



PLANNING & DEVELOPMENT COMMITTEE

AGENDA

4 FEBRUARY 2025

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING & DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 4 February 2025**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

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 & Development Policy Committee at this meeting.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

RECORD NUMBER: 2024/1760

AUTHOR: Alison Weir, Senior Strategic Planner

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 “8.1. Plan for growth and development that balances liveability with valuing 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 365/2008(3)

Determination Date: 6 December 2024

PR Number PR20854

Applicant/s: Mr B Mitchell

Owner/s: Ms DS Loveday

Location: Lot 97 DP 1090317 - 10 Gregory Place, Orange

Proposal: Modification of development consent - subdivision (two lot residential). The modification sought to remove requirement for all works under another Development Application DA 284/2008(1) to be completed to satisfy the requirements for this subdivision approval and obtain a Subdivision Certificate. As such, Condition 9 of DA 365/2008(1) required deleting.

Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 213/2019(2) **Determination Date:** 29 November 2024
PR Number PR7120
Applicant/s: Commins Planview Pty Ltd
Owner/s: Mr AO Baldwin
Location: Lot 4 DP 235184 - 52 Lords Place, Orange
Proposal: Modification of development consent - recreation facility (indoor) (change of use and alterations and additions) and business identification signage. The modification involves altering the approved hours of operation relating to the approved recreation facility to 24 hours a day.
Value: \$0

Reference: DA 160/2021(3) **Determination Date:** 6 December 2024
PR Number PR23464
Applicant/s: The Trustee for Excelsior Housing Investment Trust
Owner/s: Excelsior Housing 2 Pty Ltd
Location: Lot 122 DP 1139920 - 87 Diamond Drive, Orange
Proposal: Modification of development consent - group home (permanent). The modification proposed to simplify the amount of landscaping to be installed at the address.
Value: \$0

Reference: DA 551/2021(2) **Determination Date:** 29 November 2024
PR Number PR29119
Applicant/s: Rossmark Pty Ltd
Owner/s: Anglican Schools Corporation
Location: Lot 201 DP 1276846 - 7 Murphy Lane, Orange
Proposal: Modification of development consent - educational establishment (demolition, new building and 750 students). The modification involves adjustment of the approved building roof pitch and ridge; floor level; windows; classrooms, internal areas and wall widths; hardstand areas including stairs; and cladding and colours. Among these changes, the three existing rainwater tanks are to be consolidated into a larger tank; new canopy over locker area; new solar panels on the roof; and new fire rated wall adjacent to existing building façade. Changes or final design confirmations as required by conditions of the original development approval are also included in this proposal along with a change to the timing of when evidence of right of way extinguishment is to be provided to the Council.
Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 110/2023(3) **Determination Date:** 16 December 2024
PR Number PR29360
Applicant/s: Orange Aboriginal Corporation Health Service
Owner/s: Orange Aboriginal Corporation Health Service
Location: Lot 35 DP 270446 - 16 Cameron Place, Orange
Proposal: Modification of development consent - community facility and business identification signage. The modification involves:

- A reduction of the overall building envelope including:
 - reduction in size of the gym area
 - deletion of the internal patio
 - deletion of three (3) consulting rooms
- Repositioning the new building to the south, moving closer to the existing Walu-Win Centre to avoid excessive excavation.
- Deletion of therapy and storerooms on the western side of the building.
- Rearrangement of main entry and staff rooms.
- Simplification of the roof design.

Value: \$0

Reference: DA 110/2023(4) **Determination Date:** 7 January 2025
PR Number PR29360
Applicant/s: Orange Aboriginal Corporation Health Service
Owner/s: Orange Aboriginal Corporation Health Service
Location: Lot 35 DP 270446 - 16 Cameron Place, Orange
Proposal: Modification of development consent - community facility and business identification signage. The modification involves:

- Extending the mechanical plant store by 2600mm to the west and relocating parking bay #17 to the south of the site.
- Relocating W9 to the north corner of consultation room #3.
- Addition of push-in roof skylights to the west.

Value: \$0

Reference: DA 115/2023(2) **Determination Date:** 9 December 2024
PR Number PR27678
Applicant/s: Trysori Pty Ltd
Owner/s: Dyfodol Pty Ltd
Location: Lot 10 DP 1228543 - 246 Anson Street Orange
Proposal: Modification of development consent - pub (alterations and additions). The applicant sought approval for the proposed parking plan as originally submitted to be included in the approved plan set.

Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 288/2023(2) **Determination Date:** 21 November 2024
PR Number PR29953
Applicant/s: Source Architects
Owner/s: Ms KJ Poole
Location: Lot 200 DP 1301307 - 602 Icely Road, Emu Swamp
Proposal: Modification of development consent - decommissioning of existing dwelling, new dwelling house, farm building (shed), aboveground tanks (2), swimming pool and relocation of existing shed. The modification involves:

- move existing shed to a new location (behind the proposed shed)
- re-orientation and slight change in the location of shed approved under DA 288/2023(1)
- change of roof form of shed approved under DA 288/2023(1) from pitched to skillion to allow installation of additional solar panels
- slightly changed location of tanks approved under DA 288/2023(1)
- addition of a tennis court.

Value: \$0

Reference: DA 391/2023(1) **Determination Date:** 18 December 2024
PR Number PR8793
Applicant/s: Sam Morgan Designs
Owner/s: Mr J Alexander
Location: Lot 11 DP 533189 - 84 Moulder Street, Orange
Proposal: Dwelling alterations and additions, demolition (existing shed and tree removal) and new garage (detached)
Value: \$250,000

Reference: DA 485/2024(2) **Determination Date:** 8 January 2025
PR Number PR29810
Applicant/s: Fernleigh Drafting
Owner/s: Mr IM and Mrs K Ziegler
Location: Lot 200 DP 1299598 - 4552 Mitchell Highway, Lucknow
Proposal: Modification of development consent - shed. The modification involves the installation of a wet area/toilet in the shed.
Value: \$0

Reference: DA 515/2024(1) **Determination Date:** 18 December 2024
PR Number PR12752
Applicant/s: Orange Enterprises No.1 Pty Ltd
Owner/s: Orange Enterprises No.1 Pty Ltd
Location: Lot 1 DP 630681 - 12 Shiralee Road, Orange
Proposal: Subdivision (14 lot Torrens title)
Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 573/2024(1) **Determination Date:** 9 January 2025
PR Number PR29997
Applicant/s: Eastern Developments (NSW) Pty Ltd
Owner/s: Eastern Developments (NSW) Pty Ltd
Location: Lot 131 DP 1302416 - 55 Miriam Drive, Orange
Proposal: Subdivision (two lot Torrens title)
Value: \$0

Reference: DA 608/2024(1) **Determination Date:** 17 December 2024
PR Number PR18641
Applicant/s: Kinross Wolaroi School
Owner/s: Kinross Wolaroi School Property Limited
Location: Lot 200 DP 1045829 - 63-97 Coronation Drive, Orange
Proposal: Educational establishment (school) (construction of two dwellings for staff accommodation)
Value: \$1,200,000.00

Reference: DA 609/2024(1) **Determination Date:** 21 November 2024
PR Number PR25662
Applicant/s: Mr B Sainsbury
Owner/s: Sainsbury and McAlpine Pty Ltd
Location: Lot 3 SP 86254 - 3/3 Cameron Place, Orange
Proposal: Light industry (car detailing and washbay)
Value: \$119,459

Reference: DA 625/2024(1) **Determination Date:** 13 January 2025
PR Number PR26365
Applicant/s: Peak Architects Pty Ltd
Owner/s: Ms DH Omer
Location: Lot 123 DP 1190845 - 50 Moonstone Drive, Orange
Proposal: Centre-based child care facility
Value: \$956,700

