

WOOLWORTHS LIMITED

A.B.N. 88 000 014 675

13 September 2010

Joint Regional Planning Panel

C/o- Chris Devitt
Acting General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800

Via Email: CDevitt@orange.nsw.gov.au

Dear Sir,

**Re: Application No: DA 221/2010(1)
Retail Development, 9 Telopea Way, Orange**

Following our detailed discussions with your planning assessment staff we write to confirm our proposal to enter into a planning agreement to resolve the traffic issues relating to the above application.

Our proposal is set out as follows:

1. The works to be undertaken are to upgrade the Northern Distributor Road and Farrell Road intersection as well as the intersection of Telopea Way and Farrell Road consistent with drawing 21-19456-C003A Revision C prepared by GHD and entitled Intersection Improvements Option 3A. This shall include:
 - (a). Traffic signals on the NDR intersection with Farrell Road/Telopea Way,
 - (b). Associated widening on the southern side of the NDR permitting a right turn lane into Farrell Road,
 - (c). Associated widening on the northern side of the NDR permitting a left turn lane into Farrell Road,
 - (d). Realignment of the Telopea Way & Farrell Road intersection,
 - (e). Kerb and gutter,
 - (f). Pavements,
 - (g). Footpaths at the intersection to the western side of the Farrell Road connection,
 - (h). A concrete footpath/cycleway a minimum of 2.5 metres wide is to be constructed from the Northern Distributor Road to the commencement of the south-east site boundary adjoining Telopea Way.
 - (i). Intersection lighting,
 - (j). Footpaths at the intersection to the southern side of the Northern Distributor Road between Anson Street and the intersection.
 - (k). Lane marking,
2. There is a further option to include the road widening works along Telopea Way north of the Farrell Road intersection to be upgraded and constructed generally in accordance with the plan submitted drawn by Geolyse project number 110044 drawing sheet 01A_E05 including the extension of the footpath/cycleway (as at (h) above) to extend to the northern driveway of the proposed development.

'The Fresh Food People'
SAFEWAY

'The Fresh Food People'
WOOLWORTHS

BIG W

DICK SMITH
ELECTRONICS & PHOTOGRAPHY



WOOLWORTHS LIMITED

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It would be beneficial to include these works in the overall scope of traffic works, and if this was the case the contribution made by Fabcot to Council would be increased to reflect the additional cost of works set out in (2.) above.

3. Preliminary costings associated with the works identified in (1.) have been undertaken and are attached. Estimated costs associated with these works are \$955,800 plus GST including contingency.

Estimated costs associated with (2.) above are \$275,000 plus GST including contingency.

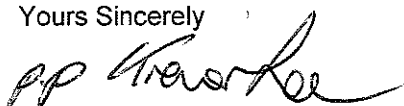
4. Council will fund and undertake the work set out at (1.) above and Fabcot will make a contribution of \$621,300 plus GST towards those works.

If the works set out at (2) above are included in those works carried out by Council then Fabcot, subject to agreeing with the costing will pay a further contribution to cover the cost of those works in full. Otherwise, Fabcot will undertake the works set out at (2) above at its own cost.

5. Council to carry out all required detailed design work together with tendering of the works to be undertaken by Council, other than detailed design work for works set out at (2) above on the basis these works are performed by Fabcot. If these works are performed by Council, then council must undertake the design works.
6. The estimated timeframe for completion of the development is November 2011. All infrastructure works must be completed by Council within this timeframe to allow the proposed development to meet this programme. It will be necessary to enter into a Deed of Agreement to ensure this timeframe is met. Fabcot's contribution set out at (4) above shall be provided prior to the issue of a Final Construction Certificate. In the event that Council agrees to the option set out at (2) above Fabcot's contribution set out at (3) above shall also be provided prior to the issue of a Final Construction Certificate.
7. Each party to be responsible for their own legal costs associated with entering into the planning agreement.
8. Fabcot recognises as per discussions with Council staff on 13 October 2010 that once Fabcot has made its contribution of \$621,300 plus GST all risk of cost overruns sits with Council.

We look forward to a satisfactory planning outcome in relation to the development application.

