

JRPP No:	2010WES007
DA No:	DA 238/2010(1)
PROPOSED DEVELOPMENT:	Mining support facility involving a technology centre, educational establishment, research facility, light industry and office (used in conjunction with a depot on lot 5 DP 255071, technology centre, educational establishment and future research facility and light industry), 5,7 and 9 Leewood Drive, Orange.
APPLICANT:	Newcrest Mining Ltd
REPORT BY:	Team Leader – Development Assessments, Orange City Council

Assessment Report and Recommendation

Application Lodged	30 July 2010
Development Application No	DA 238/2010(1)
Plan No/s	Plans by Peter Basha Planning & Development: 10050 figures 1 and 2; Plans by Peter Hunt Architect: sheets 4-6, A100, A101 and A102, Landscape concept plan by Caledonian Landscapes: project number 10-23 sheet 1 Issue C (9 sheets)
Applicant	Newcrest Mining Ltd C/- Peter Basha Planning & Development PO Box 1827 ORANGE NSW 2800
Owner/s	Marclef Pty Limited PO Box 1507 ORANGE NSW 2800 and Malacorp Pty Ltd PO Box 1507 ORANGE NSW 2800 and Cadia Holdings Pty Ltd 9 Leewood Drive ORANGE NSW 2800
Land Description	Lots 3, 4 and 5 DP 255071, 5, 7 and 9 Leewood Drive, Orange

Proposed Land Use	Mining Support Facility involving a Technology Centre, Educational Establishment, Research Facility, Light Industry and Office (used in conjunction with a Depot on lot 5 DP 255071, Technology Centre, Educational Establishment and future Research Facility and Light Industry.)
Value of Proposed Development	\$30,000,000
Provisions of LEP 2000 (amended)	Zone 4 Industry and Employment
Details of Advertisement of Project	Advertised in the Central Western Daily on Saturday, 7 August 2010. Exhibition closed on Monday, 23 August 2010
Recommendation	Approval

THE APPLICATION

Development consent is sought for an Integrated Mining Support Facility for Newcrest Mining Ltd on land described as Lots 3, 4 and 5 DP 255071, being 5, 7 and 9 Leewood Drive, Orange. The Mining Support Facility will comprise three elements as follows:

- (1) integrated technology centre
- (2) existing depot
- (3) future laboratory and workshop facilities.

The Integrated Technology Centre will comprise three component parts consisting of:

- (1) control centre
- (2) training centre
- (3) offices.

The office referred to in (c) above is proposed to be used in conjunction with not only the elements of the Integrated Technology Centre but also the existing depot and future laboratory and workshop facilities.

The applicant has requested that the application be considered as a “staged development” pursuant to clause 83B of the Environmental Planning and Assessment Act 1979. The applicant seeks consent to construct Stages 1 and 2 of the development, with Stage 3 being conceptual only at this time.

The capital investment value of the proposal is over \$10m and in accordance with Section 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005 is deemed to be regional development. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining the application.

THE PROPOSAL

The proposed development is depicted in the attached plan set prepared by Peter Hunt Architects and includes the following components:

- Construction of an Integrated Technology Centre (ITC) on Lot 4 DP 255071. The proposed complex seeks to bring together under one roof Controllers and Schedulers from a number of Newcrest Mining operations (including Cadia East, Ridgeway, Telfer, Hidden Valley and other Newcrest sites) with the objective of remotely monitoring and controlling operations and increasing the efficiency of communications, decision making and manpower between and across the sites. The control centre, reception and amenities are accommodated within a single storey section of the building; whilst the offices and training areas are accommodated within a three storey structure at the northern end of the building.

The Proposal (cont)

The floor area breakdown of the proposed building is provided in the following table.

Stages 1 and 2 - Integrated Technology Centre	
Component	Floor Area
Control centre (Stage 1)	2243m ²
Reception and amenities (Stage 2)	560m ²
Training (Stage 2)	1168m ²
Offices (Stage 2)	2576m ²
Total	6,547m²

- The existing approved depot and office (DA 184/2009(1)) that is located on Lot 5 DP 255071 will be retained and linked to the proposed Integrated Technology Centre via an elevated walkway across the common boundary with Lot 4 DP 255071 as part of Stage 2 of the proposed works.
- Car parking and vehicle manoeuvring areas will be established as depicted in the submitted plans.
- The existing building in the southern section of Lot 3 DP 255071 is proposed to be converted to a laboratory at a later stage.
- The existing building in the north-western corner of Lot 3 DP 255071 would be retained as a workshop for mining support purposes at a later stage.