Reference: DA 633/2024(1) **Determination Date:** 3 December 2024
PR Number PR14349
Applicant/s: Mr JC Woodhouse
Owner/s: Mr JC Woodhouse
Location: Lot B DP 418868 - 627 Burrendong Way, Orange
Proposal: Farm building
Value: \$960,480

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 647/2024(1) **Determination Date:** 3 December 2024
PR Number PR16232
Applicant/s: Mr S Mortakis
Owner/s: Mr S Mortakis
Location: Lot 34 DP 856276 - 54 Turner Crescent, Orange
Proposal: Secondary dwelling
Value: \$189,000

Reference: DA 689/2024(1) **Determination Date:** 29 November 2024
PR Number PR23464
Applicant/s: Health-X Orange Pty Ltd
Owner/s: Health-X Orange Pty Ltd
Location: Lot 12 DP 800314 - 84 Peisley Street, Orange
Proposal: Office premises (change of use including office fit out and external alteration)
Value: \$480,977.64

Reference: DA 697/2024(1) **Determination Date:** 3 December 2024
PR Number PR16069
Applicant/s: Mr J Said
Owner/s: JS & J Heating Pty Limited
Location: Lot 5 DP 850136 - 1 Hereford Place, Orange
Proposal: Subdivision (two lot Torrens title)
Value: \$11,000

Reference: DA 708/2024(1) **Determination Date:** 13 January 2025
PR Number PR60
Applicant/s: Mr IA James
Owner/s: Mr IA James
Location: Lot 10 DP 659047 - 47 Pretty Plains Road, Guyong
Proposal: Intensive plant agriculture
Value: \$11,000

Reference: DA 733/2024(1) **Determination Date:** 23 December 2024
PR Number PR26805
Applicant/s: Caladines Town Planning Pty Ltd
Owner/s: 162-164 Summer Street Orange Pty Ltd
Location: Lot 30 DP 1202583 - 162-164 Summer Street, Orange
Proposal: Retail premises (alterations)
Value: \$28,000

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 741/2024(1) **Determination Date:** 18 December 2024
PR Number PR20227
Applicant/s: Designs@m
Owner/s: Mr AJ and Mrs MA Starr
Location: Lot 712 DP 1075423 - 2 Discovery Drive, Orange
Proposal: Dwelling alterations (conversion of part of garage to habitable space)
Value: \$30,000

Reference: DA 745/2024(1) **Determination Date:** 18 December 2024
PR Number PR18597
Applicant/s: Fernleigh Drafting
Owner/s: Mr CC McMillan
Location: Lot 7 DP 1042428 - 3 Illamatta Way, Orange
Proposal: Shed
Value: \$21,840

Reference: DA 746/2024(1) **Determination Date:** 16 December 2024
PR Number PR12734
Applicant/s: Fernleigh Drafting
Owner/s: Mark Stedman and Natasha Dodds
Location: Lot 20 DP 238071- 27 Wolsley Street, Orange
Proposal: Shed
Value: \$19,432.57

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:	\$4,277,889.21
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** 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 November 2024 meeting report period (19 November 2024 to 20 January 2025), another 24 development applications were determined under delegated authority by other Council staff with a combined value of \$6,192,027.

2.2 DEVELOPMENT APPLICATION DA 405/2017(6) - 2 COTTONWOOD WAY

RECORD NUMBER: 2025/2
 AUTHOR: Dhawala Ananda, Town Planner

EXECUTIVE SUMMARY

Application lodged	24 October 2023
Applicant/s	Orange Evangelical (OEC) Church Incorporated
Owner/s	Orange Evangelical (OEC) Church Incorporated
Land description	Lot 9 DP 746439 - 2 Cottonwood Way, Orange
Proposed land use	Place of Public Worship and Business Identification Signage
Value of proposed development	Not applicable

Application has been made to modify development consent DA 405/2017(5) for a proposed place of public worship and business identification sign at Lot 9 DP 746439 - 2 Cottonwood Way, Orange.



Figure 1 - locality plan

The original development was approved by the Planning and Development Committee at its meeting on 1 May 2018.

The approved development involved:

- new site access via the road reserve to the west of the site, including intersection construction at Cargo Road and new public road
- construction of a purpose-built church building with floor area of 967m²
- construction of two (2) onsite car parks containing 112 spaces
- conversion of the existing dwelling house to ancillary church offices
- infilling of dams over the site
- operating hours of 8am to 7pm Monday to Thursday, 8am to 10pm Friday and Saturday, and 9am to 7pm Sunday.

The application has been modified four (4) times since the application was originally approved and is summarised below.

- 1) **DA 405/2017(2)** - to modify conditions relating to the following:
 - a) construction approval for offsite roadworks to be obtained separate to construction approval for the church building (various conditions)
 - b) ancillary office use of the existing dwelling prior to use and occupation of the place of worship
 - c) operating hours of 7am to 10pm Sunday, and 8am to 10pm Monday to Saturday
 - d) clarification of the requirements associated with the acoustic assessment, acoustic commissioning report and operational noise emissions.
- 2) **DA 405/2017(3)** - to modify the consent to allow the use of approved ancillary administration building for place of public worship and a temporary car park.
- 3) **DA 405/2017(4)** - to modify the consent for an amended building design for the main church building, revised location of temporary car park, deletion of superfluous conditions relating to utility services and amendment of conditions to defer headworks contributions and controlled activity approval to Occupation Certificate Stage.
- 4) **DA 405/2014 (5)** - to modify the consent for an amended site entrance treatment, business identification signage and internal pedestrian paths (levels and location).

DA 405/2017(6) is the modification application that is the subject of this report. The application has been made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The modified proposal seeks to amend conditions of consent to enable:

- hours of operation between 6am and midnight, 7 days per week
- passive recreation and children's play on the northern side of the original dwelling house, and
- restricted outdoor amplification.

The proposal comprises advertised development. During the public exhibition period, three (3) submissions were received. The issues in the submissions relate to extended hours of operation and use of the northern side of the Administration Building.

Council staff have met with the applicants to understand the nature of the request to change operating times. A detailed assessment of the requested changes has been provided in the assessment of the application. The hours of operation recommended in the report and attached notice have been designed to provide some flexibility in terms of the operation without adversely impacting upon the amenity of the locality.

Approval of the application is recommended subject to amended conditions. An amended Notice of Approval is attached.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy “11.1. Ensure plans for growth and development are respectful of our heritage”.

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 COMMENTS

The operation of this church has a long history, having operated for some years and been amended a number of times. Historically, applications have attracted comments from neighbours during exhibition periods and this one is no different. Whilst successful, this church operation has not resulted in significant and adverse impact on neighbours. As expected, most things come down to the actual ongoing management of the use by the operators.

There is always an inherent land use risk with non-residential uses adjacent to residential uses. This application has therefore taken many months for staff to negotiate outcomes. I am confident that the child play area is minor and would not adversely impact on neighbours. Equally, the location of the other outdoor congregational activities in centre of the buildings away from the neighbours would, along with the additional restrictions detailed in the consent, will adequately protect neighbours amenity. I therefore support the recommendation for approval of this modification of development consent.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

Recommendation

That Council modifies development consent DA 405/2017(5) for *Place of Public Worship and Business Identification Sign* at Lot 9 DP 746439 - 2 Cottonwood Way, Orange (formerly known as 241 Ploughmans Lane), pursuant to the conditions of consent in the attached modified 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 MODIFIED PROPOSAL**

The modified proposal seeks to amend conditions of consent to enable:

- hours of operation between 6am and midnight, 7 days per week
- passive recreation and children's play on the northern side of the original dwelling house, and
- restricted outdoor amplification.

The proponent for the modified development has requested specific wording for revised conditions (discussed elsewhere in this report).