Yours Sincerely



Aidan Murphy
Regional Development Manager



BIGW

DICK SMITH
ELECTRONICS



Tandy

Woolworths
Northern Distributor/Telopea Way Intersection
Orange
8/10/2010



GHD Option

Item	Description	Unit	Quantity	Rate	Amount
			0	\$0.00	\$0.00
1	PRELIMINARIES		0	\$0.00	\$0.00
	Site Establishment incl. site fencing	item	1	\$20,000	\$20,000
			0		\$0
	Geotechnical Testing	item	1	\$15,000	\$15,000
					\$0
	Survey of all existing site features incl. Underground Services & TBM's	Item	1	\$5,000	\$5,000
					\$0
	Traffic Control and Management	Item	1	\$55,000	\$55,000
					\$0
	Site Maintenance incl. Dust Control	Item	1	\$5,000	\$5,000
					\$0
	Site Disestablishment	Item	1	\$5,000	\$5,000
					\$0
	Work As Executed [WAE] Drawings	Item	1	\$10,000	\$10,000
					\$0
	Subtotal Preliminaries				\$115,000
2	CLEARING		0		\$0
	Clearing and grubbing of site incl - removal and disposal of vegetation, fences, redundant kerbs, footpaths, service structures and disposal incl tip fees	Item	1	\$13,000	\$13,000
					\$0
	Subtotal Clearing				\$13,000
3	SEDIMENT AND EROSION CONTROL				\$0
	Sediment Erosion controls incl - signage, fencing, haybales, sandbags and tree protection fencing	Item	1	\$10,000	\$10,000
					\$0
	Subtotal Sediment and Erosion Control				\$10,000
4	EARTHWORKS [excl building platforms]				\$0
	Strip topsoil to the depth specified (Ave. = 300mm) from areas of roads, footpaths, batters and stockpile on site. (PQ)	sq.m	450	\$20	\$9,000
					\$0
	Remove and dispose of unsuitable subgrade material (PQ)	cu.m	150	\$250	\$37,500
					\$0
	Cut to Fill [subgrade level] (PQ)	cu.m	150	\$50	\$7,500
					\$0
	Subtotal Earthworks				\$54,000
5	STORMWATER DRAINAGE				
	<u>Stormwater Reticulation</u>				
	Excavate in all classes of material incl rock and shape table drain to grade to existing culvert (PQ)	Item	1	\$8,000	\$8,000
					\$0
	<u>Sub-Soil Drains</u>				\$0
	Interallotment drains	m	90	\$70	\$6,300
					\$0
	Subtotal Stormwater				\$14,300
6	ROAD PAVEMENTS				\$0
	Prepare, trim and compact subgrade to profile	sq.m	510	\$10	\$5,100

	Sub base 200mm DGS40	sq.m	510	\$30	\$15,300
	Base 150mm DGB20	sq.m	420	\$30	\$12,600
	Primer Seal 7mm	sq.m	330	\$10	\$3,300
	AC10 (Class 450) - 50mm	sq.m	330	\$30	\$9,900
	Pavement Testing	Item	1	\$7,000	\$7,000
	Sawcut Existing Pavement	lin.m	80	\$60	\$4,800
	Mill & Resheet existing pavement on Northern Distributor Rd	sq.m	3500	\$20	\$70,000
	Subtotal Road Pavements				\$128,000
7	KERB & GUTTER				\$0
	Pram Ramps	No	4	\$300	\$1,200
	SM Kerb - Kerb Returns, Intersection and Concrete Median	lin.m	220	\$80	\$17,600
	Subtotal K & G, Verge & Footways				\$18,800
8	SIGNS AND PAVEMENT MARKING				\$0
	Signage	No	10	\$300	\$3,000
	Chevron Marking	Item	1	\$7,000	\$7,000
	Linemarking	Item	1	\$10,000	\$10,000
	Subtotal Signs and Pavement Marking				\$20,000
9	LIGHTING				\$0
	Intersection Lighting and associated electrical works	Item	1	\$105,000	\$105,000
	Traffic Signals and associated electrical works	Item	1	\$180,000	\$180,000
	Subtotal Lighting				\$285,000
10	FOOTPATH, MEDIANS AND CYCLEWAY - 2.6m wide				\$0
	Concrete Footpath Paving incl. Sand bedding	sq.m	630	\$100	\$63,000
	Concrete Median	sq.m	100	\$80	\$8,000
	Sawcut for Concrete Median	lin.m	100	\$60	\$6,000
	Subtotal Verge & Footways				\$77,000
11	FEES -13%				\$0
	Consulting Fees	Item	1	\$96,000	\$96,000
	Subtotal Fees				\$96,000