As mentioned above, the applicant has requested that the application be considered as a “staged development” under section 83B of the Environmental Planning and Assessment Act 1979. In this regard the development is proposed to be carried out in the following stages:

- Stage 1 - Construction of the control centre component of the Integrated Technology Centre and a requisite number of car parking spaces and associated landscaping.
- Stage 2 - Construction of the remaining sections of the Integrated Technology Centre being the educational establishment and the office used in conjunction with another use in the zone (being the technology centre, educational establishment and future research facilities and light industry) together with the link to the existing depot at 9 Leewood Drive; and the provision of relevant landscaping, parking and vehicle areas onsite.
- Stage 3 - Conceptual approval is sought for the laboratory conversion, occupation of existing workshop for mining support purposes, and provision of the relevant parking and vehicle areas on 5 Leewood Drive. Stage 3 of the development will be the subject of a separate development application.

SITE DESCRIPTION

The subject land comprises three separate parcels of land, all of which are zoned 4 Industry and Employment under the provisions of Orange Local Environmental Plan 2000. The subject land is described as Lots 3, 4 and 5 DP 255071. The consent of the owners of each of the parcels of land has been submitted with the application. It is not intended to consolidate the subject land into 1 lot. A summary of each site is provided below:

Site Description (cont)

Lot 3 DP 255071 (5 Leewood Drive)

Lot 3 DP 255071 comprises an area of 9913m² and has a frontage of approximately 70m metres to Leewood Drive. The depth of the subject parcel from front to rear is 128m to 155m, and the width at the rear boundary is approximately 72m. Lot 3 is developed as a transport depot and includes an existing factory/warehouse at the front of the site, an industrial shed at the rear, a separate truck wash bay, and hard sealed vehicle areas. The applicants advise that the existing activities on Lot 3 will continue until Stage 3 of the proposed development commences.

Lot 4 DP 255071 (7 Leewood Drive)

Lot 4 in DP 255071 comprises an area of 1.083ha and has frontage of some 68m to Leewood Drive. The depth from front to rear is 136m to 155m, and the width at the rear boundary is almost 82m. Lot 4 is currently vacant with a hardstand surface. The terrain is relatively level and would not constrain the establishment of the proposed building and vehicle areas.

Lot 5 DP 255071 (9 Leewood Drive)

Lot 5 DP 255071 comprises an area of 1.016ha and has frontage of 58m to Leewood Drive. The depth from front to rear is approximately 136m to 146m, and the width at the rear boundary is some 80m. Lot 5 contains a large industrial building consisting of a depot and attached two storey office. The external areas comprise a sealed car park/driveway along the eastern side of the building and a concrete loading area along the southern side (front) of the building. Lot 5 will continue to operate as a depot and offices for Newcrest Mining pursuant to the consent granted under DA 184/2009(1).

MATTERS FOR CONSIDERATION

Section 79C of the Environmental Planning and Assessment Act 1979 requires the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)

Orange Local Environmental Plan 2000 (amended)

The subject land is zoned 4 Industry and Employment under Orange Local Environmental Plan 2000 (amended) ("the LEP"). The applicant submits that the proposed development can be defined under the clause 86 of the LEP as a technology centre, educational establishment, research facility, light industry and an office used in conjunction with another use permissible in the zone. Each of the above described land uses are listed as being permissible subject to receiving development consent pursuant to clause 51(2)(b) of the LEP.

Orange Local Environmental Plan 2000 (amended) (cont)

Land described as Lot 5 DP 255071 comprising the easternmost parcel of the subject land will continue to operate as a depot and offices for Newcrest Mining pursuant to the consent granted under DA 184/2009(1). The Master Plan for the overall development of the site provides for the physical connection of the proposed integrated mining support facility with the existing depot building on Lot 5 DP 255071 across the dividing boundary by way of an elevated gantry.

The proposed control centre (Stage 1) can be defined in the LEP as a "technology centre", which means:

a building or place used for telecommunications or information technology operations including call centres, Internet service providers, and the like.

The applicant submits that this aspect of the development is in compliance with the LEP definition given that the control centre is reliant on information technology. It is understood that highly skilled technicians will monitor the mining and processing operations, review and evaluate the available data/video, and remotely control the various items of plant within the operations to achieve optimal performance. As such, the centre and its technicians require the latest in high speed technology, communications and operator interfaces to provide real time data capture and control.

The proposed training centre (Stage 2) can be defined in the LEP as an "educational establishment" which means:

a building or place principally used for education and training and includes:

- (a) a school and*
- (b) a tertiary institution, including a university or TAFE college, providing formal education which is constituted by or under an Act and*
- (c) adult or community education and*
- (d) training facilities and*
- (e) a museum*

whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain.

