided over adjoining properties or works are required to be undertaken on adjoining properties then, prior to the issue of a Construction certificate, evidence of the registration of any required easements and rights of way over adjoining properties for the provision of services and access, and legal agreements for the undertaking of work shall be provided to the Principal Certifier.

(12) 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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 516/2021(1)

Conditions (cont)

PRIOR TO WORKS COMMENCING

(13) Soil erosion control measures shall be implemented on the site.

(14) 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.

(15) 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.

(16) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

(17) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

(18) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.

The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.

(19) Brookfield Way is to be constructed as full road width for the full frontage of the proposed development.

(20) Dual water and sewerage reticulation is to be provided to every lot in the proposed residential subdivision in accordance with the Orange City Council Development and Subdivision Code.

(21) Concrete footpaths, a minimum of 1.2 metres wide, are to be constructed on the eastern side of Brookfield Way and full frontage to Carwoola Drive.

Construction work is to be to the requirements and standards of the Orange City Council Development and Subdivision Code.

(22) The existing kerb and gutter layback located on Carwoola Drive frontage is to be replaced with standard concrete kerb and gutter and the adjacent footpath area re-graded to the shape and level requirements of footpaths in the Orange City Council Development and Subdivision Code.

(23) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.

(24) 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.

(25) 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.

(26) 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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 516/2021(1)

Conditions (cont)

During construction/siteworks (cont)

(27) The following measures shall be undertaken to protect identified trees on the land during construction in accordance with the Arborsaw arboricultural plan:

- **Tree No. 44** - Camelia hedge shall be retained and protected - TPZ fencing shall be installed as per AS4970-2009
- **Tree No 11 -** *Corymbia maculata* (Spotted Gum) shall be retained and protected – **NOTE:** the sewer will need to be redesigned or constructed by non-invasive methods such as under boring. No excavation shall be permitted within the TPZ as described on page 22 of the Arborsaw Report at 6.8 metres radius from the centre of the tree's stem. TPZ fencing shall be installed as per AS4970-2009
- **Tree 5 and Tree 7** - *Acer platanoides* (Norway Maple) *Liriodendron tulipifera* (Tulip Tree) shall be retained and protected - TPZ fencing as per AS4970-2009 and to the TPZ dimensions identified in the Arborsaw Report Page 22.
- **Tree 18** - *Ulmus glabra* 'Camperdownii' (Weeping Elm) shall be retained and protected – this tree has a small footprint (TPZ) as it is a 'grafted standard' with very slow growth rate. TPZ fencing shall be erected as per the Arborsaw Report Page 22 and in accordance with AS4970-2009.
- **Tree 21 and Tree 28** - *Fagus sylvatica* (European Beech) and *Pistacia chinensis* (Chinese Pistachio) – shall be retained and protected. TPZ fencing as per AS4970 – 2009 and as the Arborsaw Report Page 22. No excavation shall be permitted within the TPZ.
- **Tree 24** - Golden Elm (*Ulmus glabra* 'Lutescens') shall be retained and protected. TPZ fencing shall be provided during construction as per AS4970-2009 and the Arborsaw Report Page 22.. The retention of this tree will require the sewer to be constructed using non-invasive methods (eg under boring) from outside the of the TPZ on either side of the tree. No excavation shall be permitted within the TPZ.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

(28) The payment of $240,000.00 is to be made to Council in accordance with section 7.11 of the Act and the Orange Development Contributions Plan 2017 (Ploughmans Valley) towards the provision of the following public facilities:

Open Space and Recreation	3,989.24 x 12 additional lots	47,870.88
Community and Cultural	1,156.85 x 12 additional lots	13,882.20
Roads and Traffic Management	5,265.65 x 12 additional lots	63,187.80
Local Area Facilities	9,005.73 x 12 additional lots	108,068.76
Plan Preparation and Administration	582.53 x 12 additional lots	6,990.36
TOTAL:		**$240,000.00**

The contribution will be indexed quarterly in accordance with the Orange Development Contributions Plan 2017. This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

(29) Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.

(30) **Payment of contributions for water, sewer and drainage works** is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 12 ETs for water supply headworks and 12 ETs for sewerage headworks. A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, will be issued upon payment of the contributions.