Total 0 \$0 \$831,100

Contingency 15% \$124,700

Final Total **\$955,800**

Fabcot \$621,300.00
Council \$334,500.00



ORANGE CITY COUNCIL

Development Application No **DA 221/2010(1)**

NA10/

Container PR13715

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*
Section 81(1)

Development Application

Applicant Name: TPG NSW Pty Ltd
Applicant Address: (Attention Marian Higgins)
PO Box 1612
NORTH SYDNEY NSW 2059
Owner's Name: Fabcot Pty Limited
Land to Be Developed: Lot 70 DP 851029 - 9 Telopea Way, Orange
Proposed Development: Retail Development (supermarket and specialty shops)

Building Code of Australia building classification:

Class 6

Determination

Made On: 14 October 2010
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: 15 October 2010

Consent to Lapse On: 15 October 2015

Terms of Approval

The reasons for the imposition of conditions are:

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

Conditions

- (1) The development is to be carried out generally in accordance with:
 - (a) **Plan/s numbered No0-017 DA00 - DA06, DA10, DA11**
 - (b) statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

Conditions (cont)

PRESCRIBED CONDITIONS

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign must 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 must be maintained while the building work, subdivision work or demolition work is being carried out.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (4) Telopea Way north of the Farrell Road intersection shall be upgraded and constructed generally in accordance with the plan submitted drawn by Geolyse project number 110044 drawing sheet 01A_E05. A concrete footpath/cycleway a minimum of 2.5 metres wide is to be constructed from the Northern Distributor Road to the northern driveway of the proposed development. These works are to be provided by the developer at no cost to Council and may, at Council's discretion, be included in the planning agreement offered by the proponent in the letter dated 13 October 2010 relating to the application.

Engineering plans, showing details of all proposed civil engineering work associated with this condition shall be submitted to, and approved by, Orange City Council prior to the issuing of a Construction Certificate.

- (5) The design shall incorporate acoustic treatment measures (including barriers, screening, plant selection, exhaust placement and loading dock treatment). The design and construction of all acoustic treatment is to be consistent with the recommended noise controls detailed in the document "Noise Impact Assessment, Proposed Retail Development, No.9 Telopea Way, North Orange NSW" prepared by Reverb Acoustics dated September 2010 document reference No: 10-1515-R1
- (6) Noise emissions from the substation kiosk shall be limited to 63dB(A), Leq at a distance of 3 metres and employ appropriate barriers, screening or other acoustic measures as required to achieve the stated limit.
- (7) A Construction Certificate application must be submitted to, and issued by, Council/Accredited Certifier prior to any excavation or building works being carried out on site.
- (8) An approval under Section 68 of the Local Government Act shall be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection.

A detailed plan indicating the proposed layout of internal and external sanitary drainage, external stormwater and external water. The water layout shall include all hydraulics for the required fire main servicing fire safety measures within the site. Details concerning the backflow prevention between the nominated tank and the potable system shall be included.

- (9) A Fire Safety Schedule specifying the fire-safety measures (both current and/or proposed) to be implemented in the building shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

Conditions (cont)

Prior to the issue of a construction certificate (cont)
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- (10) A building assessment report on the proposed development shall be prepared by a suitably qualified and accredited Fire Engineer and be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate. This report shall determine whether the proposed development will achieve compliance with the Building Code of Australia. The report shall identify non-compliance with the Deemed-to-Satisfy provisions of the Building Code of Australia and identify how and where the non-compliance issues are to be dealt with via an alternative solution under Clause A0.5 of the Building Code of Australia.
- (11) Plans and specifications shall be provided indicating all details in relation to the energy efficiency of the building in accordance with Section J (Energy Efficiency) of the Building Code of Australia.
- (12) Detailed plans indicating the layout of all sanitary and access facilities for people with disabilities must be submitted. These designs must be in accordance with Part D3 of the Building Code of Australia, Australian Standard 1428.1:2001 - Design for Access and Mobility: General Requirements for Access - New Building Work.
- (13) Detailed plans and specification shall be provided specifying the proposed fit-out of the food preparation and storage areas 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.
- (14) The applicant shall submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled, the destination of all wastes and the route to be taken by vehicles transporting wastes to disposal sites. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.
- (15) Engineering plans, showing details of all proposed civil engineering work and adhering to any conditions of development consent, must be submitted to, and approved by, Orange City Council prior to the issuing of a Construction Certificate.
- (16) A water and soil erosion control plan shall be submitted to Orange City Council or an Accredited Certifier 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.
- (17) A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, must be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