The proposed office space (Stage 2) can be defined in the LEP as an office which means:

a building or place used for the purpose of administration, clerical, technical, professional or like activities, where dealings with members of the public are not on a direct and regular basis or otherwise than by appointment, but excludes a building or place elsewhere defined in this plan.

An office is permissible in zone 4 with consent provided that the activity is used in conjunction with another use permissible in the zone. Council's solicitors advise that the expression "in conjunction with" may be interpreted as meaning "alongside", "together with" or "combined with".

Orange Local Environmental Plan 2000 (amended) (cont)

The LEP does not indicate that the scale or role of the office needs to be subservient to any of the conjunctive uses. In any event, the office function is considered to be central to the integration that is to be achieved within the overall development. In this regard, the office will interact with not only the other elements of the integrated technology centre but also the existing depot on Lot 5 and future stage, being the laboratory and workshop facilities on Lot 3.

The applicant seeks conceptual approval for Stage 3 of the project. Stage 3 involves the development of a laboratory and light industry and associated car parking on Lot 3. The laboratory component is defined in the LEP as a "research facility", which means:

a building or place used for the design, testing, research or development associated with mining, agriculture, industrial goods, or commercial products.

The workshop component is defined in the LEP as a "light industry" which means:

an industry in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood.

Based on the above analysis and the legal advice received from McIntosh, McPhillamy & Co, it is considered that the proposed development is permissible with the development consent of Council pursuant to clause 57(2)b of the LEP.

Clause 24 - The Zones

Prior to determining an application for consent, the consent authority is required to consider how the development meets:

- (a) the general aims of the LEP
- (b) the specific objectives of the zone in which it is proposed to be carried out, and
- (c) any other relevant objectives and requirements of the LEP.

Each of the above described matters are addressed below.

Clause 2 - Aims of Plan

The general aims of the LEP are as follows:

- (a) *encourage development which complements and enhances the character of the City;*
- (b) *provide for a range of development opportunities which contribute to the social, economic and environmental resources of the City in a manner that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development;*
- (c) *conserve and enhance the water resources on which the City depends, particularly water supply catchments;*

Clause 2 (cont)

- (d) *manage rural land as an environmental resource that provides economic and social benefits for the City;*
- (e) *provide a range of housing choices in planned urban and rural locations to meet population demands;*
- (f) *recognise and manage valued environmental heritage, landscape and scenic features of the City;*
- (g) *manage development in the vicinity of major industry and utilities for the benefit of the community;*
- (h) *improve accessibility within and around the urban area of Orange by providing for traffic relief routes.*

In relation to aim (a), the character of the City will not be adversely affected. The proposed development is most appropriately located within a well established industrial estate.

In relation to aim (b), the proposal would have a beneficial effect in terms of the social, economic and environmental resources of the City. There are no aspects of the proposal that would compromise the principles of ecologically sustainable development.

In relation to aim (c), there are no aspects of the proposal that would represent a direct threat to the City's water resources.

In relation to aim (d), the management of rural land as an environmental resource is not relevant to this proposal.

In relation to aim (e), the proposal does not impact upon the City's range and supply of housing choices.

In relation to aim (f), given that the proposed development is within an established industrial area, it would not adversely affect the value of heritage, landscape and scenic features of the City.

In relation to item (g), the proposal does not encroach on major industry or utilities. It is appropriately located in terms of the surrounding landuse pattern.

In relation to item (h), a traffic assessment has been undertaken which demonstrates that the proposed development would not adversely affect traffic accessibility within and around the urban area of Orange.

The objective of zone 4 is:

to provide areas for a range of industrial and employment generating uses, and permit commercial development where it is ancillary to and associated with an industrial or employment generating use of land within the zone, or it serves the convenience needs of the workforce in the area, provided that commercial development does not have an adverse impact on the continued viability of business zones in Orange.

The proposed development is considered to be consistent with the objectives of zone 4. It represents an employment generating use that is appropriately located in an industrial area in conjunction with another current use permissible in the zone.

Clause 8 - General Considerations for Development

Before determining an application for consent to development, where relevant, consideration shall be given by the consent authority to:

- (a) the potential of that development to impact on:*
 - (i) water quality of waterbodies, and*
 - (ii) groundwater resources, and*
 - (iii) the ability of rural land to be used for primary production, and*
 - (iv) soil resources, and*
 - (v) mineral resources, mines and extractive industries, and*
 - (vi) existing vegetation, native flora and fauna, and*
- (b) the cumulative impact on the environment of:*
 - (i) the development, and*
 - (ii) other development in the vicinity of the proposed development, and*
- (c) the impact on the scenic landscape or urban character of the area, and*
- (d) the impact of development on energy conservation, and*
- (e) the impact of the development on waste generation, and*
- (f) any measures necessary to mitigate any of these impacts.*

In relation to items (a)(i) to (vi), due to the highly urbanised state of the site and its surrounds, there are no aspects of the proposal that would adversely affect water quality, rural land, soil resources, mineral resources or native flora and fauna.