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**Section 4.55 Modification of consents - generally**

Pursuant to this section:

- (2) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if -*
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

- (c) *it has notified the application in accordance with -*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

In consideration of the requirements of Sections 4.55(2) and (3):

- It is accepted that development as modified (subject to modified recommended conditions of consent) is substantially the same as the development for which the consent was originally granted in terms of quantitative elements (subject land, land use, density, built form); and in terms of qualitative elements, arising impacts from the modified conditions are discussed further in this report.
- The modified development does require consultation with a Minister, public authority or approval body.
- The modified development is notified development pursuant to Clause 117 of the Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan 2023. Three (3) submissions were received in response to notification of the modified development. The issues raised in the submissions are outlined in the following sections of this report.
- The relevant matters under Section 4.55(2) are addressed in the following sections of this report.

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

Pursuant to Section 1.7:

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

Applications for modified consent are subject to biodiversity assessment under Section 1.7. In consideration of this section, the development is not likely to impact terrestrial and aquatic environments.

In this regard:

- The subject and adjoining lands are not identified as environmentally sensitive on the Orange LEP 2011 Terrestrial Biodiversity Map.
- The modified proposal does not involve removal of native vegetation. Clearing thresholds prescribed by the Clauses 7.1 and 7.2 of the Biodiversity Conservation Regulation 2017 are not relevant to the application.
- The modified proposal is not likely to have a significant effect on threatened species, nor impact endangered ecological communities:
 - the site demonstrates a high degree of disturbance from its natural state,
 - the proposal does not involve clearing of native vegetation,
 - the site does not contain mapped biodiversity land at Local or State level, and
 - the development does not involve removal of natural or built features that would provide habitat for native fauna.

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

Section 4.15 Evaluation

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

Orange Local Environmental Plan 2011 (as amended)

The original development was assessed pursuant to Orange LEP 2011. The subject land is identified on the LEP maps as follows:

Land Zoning Map:	Land zoned R2 Low Density Residential
Lot Size Map:	Minimum lot size 850m² – 2000m²
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:	Land contains a defined watercourse (Ploughmans Creek)
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:	Land within a flood planning area (adjacent to watercourse)

The modified development does not alter the previous assessment under the LEP.

State Environmental Planning Policy 55 Remediation of Land

The relevant provisions of SEPP 55 Remediation of Land (Clause 7 *Contamination and remediation to be considered in determining development application*) were considered in the assessment of the original development. The modified proposal does not alter the assessment under that Plan.

State Environmental Planning Policy 64 Advertising and Signage

SEPP 64 was applicable to the original development. The modified proposal does not relate to approved signage, nor alter the previous assessment under the SEPP.

State Environmental Planning Policy Infrastructure 2007

The relevant provisions of SEPP Infrastructure 2007 (Division 17 Roads and Traffic) were considered in the assessment of the original development. The modified proposal does not alter the assessment under that Plan.

Provisions of any draft environmental planning instrument that has been placed on exhibition 4.15(1)(A)(ii)

There are no Draft EPIs on public exhibition.

INTEGRATED DEVELOPMENT

The original development comprised Integrated Development pursuant to Section 4.46 of the EPAA 1979.

RMS concurrence was required and granted for intersection works on Cargo Road (under Section 138 of the Roads Act 1993). The modified development will not alter intersection works contained in the original approval.

General Terms of Approval were sought and granted for proposed in-filling of the existing dam in the eastern portion of the subject land at the Ploughmans Lane site frontage. The modified proposal does not relate to the approved dam works.

Provisions of any development control plan s4.15(1)(a)(iii)**Development Control Plan 2004**

The original development was assessed pursuant to the following chapters in DCP 2004:

- Chapter 0 - Transitional Provisions
- Chapter 2 - Natural Resource Management
- Chapter 3 - General Considerations
- Chapter 4 - Special Environmental Considerations
- Chapter 5 - General Considerations for Zones and Development
- Chapter 7 - Development in Residential Areas
- Chapter 14 - Advertising
- Chapter 15 - Car parking.

The proposed modified development remains generally consistent with the previous assessment under the DCP.

Development Contributions

The modified proposal will not alter contributions applicable to the original development pursuant to Section 64 of the Local Government Act 1993 and Section 7.11 of EPAA 1979.

Provisions prescribed by the regulations s4.15(1)(a)(iv)

The modified development is not inconsistent with any provision prescribed by Regulation.

The likely impacts of the development s4.15(1)(b) (as amended)

The impacts of the modified proposal are consistent with those considered for the original development, with an exception to the following outlined considerations.

Hours of operation

The modified proposal seeks to amend Condition 50 relating to hours of operation. Condition 50 states:

(50) The hours of operation of the development shall not exceed the following, without the prior approval of Council:

(a) 8am to 10pm Monday to Thursday

(i) In relation to (a), between 8pm and 10pm, Monday to Thursday, no more than 40 persons may be on site.

(ii) (a)(i) does not apply up to six times per year

(b) 8am to 10pm Friday and Saturday

(c) 7am to 10pm Sunday.

(i) In relation to (c), between 9pm and 10pm, Sunday, no more than 20 persons may be on site.

(ii) Illumination of the building and parking areas shall not occur outside of the approved hours of operation.

The modified proposal seeks to amend condition 50 as follows:

(50) The hours of operation shall not exceed 6am to midnight Monday to Sunday, with a limit of 300 patrons after 10pm.

Gatherings of more than 200 patrons after 10pm must be within the fenced in play area.

Illumination of the building and car parking areas shall only occur within the approved hours of operation, with the exception of security lighting.

In exceptional circumstances Orange City Council may give approval for a variation to these operating hours.

The applicant provides the following reasoning for the requested changes:

- *This condition unreasonably limits the use of the church's ministry centre for normal church and community activities. In particular, the requirement to have all personnel off the property by 10pm restricts the church and community organisations in their use of the building for certain activities during the week. Many of the activities of churches and other charities rely on volunteers who cannot meet during business hours. Meeting and events therefore need to occur in the evenings.*

- *The church has received requests from numerous community organisations to use the facility. Some organisations have not proceeded with the booking, as they cannot comply with the operating hours. Events must conclude by 9pm or 9.30pm, so that the facility can be cleaned, and all cars leave the site prior to the gates locking at 10pm. Simplification of this condition would ensure adherence is possible, particularly for community groups wishing to use the facility.*
- *In 2024, Orange Evangelical Church received two awards from Orange City Council recognising the contribution that our programs are making to the community. OEC wants to continue contributing in this way, however the current restrictions on hours of operation limit our potential to contribute in this way.*
- *The church needs to allow a small number of people to use the premises between 6am and 8am for work or small meetings, prior to people going to work. These small numbers will not create any noticeable disturbance to the community.*
- *We understand that in exceptional circumstances, such as disaster responses, the church may be asked to make the facility available beyond the approved operating hours. This would require approval by Orange City Council.*

Worship Services

The modified proposal seeks to amend Condition 53 relating to worship services. Condition 53 states:

(53) Worship and pastoral activities shall be wholly located within the approved buildings and outdoor play areas. Congregational activities shall not occur on the northern side of the Stage 1 place of worship building.