The Certificate of Compliance will be issued subject to the payment of contributions for water, sewer and drainage works - at the level of contribution applicable at that time. The contributions are based on 3 ET's for water supply headworks 3 ET's for water booster headworks and 4 ET's for sewerage headworks.

- (18) The development's stormwater design shall include stormwater retention 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 shall be determined in accordance with the requirements of the Dam Safety Committee.

The design of the detention storage shall be undertaken using the ILSAX 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.

(condition 18 continued over the page)

Conditions (cont)

Prior to the issue of a construction certificate (cont)
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(18) (cont)

A report detailing the results of the analysis, which includes:

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

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted and approved by Orange City Council or an Accredited Certifier prior to the issue a Construction Certificate.

- (19) Stormwater from the site shall be piped to the north through Waratah Sports Club, where it is to be discharged through a standard headwall with appropriate scour protection. Engineering plans of this required drainage system must be approved by Orange City Council prior to the issuing of a Construction Certificate.

The written consent of the Waratah Sports Club for the discharge of stormwater through their site shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- (20) A water reticulation analysis by "Watsys" or other Council-approved equivalent flow-modelling computer program, shall be carried out on any proposed water-reticulation system for the development. A professional engineer or other Council-approved person must carry out the analysis. The analysis shall be submitted to the Principal Certifying Authority for approval with engineering plans prior to the issuing of a Construction Certificate.

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

- (21) A 150mm-diameter sewer main and suitably sized water main shall be constructed from Council's existing mains to serve the proposed development. Orange City Council is to approve engineering plans for this sewerage and water system prior to the issuing a Construction Certificate.

- (22) A Liquid Trade Waste Application shall 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 shall 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.

PRIOR TO WORKS COMMENCING

- (23) In accordance with Section 93I(3) of the *Environmental Planning and Assessment Act 1979* the developer is to enter into a planning agreement concerning the Northern Distributor Road and Farrell Road intersection as well as the intersection of Telopea Way and Farrell Road consistent with drawing 21-19456-C003A Revision C prepared by GHD and entitled Intersection Improvements Option 3A. The planning agreement is to be consistent with the terms offered by the proponent in the letter dated 13 October 2010 relating to the development application. The agreement is to be entered into prior to physical works commencing on site.

Conditions (cont)

Prior to works commencing (cont)

- (24) The contractor responsible for supplying and installing mechanical plant must provide evidence that installed plant meets the noise emission limit detailed in the document "Noise Impact Assessment, Proposed Retail Development, No.9 Telopea Way, North Orange NSW" prepared by Reverb Acoustics dated September 2010 document reference No: 10-1515-R1. Such details should be forwarded to the Principal Certifying Authority for verification once the plant layout has been finalised.
- (25) A temporary onsite toilet shall be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
- (26) The relevant authority/ies, prior to the commencement of demolition works of the dwelling and associated sheds, must disconnect the gas, water, the electricity and the telephone services.
- (27) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (28) All construction/demolition work on the site shall 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 on Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (29) The following inspections will be required to be carried out by Council as the Water and Sewer Authority:
 - internal sewer
 - hot and cold water installation
 - external sewer
 - stormwater drainage
 - final on water, sewer and stormwater drainage and Council services.
- (30) All plumbing and drainage (water supply, sanitary plumbing and drainage, stormwater drainage and hot water supply) shall comply with the *Local Government (Water, Sewerage and Drainage) Regulation 1998*, the *NSW Code of Practice - Plumbing & Drainage* and Australian Standard AS3500 - National Plumbing and Drainage Code. Such work shall be installed by a licensed plumber and is to be inspected and approved by Council prior to concealment.
- (31) The floor surfaces of bathrooms, shower rooms, laundries and WC compartments shall be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification shall be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.
- (32) The development shall be provided with access and facilities for people with disabilities in accordance with Part D3 of the Building Code of Australia, Australian Standard 1428.1:2001 - Design for Access and Mobility: General Requirements for Access - New Building Work.
- (33) Parking facilities for people with disabilities shall comply with clause NSW D3.5 of the Building Code of Australia and the requirements of Australian Standard 2890.1:1993 - "Parking Facilities - Off-Street Parking".
- (34) Tactile ground surface indicators shall be provided for the orientation of people with vision impairment in accordance with the provisions of Australian Standard 1428 Part 4.
- (35) Bollards shall be installed outside exit doors so that such exit doors are not capable of being obstructed by vehicles, goods or other items.