In relation to items (b)(i) and (ii), the cumulative impact of the development is considered satisfactory as the proposed development is located within an industrial precinct and all likely impacts identified as part of the assessment can be suitably managed onsite. The potential impacts are considered to be less than those which may be generated by typical industrial activities given the internal processes proposed for the development.

In relation to item (c), it is considered that the proposal would not adversely affect the urban character of the area. Matters in relation to the height and bulk of the proposed building in relation to other buildings in the precinct and its impact on the surrounding residential areas is addressed below under the heading "Clause 59 -Development in the Vicinity of Residential Development".

In relation item (d), the applicant has acknowledged that the building will need to satisfy the principles of environmentally sustainable design and that Part J of the Building Code of Australia will need to be addressed at the construction certificate stage of the development. A draft condition of consent is recommended in relation to this matter.

In relation to item (e), the applicant will be required during the construction and operational phases of the development to ensure that unreasonable waste generation does not occur. The applicant will be required to prepare and implement a waste management plan for the proposed development. The waste management plan will need to address issues in relation to waste minimisation and possible opportunity for recycling of unwanted materials. A draft condition of consent is recommended in relation to this matter.

Clause 8 (cont)

In relation to item (f), the potential impacts of the proposal will be addressed below under the heading “Likely Impacts of the Development”.

Clause 12 - Objectives of the Special Environmental Considerations

Part 3 of the LEP provides special environmental considerations. According to Clause 12 of the LEP, the objectives of this Part are:

- (a) to protect the City’s water resources, and*
- (b) to minimise the impact of development on the continued operation of existing major industry, utilities and infrastructure on which the City depends, and*
- (c) to ensure that land is adequately serviced prior to use, and*
- (d) to minimise the impact of development on the environment, and*
- (e) to minimise the impact of development on the operation of existing and proposed major roads.*

In relation to item (a), the proposal does not pose an unreasonable threat to the City’s water resources.

In relation to item (b), the proposal does not adversely affect the continued operation of existing major industry, utilities or infrastructure upon which the City depends. The proposal facilitates improvement in the function, efficiency and safety of one of the region’s largest enterprises.

In relation to item (c), the further augmentation of utility services will be met as part of the development without unreasonable burden to the community.

In relation to item (d), the potential impacts of the proposal will be addressed below under the heading “The Likely Impacts of the Development”.

In relation to item (e), matters in relation to traffic impacts will be considered below under the heading “The Likely Impacts of the Development”.

Clause 59 - Development Near a Residential Zone

Clause 59 of the LEP provides that consent may be granted for development within zone 4 which is in the vicinity of land within a residential zone only if, in the opinion of the consent authority, it would be compatible with the character and amenity of the existing and likely future nearby residential areas in terms of:

- (a) its design, siting and landscaping, and*
- (b) its methods and hours of operation, traffic generation and car parking, and*
- (c) noise, light, dust and odour nuisance, and*
- (d) privacy and overshadowing.*

Clause 59 (cont)

The subject land adjoins the Glenroi residential area to the north on the opposite side of Blowes Road. Matters in relation to the suitability of the design and the impact of the development on the adjacent residential area will be addressed below under the heading “The Likely Impacts of the Development”.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy Infrastructure 2007

The proposed development is defined as traffic generating development pursuant to clause 104 and column 1 of the Table to Schedule 3 of SEPP (Infrastructure) 2007. In accordance with the requirements of the SEPP, Council gave notice of the application to the Roads and Traffic Authority.

The RTA has since responded and advised that it does not object to the proposed development and have requested that the following matters are taken into consideration in the assessment of the proposal:

- Given the continuing development to the south of the city centre it is again strongly recommended that Orange City Council develop a strategic approach to traffic management and implement this approach when considering the impact this and future development will have on the state of local roads in the area and the intersection of those roads.
- Should there be a concern as to the increased traffic flows on the affected roads during peak periods it may be suggested to the developer to consider changing shift hours to minimise the impact of the traffic generated on the network during those peak periods.

Matters in relation to the RTA comments and traffic impacts in general have been addressed below under the heading “Likely Impacts of the Development”.