The modified proposal seeks to amend Condition 53 as follows:

(53) Use of the area north of the administration centre be limited to children's play and passive recreational activities, with a maximum of:

- *50 patrons between 6am and 7am*
- *150 patrons between 7am and 6pm*
- *40 patrons between 6pm and 10pm*
- *25 patrons between 10pm and midnight.*

The applicant provides the following reasoning for the requested changes:

- *The use of the words worship, pastoral activities and congregational activities is confusing and subjective, particularly regarding the use of the area north of the house ("Stage 1 place of worship building"). For example, two people gathering to read and discuss a bible passage over lunch could be a form of worship, pastoral activity or a form of congregating. In an effort to fully adhere to the condition, to date, we have assumed that this restricts any form of congregating on the northern side of the house. This means that the church cannot use an area of approximately 2,000 sq metres of our property. Standard residential-type activities, such the several people (staff) eating their lunch or several children playing are avoided. The wording of this clause is subjective and onerous, and would benefit from clarification.*

- *The church does not desire to use this space for formal church gatherings, but does wish to use it for passive recreational activities and as a children's play area (per examples above). Such activities are consistent with those allowed in a residential area. As such, we do not believe it is reasonable to restrict the church from using the area for such activities.*
- *We understand that the current restriction of use is not legally enforceable. However, as a church we wish to fully adhere to the conditions set, and do not want to create issues for council by using it without clarity in the conditions of use.*
- *The use of the wording "Stage 1 place of worship building" for the original house (now used as an office) was helpful during the building process. Going forward, it is confusing and would benefit from clarification.*

Outside Use of Amplifiers

The modified proposal seeks to amend Condition 57 relating to amplifiers. Condition 57 states:

(57) Amplifiers shall not to be used outside of the building at any time.

The modified proposal seeks to amend Condition 57 as follows:

(57) Use of amplifiers outside the building shall be limited to 85dB, located at least 80m from residential receivers

The applicant provides the following reasoning for the requested changes:

- *The Church has a large outdoor area ideal for use for community functions, such as Christmas Carol services or school holiday kids club activities. Such activities would be infrequent, but would benefit the wider community of Orange. For these outdoor activities to function successfully, a microphone and speaker would be essential.*

Residential Amenity

Conditions will be retained on the modified Notice of Approval to ensure the modified development will not adversely impact on amenity for the adjoining dwelling to the north and properties on the southwest. Such conditions variously relate to hours of operation, outdoor lighting, restrictions on outdoor congregations and use of amplifiers.

The application was referred to Council's Environmental Health Officer and the following conditions were recommended:

Prior to Occupation Certificate

- (x) A Noise Management Plan is to be provided to Council for approval by the Manager Development Assessments. The Management Plan must demonstrate how the matters outlined in Section 5.2 of the acoustic report (dated 30/04/2024) will be addressed during ongoing operation of the premises.*

Ongoing

- (x) Outdoor activities and events involving singing and/or amplified music are to be limited to the designated outdoor area, and to the following patron capacities:
6am to 10pm - 400 people
10pm to 12am - 300 people*
- (x) Any amplification used for outdoor activities are to be limited to a maximum sound pressure level of 85dB(A)Leq measured at 1m from the source, and speakers are to be located at least 80m from all residential receivers.*

2.2 Development Application DA 405/2017(6) - 2 Cottonwood Way

(x) *Use of the outdoor space north of the administration centre is limited to the following capacities:*

6am to 7am - 50 people

7am to 6pm - 150 people

6pm to 10pm - 40 people

10pm to 12am - 25 people

(x) *Internal activities are limited to a capacity of 400 people at any time.*

All of the abovementioned measures are conditioned to mitigate noise travel into the neighbouring residential developments.

Notwithstanding the advice and recommendations provided by Council's Environmental Health Officer, the proposed amendment to the existing conditions which seeks to permit up to 300 people at the church between 10pm and 12am is considered unsuitable. Allowing the use of the area beyond 11pm is deemed inappropriate and inconsistent with the anticipated level of amenity for the surrounding residential area.

Residential properties are in close proximity to the church, and the late-night gatherings have the potential to significantly disturb the peace and quiet of the area. The original development approval limited the operation to no later than 10pm, with no more than 40 persons onsite between 8pm and 10pm (Monday to Thursday), ensuring minimal disruption to nearby residents.

To maintain consistency with the existing conditions and avoid significant deviations, the hours of operation are now recommended to operate from 6am to 11pm with limits on persons onsite during early morning and evening periods.

The application to modify the consent also seeks approval to use the outdoor space located north of the administration centre for the increased capacities above mentioned. The request aims to enhance operations of the development while considering the impact on surrounding residential properties and carefully restricted the use of this area to mitigate any potential disruption to nearby residents.

Based on an analysis of the surrounding residential precinct, the supporting acoustic report and consideration of submissions, it is recommended that the use of this particular outdoor space (marked as **space A** in Figures 2 and 3) be limited to daytime operations between 7am to 7pm with a cap of 80 people at any time.

These restrictions will assist in ensuring that the development remains largely consistent with the original intent of the initial approval issued, whilst providing some flexibility in the manner in which the space may be used. The recommended condition will ensure that the outdoor activities are sympathetic with the residential character of the area and minimize possible noise impacts and other disturbances during sensitive hours. Use of the area north of the administration building outside daytime operations is considered to be appropriate.

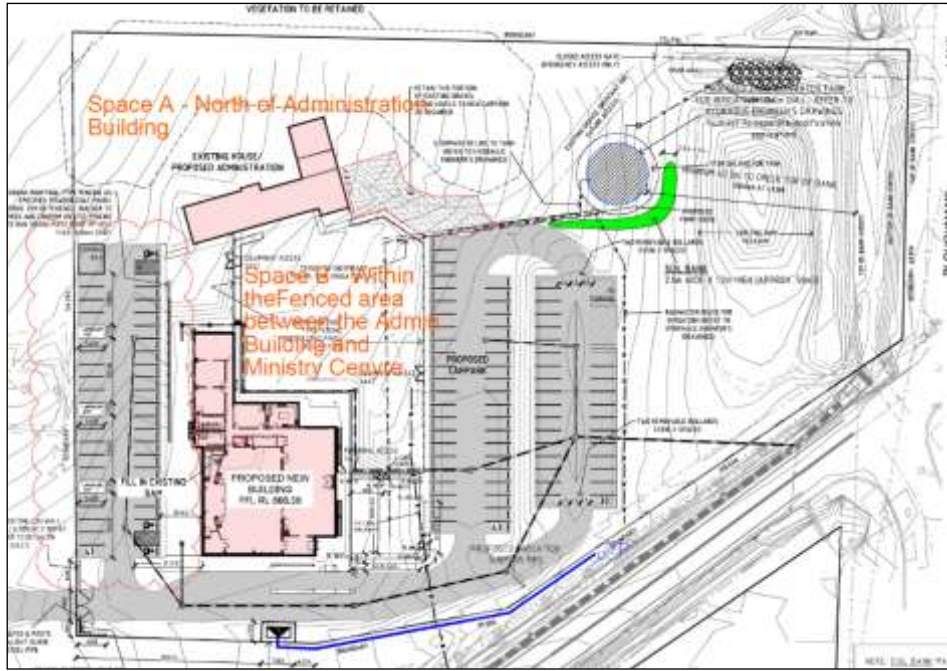


Figure 2 - image indicating the outdoor spaces



Figure 3 - image indicating Space A



Figure 4 - image indicating Space B

Further to the assessment outlined above, development assessment staff met with the applicant on 5 December 2024 to clarify the purpose of the proposed operating hours. It was emphasised to staff that the extended hours would enable members utilising the space to set up and pack down after community events. The applicants advised that all planned events would be designed to be completed by 10pm. Additionally, it was noted that most members involved are volunteers who participate in activities outside typical working hours.