This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 516/2021(1)

Conditions (cont)

Prior to the issue of a subdivision certificate (cont)

(31) Evidence from a registered NATA laboratory is to be submitted prior to the issuing of a Subdivision Certificate stating that the filling of all dams and low-lying areas has been carried out in accordance with Australian Standard 3798-2007.

(32) Application is to be made to Telstra/NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.

(33) A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

(34) An easement to drain sewage and to provide Council access for maintenance of sewerage works a minimum of 2.0 metres wide is to be created over the proposed sewerage works. The Principal Certifying Authority is to certify that the easement is in accordance with the Orange City Council Development and Subdivision Code prior to the issuing of a Subdivision Certificate.

(35) All services are to be contained within the allotment that they serve. A Statement of Compliance, from a Registered Surveyor, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

(36) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin comply with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

(37) A Maintenance Security Deposit, in accordance with the provisions and requirements of the Orange City Council Development and Subdivision Code, is to be provided to Orange City Council prior to the issuing of a Subdivision Certificate.

A Certificate of Compliance, from Orange City Council, certifying that the maintenance security deposit has been paid, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

(38) Where stormwater crosses land outside the lot it favours, an easement to drain water is to be created over the works. A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act 1919* is to be created on the title of the burdened lot(s) requiring that no structures are to be placed on the site, or landscaping or site works carried out on the site, in a manner that affects the continued operation of the interlot drainage system. The minimum width of the easement is to be as required in the Orange City Council Development and Subdivision Code.

(39) The contents of the existing septic tank are to be removed by a licensed contractor for disposal into Council's sewer system. The septic tank and the existing dwelling sewer drainage lines are to be excavated and disposed of at a licensed landfill and the absorption trench is to be drained and the voids limed and backfilled with clean compacted material.

Evidence of such work is to be provided to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.

(40) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision 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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 516/2021(1)

Conditions (cont)

Prior to the issue of a subdivision certificate (cont)

(41) 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 a Subdivision Certificate, unless stated otherwise.

ADVISORY NOTES

(1) Separate development consent will be required in the event that earthworks are required to be carried out on adjoining lands to facilitate the subdivision.

Other Approvals

(1) *Local Government Act 1993* approvals granted under Section 68.

Nil

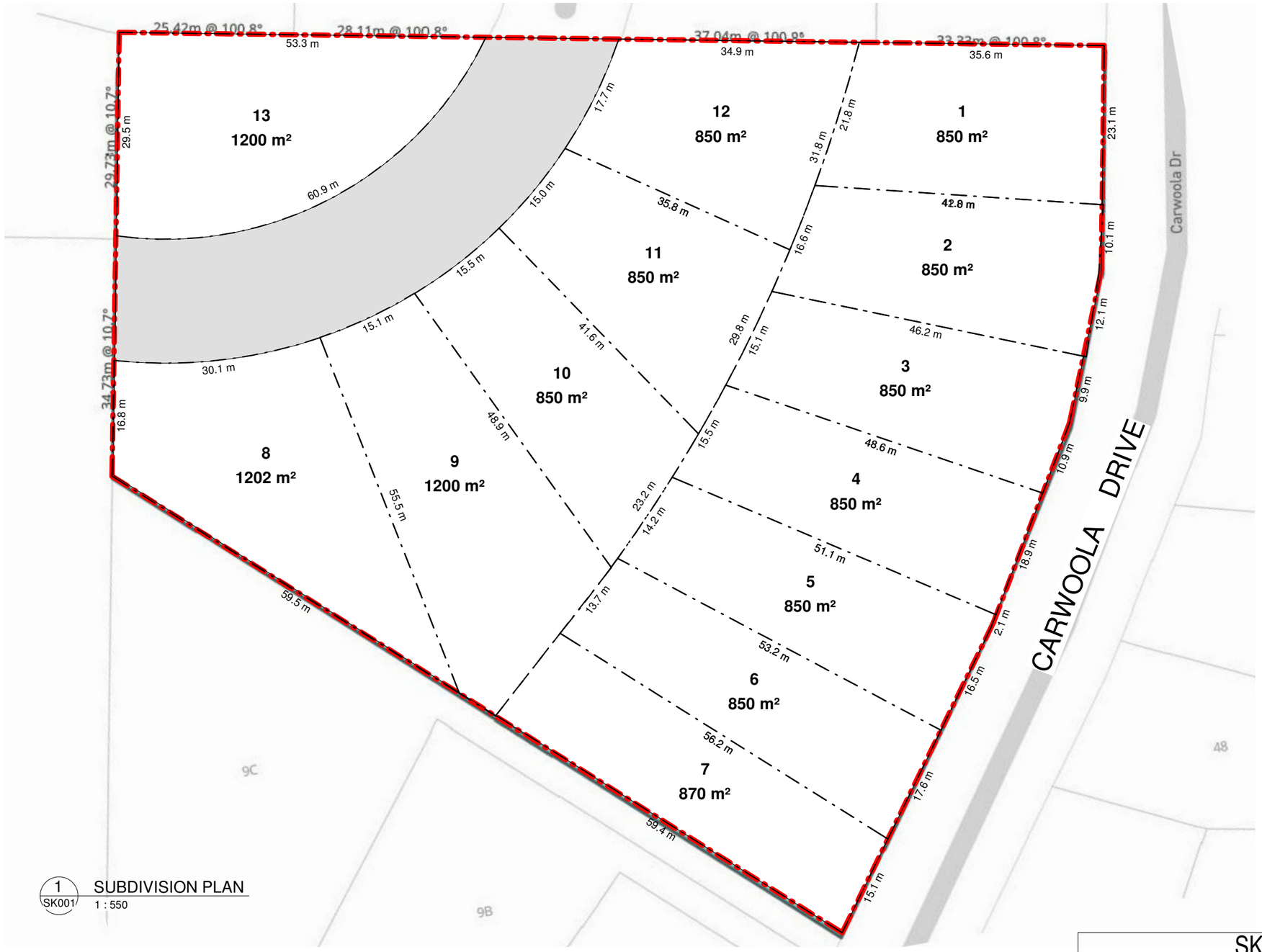
(2) General terms of other approvals integrated as part of this consent.