Conditions (cont)

During construction/siteworks (cont)

- (36) The fit-out of the food preparation and storage areas shall 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".
- (37) Building demolition of the dwelling and any associated outbuildings shall be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures, clause 65 of the *Local Government (Approvals) Regulation 1993* and the requirements of the NSW WorkCover Authority.
- (38) The contents of the existing septic tank relating to the existing dwelling (nominated for demolition) shall be removed by a licensed contractor for disposal into Council's sewer system. The septic tank is to be excavated and disposed of at a licensed landfill and the absorption trench is to be drained and the voids limed and backfilled with clean compacted material.

Evidence of such work is to be provided to the Principal Certifying Authority.

- (39) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (40) The provisions and requirements of the Orange City Council Development and Subdivision Code shall be applied to this application and all work constructed within the development is to be in accordance with that Code.

The developer shall be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer shall 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.

- (41) A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
- (42) All driveway and parking areas shall be sealed with bitumen, hot mix or concrete and shall be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and shall be in accordance with the Orange City Council Development and Subdivision Code.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (43) All roadwork upgrades and improvements required by this consent must be completed prior to the occupation certificate being issued
- (44) No person is to use or occupy the building that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (45) Commitments listed in the Section J Report - "Energy Efficiency" must be fulfilled and certified by the installer prior to the issue of an Occupation Certificate.
- (46) 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.
- (47) A final inspection of Water, Sewer and Stormwater drainage shall be carried out by Orange City Council prior to the issue of either an Interim or Final Occupation Certificate.
- (48) Certification from Orange City Council, stating that liquid trade waste measures implemented comply with Orange City Council's Liquid Trade Waste approval, shall be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

Conditions (cont)

Prior to the issue of an occupation certificate (cont)

- (49) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater retention basin complies with the approved engineering plans shall be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- (50) Certification from Orange City Council must 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 Council assets, works on Public Land, 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.
- (51) Telopea Way shall be created as a Public Road with dimensions consistent with drawing 01A_E05 Revision A prepared by Geolyse. Evidence that Telopea Way has been created as a Public Road consistent with this condition shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (52) All of the foregoing conditions shall 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 shall be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (53) The development is permitted to operate daily between the hours of 7am to midnight only. Loading docks may be operated from 6am to midnight only.
- (54) Signs must be erected in conspicuous locations in the loading docks instructing drivers to turn off their engines once in place.
- (55) Waste disposal bins shall be located in shielded areas, possibly within the loading dock area. Waste collection shall be restricted to the loading dock operating hours.
- (56) Staff induction training for the supermarket and specialty shops must include noise abatement management including advising delivery vehicles of operating hours, the need to screen or shield noise producing plant, the need to keep waste disposal bins within screened and shielded locations,

ADVISORY NOTES

- (1) The developer is advised that any future development of the residential portion of the site, or subdivision thereof, shall require an acoustic fence, mound or other barrier 1800mm in height separating the residential area from this development.
- (2) The disconnection of the water supply of the existing dwelling at the main shall be carried out by Orange City Council. Please note that a fee (described in Orange City Council Management Plan) is required to be paid prior to the disconnection being carried out.

Other Approvals

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

Right of Appeal

If you are dissatisfied with this decision, section 97 of *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

** Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

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 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:

ALLAN RENIKE - MANAGER DEVELOPMENT ASSESSMENTS

Date:

15 October 2010