Based on the above rationale, Council staff have drafted the following amendment to Condition (50), now Condition (51) as follows:

- (51) *The hours of operation of the development shall not exceed the following, without the prior approval of Council:*
- (a) *6am to 11pm Monday to Sunday*
 - (i) *between 6am - 8am, no more than 40 persons may be onsite*
 - (ii) *between 10.30pm - 11pm, no more than 40 persons may be onsite.*
 - (b) *Notwithstanding (a), use of space A, indicated on drawing titled Site Plan, dated 05-12-2024, is permitted between 7am - 7pm, subject to*
 - (i) *activities involving children's play, youth sporting activities and lunch conversations only*
 - (ii) *a limit of 80 persons at any given time.*
 - (c) *Use of Space B, indicated on drawing titled Site Plan, dated 05-12-2024, is subject to*
 - (i) *activities involving children's play, youth sporting activities and congregational activities*
 - (ii) *special planned events over 40 persons with limit up to twelve (12) times per year with hours to be consistent with the operating requirements permitted in (a) above*
 - (iii) *Subject to (a), the dispersal period of 30 minutes following an indoor congregation does not count as one of the special planned events in Area B.*

The amended condition is consolidation of two existing Conditions Numbered 50 and 53 on DA 405/2017(5).

Condition (57), now Condition (59) is drafted as follows:

(59) Any amplification used for outdoor activities are to be limited within the outdoor Space B indicated on drawing named Site Plan, dated 05.12.2024 to a maximum sound pressure level of 85dB(A)Leq measured at 1m from the source, and speakers are to be located at least 80m from all residential receivers.

An additional Condition (55) has been included to specify that:

(55) The premises shall not be used as a function centre at any time. All activities conducted onsite must be consistent with the approved use of the premises as a place of public worship and must not involve the hosting of private or commercial functions, events, or gatherings that would otherwise classify the site as a function centre'.

Also, Condition (49) relating to a Noise Management Plan is included and is as follows:

(49) A Noise Management Plan is to be provided to Council for approval by the Manager Development Assessments. The Management Plan must demonstrate how the matters outlined in Section 5.2 of the Acoustic Report (dated 30 April 2024) will be addressed during ongoing operation of the premises.

All the above conditions address the modifications proposed within this development application.

Note: To maintain consistency throughout the conditions of consent, the Conditions (V) and (Z) of Stage 1 are amended and deleted respectively to reflect the modifications carried out in this DA.

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

Council has previously issued development consent for the establishment of a place of public worship at this property. Use of the property for such purposes is currently subject to conditions that seek to mitigate impacts on surrounding residential properties. The site will remain suitable for the intended development. Limits on the hours of operation have, however, been recommended to ensure that the site does not unreasonably impact upon surrounding areas.

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

The subject development was neighbour notified in accordance with Council's CPP. In response to neighbour notification, Council received three (3) written submissions from the adjoining landowner to the north and two other property owners to the south-east of the subject property. The submissions raised the following concerns:

Submission 1 -

Concern raised: The outdoor space (north of the Administration Centre) is not to be used for congregational activities.

Response:

The modified proposal involves the use of the area north of the administration centre (Space A). Whilst the proposal requested use of this space between 6am and 12am (midnight) this was considered unacceptable in terms of protecting the residential amenity of the area. Further to the assessment of the application and a supporting acoustic report, Council staff have recommended that the space north of the administration building be limited to a maximum of 80 people during daytime periods between 7am to 7pm (please refer detailed assessment earlier in this report).

Submissions (cont.)**Submission 2 -**

Concerns raised: Neighbours are concerned about noise and disturbances from the Cottonwood Way church, especially in the evenings, due to parishioners' activities, parking issues, and potential late-night events like weddings. The submitter stated that noise from talking, vehicles, and children playing disrupts the peaceful neighbourhood, particularly for families with young children. They also worry about the church's lighting affecting nearby bedrooms and the extended hours requested in the development application, which could lead to further disturbances.

Response:

The modified proposal involves extending hours of operation. Matters in relation to hours of operation and use of the various spaces have been addressed in the above assessment. Planning assessment staff met with the applicant on 5 December 2024 to clarify the purpose of the proposed operating hours. It was emphasised to staff that the extended hours would enable members utilising the space to set up and pack down after community events occur. Only a small number of patrons from time-to-time would be permitted to meet between 6am and 8am. The applicants advised that all planned events (functions are not permitted) would be designed to be completed by 10pm with bump out of patrons to occur up until 10.30pm, with only volunteer staff (40 persons) permitted onsite to clean up until 11pm.

Submission 3 -

Concerns raised: This submission mirrors the concerns raised in the previous submission. The resident is worried about the proposed extension of the church's operating hours from 6am to midnight, seven days a week. They believe this would exacerbate existing issues, such as bright lights disturbing their bedrooms, noise from the open property affecting neighbouring homes, and parking problems on Ploughmans Lane. The resident also fears that extending hours past 10pm would further disrupt families with young children. The reasoning in this submission aligns with the previous one, and they strongly oppose the amendment.

Response: The response to the raised concerns is addressed by the same reasoning provided in the second submission. The modified proposal involves extending the hours of operation, which planning staff discussed with the applicant on 5 December 2024. It was clarified that the extended hours would primarily allow members to set up and pack down after community events. Only a small number of patrons would be permitted to meet between 6am and 8am. The applicants also stated that all planned events would conclude by 10pm, with patrons leaving by 10.30pm, and only volunteer staff (40 persons) would remain on-site for clean-up until 11pm.

Additionally, it was noted from discussions that most members involved are volunteers who participate in activities outside typical working hours.

Submissions (cont.)

The following is a summary of the restrictive conditions have been recommended:

- *The hours of operation shall not exceed 6am to 11pm Monday to Sunday, with a limit of patrons between 6am and 8am and 10.30 to 11pm.*
- *Illumination of the building and car parking areas shall only occur within the approved hours of operation, with the exception of security lighting.*
- *Use of amplifiers outside the building shall be limited to 85dB, located at least 80m from residential receivers.*

Public interest s4.15(1)(e)


The modified proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc. that have not been considered in this assessment.

COMMENTS

The conditions of the Council's Environmental Health Officer are included in the attached amended Notice of Approval.

ATTACHMENTS

- 1 Draft Modified Notice of Determination, D25/1071 [↓](#)
- 2 Site Plan, D24/136775 [↓](#)
- 3 Submissions (redacted), D25/1074 [↓](#)

	<p>ORANGE CITY COUNCIL</p> <p>Development Application No DA 405/2017(6)</p> <p>NA24/221 Container PAN-379637</p>
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**NOTICE OF DETERMINATION
OF A DEVELOPMENT APPLICATION
(AS MODIFIED)**

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

Development Application	
Applicant Name:	Orange Evangelical (OEC) Church Incorporated
Applicant Address:	PO Box 2406
	ORANGE NSW 2800
Owner's Name:	Orange Evangelical (OEC) Church Incorporated
Land to Be Developed:	Lot 9 DP 746439 - 2 Cottonwood Way, Orange
	(formerly known as 241 Plougmans Lane, Orange)
Proposed Development:	Place of Public Worship and Business Identification Signage
Building Code of Australia building classification:	
	Class to be determined by certifier
Determination made under Section 4.16	
Made On:	4 February 2025
Determination:	CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:
Consent to Operate From:	
	2 May 2018
Consent to Lapse On:	
	2 May 2023

Terms of Approval

The reasons for the imposition of conditions are:

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

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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Conditions

- (1) The development must be carried out in accordance with:
- (a) Drawings by Geolyse. Project No. 216145, Set 02E. Sheets A002, A003, A004, A005, A006, A007, A008, C001 (8 sheets)
Amending Plan by Geolyse, Project No. 216145, and Sheet TP02 dated 4.9.19 (1 sheet)
Amending Plans by Premise, Set 17F, Sheets A001-A009 dated 24.07.2020 (9 sheets)
Amending plans by Premise Australia, 3D Views Sheets 1-3 dated 13-12-2021 (3 sheets)
Amended Plans Premises - For Construction Set, Drawings A001-A025 Rev GG dated 03.12.2021 (25 sheets)
As amended - drawings by Premise, drawing title - Site Plan, project number 216145, dated 05-12-2024 (1 sheet)
 - (b) Statements of Environmental Effects or other similar associated documents that form part of the approval
 - (c) General Terms of Approval issued by the Department of Primary Industries (Water) (Reference Number IDAS1103024) (attached).

as amended in accordance with any conditions of this consent.