Nil

Right of Appeal

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

***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 ASSESSMENTS
Date:	5 October 2022



SKETCH ISSUE

REV	DATE	DESCRIPTION	BY

02 9636 2465 | 02 9688 4762 | www.bathla.com.au
The Bathla Group
137 Gilba Road, Girraween NSW 2145
PO Box 270, Wentworthville NSW 2145
Connect with us
"Building dreams together"

PROJECT: 11 Carwoola Drive Orange

DRAWING TITLE: SUBDIVISION

NORTH:

PROJECT NO:	DATE:	SCALE:	DRAWING No:	REV:
	FEB 2021	1 : 550	SK001	
DRAWN BY: VN	CHECKED BY: Checker			ISSUED BY:

Z:\Projects- Current\Carwoola Drive 11 Orange\02 SKETCH\REVIT\Carwoola Drive 11 Orange.R03.rvt

A3

DA 516 / 2021(1) -PR22596

Forward to : Chief Executive Officer
Concerning this application.

Issue #1

We would like to also request that any residence being built on our southern boundary, be restricted to a single story dwelling.

Issue #2

We also wish to bring up the matter of storm water drainage for this proposed development. Which will in-turn determine the drainage for the future development of the 13 Borrodell Drive.

Over the past 25+ years of living at our residence. We have experienced several severe floods.

Attempts were made to alleviate the issue, with some success. But even the moderate rains of late 2021, pushed these measures to there limit.
That limit being the **physical size** of the Storm Water pipe that runs through our property, then down between properties located on Eliza Place and Brookfield Way.

Our request is that the Storm Water pipe that runs through our residence, **never be used to support the drainage of future Borrodell Drive developments.**
This mean that DA 516/2021 must provide adequate drainage for these future developments.

Presently, there are two Storm Water Pit inlets at the the rear of vacant block, 6 Eliza Place.
The pipe from the two of them, then connects to two Pit inlets on our residence of .
The first or these pits was full, almost to overflow in the Oct/Nov 2021 rains. Which was far from the heaviest rains we have experienced over the years.

The idea of once in a 100 year flood has happened a few times in the last 20 years.

The image below shows how Two 12” water pipes under our access road could not handle the water from this heavy storm. While the pipe I spoke of earlier.. is only one 12” pipe, that is expected to handle this flow.

Here is another image of the houses that were being built at the time, that got flooded out.

Another flood like this will also be a threat to residence of DA 516/2021, unless the flow path from the Borrodell acreages are terminated into its Storm Water system.

For more information concerning issue #2. We believe it would be beneficial for a council Engineer to meet with us and our neighbours, to examine this.

Date: 14-1-2021