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.

STAGE 1 - PLACE OF PUBLIC WORSHIP (CHANGE OF USE FROM APPROVED ANCILLARY ADMINISTRATION BUILDING (FORMER DWELLING))

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (A) 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.
- (B) 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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

3

Prior to the issue of a construction certificate (cont)

(C) (amended)

Engineering plans providing complete details of the proposed temporary driveway and car parking areas are to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. These plans are to 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.

The temporary carpark and access driveway shall provide all-weather access. The access road and temporary carpark shall be bitumen sealed within 12 months of the issue of an occupation certificate for the Stage 1 place of public worship.

A heavy duty concrete footpath crossing shall be constructed from the new bitumen sealed road to the western property boundary.

(D) (deleted)

(E) (deleted)

(F) 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.

PRIOR TO WORKS COMMENCING

(G) 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.

(H) 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.

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

DURING CONSTRUCTION/SITEWORKS

(J) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.

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

(L) 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.

(M) A heavy-duty concrete kerb and gutter layback and footpath crossing is to be constructed in the position shown on the plan submitted with the Construction Certificate application. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.

(N) (deleted)

This is page 3 of 13 page/s of Council's Approval of a Development Application

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

4

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- (O) 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.
- (P) 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.
- (Q) 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.
- (R) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (S) 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.
- (T) 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

- (U) The access road and temporary carpark shall be bitumen sealed within 12 months of the issue of an Occupation Certificate for the Stage 1 place of public worship.
- (V) **(amended)**
~~The hours of operation of the development shall not exceed the following, without the prior approval of Council:~~
 - ~~(a) 8am to 10pm Monday to Thursday~~
 - ~~(i) in relation to (a), between 8pm and 10pm, Monday to Thursday, no more than 40 persons may be on site.~~
 - ~~(ii) (a)(i) does not apply up to six times per year.~~
 - ~~(b) 8am to 10pm Friday and Saturday~~
 - ~~(c) 7am to 10pm Sunday.~~
 - ~~(i) In relation to (c), between 9pm and 10pm, Sunday, no more than 20 persons may be on site.~~

~~Illumination of the building and parking areas shall not occur outside of the approved hours of operation.~~

The hours of operation of the development shall not exceed the following, without the prior approval of Council:

 - (a) Generally, 6am to 11pm Monday to Sunday
 - i. between 6am - 8am, no more than 40 persons may be on site
 - ii. between 10:30pm - 11pm, no more than 40 persons may be on site.

(Condition (V) continued over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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

- (V) (cont)
- (b) Notwithstanding (a), use of space A, indicated on drawing titled *Site Plan*, dated 05-12-2024, is permitted between 7am - 7pm, subject to activities involving children's play, youth sporting activities and lunch conversations only.
- i. a limit of 80 persons at any given time.
- (c) Notwithstanding (a), use of space B, indicated on drawing titled *Site Plan*, dated 05-12-2024, is subject to
- i. activities involving children's play, youth sporting activities and congregational activities
- ii. special planned events over 40 persons with limit up to twelve (12) times per year *with hours to be consistent with the operating requirements permitted in (a) above*
- iii. *subject to (a), the dispersal period of 30min following an indoor congregation does not count as one of the special planned events in Area B.*
- (W) Outdoor lighting shall be sited and designed to comply with Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Ancillary light fittings installed to the exterior of the buildings and within the parking areas shall be shielded or mounted in a position to minimise glare to adjoining properties.
- (X) Worship and pastoral activities shall be wholly located within the approved buildings and outdoor play areas. Congregational activities shall not occur on the northern side of the building.
- (Y) Site access via Ploughmans Lane is prohibited. All access to the site associated with the development shall be via the new road.
- (Z) ~~(deleted) Amplifiers shall not be used outside of the building at any time.~~
- (AA) Emitted noise shall not exceed 5dB(A)_{AEQ15min} above background sound level measured at the most affected point on or within an adjoining residential property boundary.

STAGE 2 - PLACE OF PUBLIC WORSHIP

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (4) (deleted)
- (5) Full details of external colours and finishes of external materials shall be submitted to and approved by Council's Manager Development Assessments prior to issue of a Construction Certificate.
- (6) Full details of proposed perimeter fencing shall be submitted to and approved by Council's Manager Development Assessments prior to issue of a Construction Certificate. Fencing shall be consistent with the Guidelines for Fences and Walls in Ploughmans Valley, pursuant to Orange Development Control Plan 2004 (PO7.7-5).
- (7) A detailed landscape plan, compiled by a suitably qualified landscape architect shall be submitted for approval of Council's Manager City Presentation prior to issue of a Construction Certificate. The landscape plan shall incorporate the following particulars:
- a detailed plant schedule identifying low maintenance ground covers through to specimen trees with mature height commensurate to the building
 - plantings to the site perimeter
 - plantings to the Cargo Road frontage consistent with Guidelines for Setbacks in Ploughmans Valley, pursuant to Orange Development Control Plan 2004 (PO7.7-4).

(Condition (7) continued over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

6

Prior to the issue of a construction certificate (cont)

- (7) (cont)
- plantings to onsite car parking areas, particularly the most-western carpark at the site frontage to the new road
 - hard and soft landscaping to the northern end of each parking area and a minimum 1.5m high solid acoustic barrier to the northern end of the eastern car parking area.
- (8) The fitout of the food preparation and storage areas are to be installed in accordance with the requirements of Australian Standard 4674-2004 "Design and construction and fit-out of food premises" and Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code. Prior to the issue of the Construction Certificate, details of the fit-out of the kitchen are to be submitted to Council/accredited certifier for approval.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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
 - 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.
- (13) Engineering plans providing complete details of the proposed driveway and car parking areas are to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. These plans are to 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.

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NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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Prior to the issue of a construction certificate (cont)

- (14) Stormwater from the site is to be piped to the adjacent watercourse, where it is to be discharged through a standard headwall with appropriate scour protection, or alternatively into Council's piped stormwater drainage system on Cargo Road. Engineering plans of this required drainage system are to be approved by Orange City Council or by an Accredited Certifier (Categories B1, C3, C4, C6).
- (15) (deleted)
- (16) 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. 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.
- 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.
- (17) **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 3 ETs for water supply headworks and 3 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.
- (18) The applicant shall provide the Principal Certifying Authority and Council with a report from a qualified Acoustic Consultant that certifies that all mechanical services and equipment proposed to be installed within the development will comply with the noise goals identified in the Environmental Noise Assessment Report by Guz Box Design + Audio Report dated 29 March 2017 and the NSW Noise Policy for Industry.
- (19) Prior to issue of a Construction Certificate for the place of worship building, plans of the development shall be amended to include the design, construction and operation requirements recommended within the Environmental Noise Assessment Report by Guz Box Design + Audio Reports dated 29 March 2017 and 13 August 2018.

PRIOR TO WORKS COMMENCING

- (20) 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.
- (21) 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.
- (22) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (23) 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.
- (24) Clean fill shall be utilised for all site earthworks.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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During construction/siteworks (cont)

- (25) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (26) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.
- (27) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (28) 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.
- (29) The fit-out of the food preparation and storage areas are to be installed in accordance with the requirements of Food Safety Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code and Australian Standard 4674-2004 "Design and construction and fit-out of food premises".
- (30) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (31) 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.
- (32) A road is to be constructed from Cargo Road to the proposed entrance to the development. Construction work is to be to full urban road standard (9.0m wide kerb face to kerb face) in accordance with the Orange City Council Development and Subdivision Code and Geolyse plans numbered 216145 (as amended and approved by Orange City Council) or alternatively, arrangement is made for Orange City Council to construct the works on behalf of the applicant.
- (33) Half road width is to be constructed for the full frontage of the proposed development immediately north of the access driveway into the carpark in accordance with Geolyse plans numbered 216145 (as amended and approved by Orange City Council) or alternatively, arrangement is made for Orange City Council to construct the works on behalf of the applicant. This work is to include road pavement and pavement surfacing to the centreline, kerb and gutter construction and earth-formed footpath on the development side of the road. Boxing out and pavement construction of the roadway on the opposite side of the development is to also be carried out.
- (34) (deleted)
- (35) The following Roads and Maritime Services conditions are to be satisfied as part of the development:
- Prior to the issuance of an occupation certificate, a Channelised Right (CHR) turn treatment in accordance with Austroads Guide to Road Design, is to be provided in Cargo Road (MR237) at its intersection with the proposed public road. The intersection works are to be designed and constructed for a 60km/h speed zone and be able to accommodate the largest vehicle accessing the intersection.

(Condition (35) continued over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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During construction/siteworks (cont)

(35) (cont)

- Safe Intersection Sight Distance (SISD) requirements outlined in Austroads Guide to Road Design Part 4A and relevant Roads and Maritime supplements is to be provided in both directions at the vehicular access point servicing the proposed development and at the intersection of the proposed public road and Cargo Road.
- No direct access to the site from Cargo Road is permitted.
- Adequate turning circles, storage room and vertical clearances are to be provided in the site for the largest type of vehicle that will visit the site during construction and operation.
- All activities including loading and unloading of goods associated with the development are to be carried out on site in the dedicated areas.
- Outdoor Signage is to be in accordance with the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines 2017, is not to flash, move or be objectionably glaring or luminous.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- (36) Onsite vehicle parking shall be provided on the land consistent with the approved plan, and in accordance with Council's Development and Subdivision Code, prior to issue of an Occupation Certificate.
- (37) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's Manager Development Assessments.
- (38) Perimeter fencing shall be established on the land consistent with the approved plan.
- (39) External colours and finishes for the completed building shall be consistent with the approved schedule.
- (40) There shall be no congregations on the site, prior to issue of an Occupation Certificate.
- (41) (amended)
- A Controlled Activity Approval under the Water Management Act 2000 shall be obtained from NSW Department of Planning, Industry and Environment (NRAR) in relation to the filling works of the dam at the Ploughmans Lane frontage. Dam filling works shall be completed to the satisfaction of NSW Department of Planning, Industry and Environment (NRAR) and Council's Manager Development Assessment, prior to issue of an Occupation Certificate.
- (42) 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.
- (43) Finished ground levels are to be graded away from the buildings and adjoining properties and must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.
- (44) 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.
- (45) 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 either an interim or a final Occupation Certificate.
- (46) 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.

This is page 9 of 13 page/s of Council's Approval of a Development Application

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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Prior to the issue of an occupation certificate (cont)

- (47) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (48) 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.
- (49) **(amended – added condition as part of the DA405/2017(6))**
 A noise management plan is to be provided for approval by the Manager Development Assessments. The management plan must demonstrate how the matters outlined in Section 5.2 of the acoustic report (Project ID: 2024275.1, dated 30/04/2024) carried out by Acoustic Logic will be addressed during ongoing operation of the premises.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (50) The applicant shall obtain a **Commissioning Report** from an appropriately qualified and experienced acoustic consultant which assesses actual noise emissions from all operations of the development **within 3 months of the issue of an Occupation Certificate or as otherwise agreed in writing by Council (but not more than six (6) months after occupation.** Where the report requires additional noise attenuation works to be carried out, these works shall be undertaken within 28 days from the date of the Commissioning Report.
- (51) **(amended - as part of the DA405/2017(6))**
~~The hours of operation of the development shall not exceed the following, without the prior approval of Council:~~
 - ~~(a) 8am to 10pm Monday to Thursday~~
 - ~~(i) in relation to (a), between 8pm and 10pm, Monday to Thursday, no more than 40 persons may be on site.~~
 - ~~(ii) (a)(i) does not apply up to six times per year.~~
 - ~~(b) 8am to 10pm Friday and Saturday~~
 - ~~(c) 7am to 10pm Sunday.~~
 - ~~(i) In relation to (c), between 9pm and 10pm, Sunday, no more than 20 persons may be on site.~~~~Illumination of the building and parking areas shall not occur outside of the approved hours of operation.~~
 The hours of operation of the development shall not exceed the following, without the prior approval of Council:
 - (a) 6am to 11pm Monday to Sunday
 - i. between 6am - 8am, no more than 40 persons may be on site
 - ii. between 10:30pm - 11pm, no more than 40 persons may be on site.
 - (b) Notwithstanding (a), use of space A, indicated on drawing titled *Site Plan*, dated 05-12-2024, is permitted between 7am - 7pm, subject to
 - i. activities involving children's play, youth sporting activities and lunch conversations only.
 - ii. a limit of 80 persons at any given time.
 (Condition (51) continued over page)

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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

- (51) (cont)
- (c) Notwithstanding (a), use of space B, indicated on drawing titled *Site Plan*, dated 05-12-2024, is subject to
- i. activities involving children's play, youth sporting activities and congregational activities
 - ii. special planned events (consistent with condition 55) over 40 persons with limit up to twelve (12) times per year *with hours to be consistent with the operating requirements permitted in (a) above*
 - iii. *subject to (a), the dispersal period of 30 minutes following an indoor congregation does not count as one of the special planned events in Area B.*
- (52) The kitchen and break-out space / café shall be ancillary to the place of public worship. Further development consent is required for separate commercial use of the kitchen and break-out space / café.
- (53) Outdoor lighting shall be sited and designed to comply with Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Ancillary light fittings installed to the exterior of the buildings and within the parking areas shall be shielded or mounted in a position to minimise glare to adjoining properties.
- (54) **(deleted)**
~~Worship and pastoral activities shall be wholly located within the approved buildings and outdoor play areas. Congregational activities shall not occur on the northern side of the Stage 1 place of worship building.~~
- (55) **(amended – added condition as part of the DA405/2017(6))**
 The premises shall not be used as a function centre at any time. All activities conducted on-site must be consistent with the approved use of the premises as a place of public worship and must not involve the hosting of private or commercial functions, events, or gatherings that would otherwise classify the site as a function centre.
- (56) Advertising content shall comprise “business identification” as defined in Orange Local Environmental Plan 2011:
 ‘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.*
- The pylon sign shall be consistent with Transport Corridor Outdoor Advertising and Signage Guidelines (NSW Department of Environment and Planning 2017) (refer conditions from Roads and Maritime Services).
- Illumination of the approved pylon sign is not permitted.
- (57) A separate Development Application shall be submitted to and approved by Council prior to the erection of any additional advertising structures or signs of a type that do not meet the exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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

- (58) Site access via Ploughmans Lane is prohibited. All access to the site associated with the development shall be via the new road.
- (59) **(amended)**
~~Amplifiers shall not be used outside of the building at any time.~~
Any amplification used for outdoor activities are to be limited within the outdoor space B indicated on drawing named Site Plan, dated 05.12.2024 to a maximum sound pressure level of 85dB(A)Leq measured at 1m from the source, and speakers are to be located at least 80m from all residential receivers.
- (60) Conditions from Roads and Maritime Services:
1 Adequate turning circles, storage room and vertical clearances are to be provided on the site for the largest type of vehicle that will visit the site during construction and operation.
2 All activities including loading and unloading of good associated with the development are to be carried out onsite in the dedicated areas.
3 Outdoor signage is to be in accordance with the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines 2017, is not to flash, move or be objectionably glaring or luminous.
- (61) Emitted noise shall not exceed 5dB(A)_{AEQ15min} above background sound level measured at the most affected point on or within an adjoining residential property boundary.
- (62) 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*.

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.
The development shall be carried out in accordance with the General Terms of Approval issued by the Department of Primary Industries (Water) (Reference Number IDAS1103024) (attached).

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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 405/2017(6)

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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 February 2025

Submission 1

19 November 2023

Reference No: DA 405/2017(6) – PAN - 379637

Orange City Council

135 Byng Street

Orange, NSW, 2800

Dear Mr Hodges

I hope this letter finds you well. I am writing to express my strong objection to the extension of hours, located near our residential premises:

APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT DA 405/2017(5)

LOT 9 DP 746439 - 2 COTTONWOOD WAY, ORANGE

PLACE OF PUBLIC WORSHIP AND BUSINESS IDENTIFICATION SIGNAGE

As a resident, I am concerned that they wish to amend the hours to 6am – midnight, 7 days per week. I believe that these proposed changes would have a detrimental impact on the serenity of our neighbourhood. This could potentially cause further disruptions within our community. The reasons I believe this amendment should not be able to proceed are as follows:

As our premises have bedroom windows facing west directly across from the Cottonwood Drive dwelling. Bright lighting in and around the surrounding carpark already causes disruptions for us as they are shining directly into our bedrooms.

The property on Cottonwood Drive is quite an open block, because of this the noise travels quite a distance. Whilst the playground is north facing the noise carries from their property to the neighbouring properties, disturbing the neighbouring families. Having the congregation either outside playing, talking or departing the premises the noise carries throughout the neighbourhood.

Currently on occasions parishioners are occupying non-existent parking on the west side of Ploughmans Lane and commuting by foot to and from the above establishment. Starting from early morning, the noise from the traffic and the parishioners whilst commuting to and from the undesignated parking, as well as on the Cottonwood premises, can get quite loud, as once

again noise travels to the surrounding properties. I strongly disapprove of the noise having to be heard even earlier than it already is and especially after 10pm, as quite a few of the surrounding properties have young families, including ours that are school aged and do not need disturbed or broken sleep from outside disturbances, as the bedrooms face the west side of Ploughmans Lane.

Thank you for your attention to this matter. I respectfully request that the council carefully considers the implications of this modification on the surrounding residents before making your final decision.

Kind Regards,

14 November 2023

Submission 2

Reference No: DA 405/2017(6) – PAN - 379637

Orange City Council
135 Byng Street
Orange, NSW, 2800

Dear Mr Hodges

I hope this letter finds you well. I am writing to express my strong objection to the extension of hours, located near our residential premises:

APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT DA 405/2017(5)

LOT 9 DP 746439 - 2 COTTONWOOD WAY, ORANGE

PLACE OF PUBLIC WORSHIP AND BUSINESS IDENTIFICATION SIGNAGE

I understand that the current DA states the hours of the above run from:

8am – 10pm Monday-Thursday

8am – 10pm Friday and Saturday

7am – 10pm Sunday

They wish to amend the hours to 6am – midnight, 7 days per week.

The reasons I believe this amendment should not be able to proceed are as follows:

- The property on Cottonwood Drive is quite an open block, because of this the noise echoes further afar. Whilst the playground faces north the noise carries from their property to the neighboring properties. From 8-9pm of any evening Monday-Sunday our neighborhood noise

is extremely minimal so any noise from traffic, passers by talking, music etc. can be heard quite easily. Having the congregation either outside playing, mingling, talking or starting and using their modes of transport, carries throughout the neighborhood. Disturbing the neighboring families.

- Parishioners are occupying non-existent parking on the west side of Ploughmans Lane and commuting by foot to and from the above establishment, rather than using the existing parking on the Cottonwood dwelling. Starting from early morning, the noise from the traffic and the parishioners whilst commuting to and from the undesignated parking, as well as on the Cottonwood premises, can get quite loud, as once again noise travels to the surrounding properties. We object the noise having to be even earlier than it already is and especially after 10pm, as quite a few of the surrounding properties have young families, including ours that need to be attending school and do not need disturbed or broken sleep from outside disturbances, as the bedrooms face the west side of Ploughmans Lane.
- Whilst we do not hear what proceedings happen inside the above dwelling. It states in the DA request, that they wish to use the church for functions such as wedding receptions. The NSW Law states in regards to residential noise found under the "Protection of the environment Operations (noise control) Regulation 2017", that noise in a residential area is to be kept to a minimum between the hours of 11pm-7am. The hours requesting for approval exceed these hours. During gatherings there is potential to have guests mingling outside the dwelling, obtaining fresh air, children playing in the playground. If, wedding finishes close to midnight or even after, potentially we have guests loitering upon departure and increased traffic noise until the last guest leaves. Once again disturbing the peace and tranquility of the surrounding neighborhood.
- In the Development application DA 405/2017(4), under "reasons for requesting change to this condition" point "d" states the current DA restricts listed 1-7 community organisations from using their premises under the current restrictions. Aside from point vii. Points 1-6 would be carried out during the current DA times.
- Listed in the current DA lists that, the dwelling will turn off all lighting outside of operation hours. As our premises has all bedroom windows facing west directly across from the Cottonwood Drive dwelling. Potential bright lighting in and surrounding (carparks) the dwelling, after 10pm will be shining directly into our bedrooms.

I believe that these proposed changes would have a detrimental impact on the tranquility and functionality of our neighborhood. As a resident, I am concerned about the potential disruptions to our daily operations and the overall quality of life in the community.

I kindly request that the council carefully considers the implications of this modification on the surrounding residents before making your final decision. I am open to further discussion on this matter.

Thank you for your attention to this matter. I trust that the council will consider the diverse needs of the community when making decisions that affect us all.

Sincerely,

Submission 3

Summer Commins

From:
Sent: Wednesday, 15 November 2023 1:00 PM
To: Orange City Council
Subject: DA 405/2017(6) Pan379637

[You don't often get email from _ . Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

att. Chief Executive Officer/Summer Commins

Thank you for your notification re this DA modification.
Enclosed below are our concerns and objections re this application.

ie. 1. Passive recreation and children's play on the northern side of the original dwelling/house.

Could you please refer to Condition 53.

"Worship & Pastoral activities shall be wholly located within the approved buildings and outdoor play area.
Congregational activities shall not occur on the northern side of the administration building."

Our records show this condition was lodged by us with the first DA for the church on this land DA 366/2008.
We engaged GHD Town Planning (Daniel Mees)whom submitted this request to council for us.
This condition has been included and accepted by church and council in all DA's. ie. 405/2017(1. 2. —)
We requested this buffer zone for privacy,noise and future development of our land as it is zoned for residential development. Recommended by GHD also are landscape plantings. (housing blocks could backup to this boundary.)

..... a church member spoke to us approx. 10-12 mths. back re our opinion the church using this area for congregational BBQ's. and having basketball nets and children's play area plus tables/benches.

Our opinion to was we would object to any use for congregational activities. (Re condition 53.) We also feel this is enlarging the footprint of the church outside the approved DA for a church on this land size.

We are aware there is an area in the DA 405/2017 for an Outdoor Play Area.
We note this area has no outdoor furniture or play equipment on it. Grassed area only.

We feel there is enough space in the church's approved footprint to fit a basketball net.

We have no objections to the other modifications requested in this letter.

Your attention to our reasons for our objections and concerns are very much appreciated.

14 November 2023.