State Environmental Planning Policy (Major Development) 2005

The capital investment value of the proposal is over \$10m and in accordance with Section 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005 is deemed to be regional development. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining the application.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)

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

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

Development Control Plan 2004

Orange Development Control Plan 2004 (*Part 9 - Development in the Industry and Employment Zone* and *Part 15 - Car Parking*) is applicable to this proposal and sets the following Planning Outcomes:

- *Buildings are set back a minimum of 10m from front boundaries (5m to a secondary boundary on a corner lot) for lots greater than 1000m² or 5m for lots less than 1,000m² or otherwise to a setback consistent with existing setbacks in established areas.*

The submitted plans show that the proposed building has a minimum front boundary setback of some 20m and therefore complies with this Planning Outcome. The development does not alter the front or side boundary setbacks of the existing buildings on Lots 3 and 5.

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

Works associated with Stages 1 and 2 of the proposed development are primarily confined to land described as Lot 4 DP 255071. This lot has a site area of 1.0792 ha (10,792m²). The submitted plans and documentation show that the integrated technology centre has a footprint area of 4,128m². The site coverage for development on Lot 4 is approximately 38% and well in compliance with this Planning Outcome. The proposed development does not alter the site coverage situation in regard to Lots 3 and 5.

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

A landscape plan with respect to Lot 4 has been submitted in support of the proposal. The applicant has adequately demonstrated that the proposed landscaping satisfies the planning outcome. The width of the landscape bed at the Leewood Drive frontage is generally greater than the 3.5m as encouraged by the DCP. The applicant has acknowledged that a short section of the landscape bed at the site frontage is less than 3.5m in width. It is considered that the minor departure to the DCP requirement is acceptable in this instance given that the landscape bed widens to some 10m in the front setback area and that the landscape proposal provides for adequate plantings in this area to ensure that the development integrates with surrounding development.

Development Control Plan 2004 (cont)

The species list includes deciduous and evergreen trees capable of achieving a mature height commensurate with the height of the proposed building. A series of trees and shrubs are also proposed to enhance screening of the development at an intermediate level. The plan depicts landscaping that is strategically positioned to achieve reasonable screening and softening of the building and vehicle areas.

Council has previously granted development consent under DA 184/2009(1) for the use of Lot 5 DP 255071. The approved plan provided for the landscaping of this section of the site. The proposal does not seek approval to alter the approved landscape plan on that part of the site. It is noted that the landscaping under that plan has not been undertaken at this time. This matter will be pursued by Council under separate cover.

As discussed above, conceptual approval only is being sought for works associated with Stage 3, being the remaining car parking areas, laboratory conversion and the occupation of existing workshop for mining support purposes. Stage 3 of the development will be subject to a separate development application, during the consideration of which the consent authority will have the opportunity to further consider landscaping issues on that particular site.

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

The development pattern to the east, south and west comprises well established industrial landuses associated with the Leewood Industrial Estate. Large industrial buildings are prevalent in the locality. The majority of sites comprise parking at the front, with industrial yards located at the rear and side of buildings.

The proposed building is well articulated and provides visual relief and interest at a street level. The bulk, scale and height of the building are addressed by recessive upper levels, varied external finishes, glazing and modulation of the building facades. Whilst the building is large in dimension, the potential for it to appear imposing or prominent is reduced to a degree by the generous setback of the development from Leewood Drive and Blowes Road and the fact that the proposed three storey elements of the building are generally located centrally within the subject land. The overall design and finish of the building are considered to be impressive when compared with the typical style of industrial/warehouse type developments that exist within the surrounding industrial precinct.

The proposed building and its external areas are considered to meet the design planning outcome contained within the DCP.

- *External materials consist of non-reflective materials.*

The use of both colour and texture as proposed will ensure a contextual fit with surrounding existing developments. In general, the submitted plans show that neutral shades of grey and off-white will be offset with feature colour highlights in steel shade structures, glazing spandrel panels, corporate signage and entry statements.

The proposed building materials are considered to be non-reflective and will satisfy the planning outcome contained within the DCP.

Development Control Plan 2004 (cont)

- *Adequate parking and onsite manoeuvring is provided.*

Part 15 of the DCP (Car Parking) applies to the proposed development. The proposed development involves a mix of land uses, including a technology centre, educational establishment, research facility, light industry and office. Whilst the DCP specifies a minimum parking requirement for an office, light industry and an educational establishment, the provisions do not provide specific parking requirements for the control centre (defined in the LEP as a technology centre); or the laboratory (defined in the LEP as a research facility). In the absence of a specific definition, the applicant has requested that the DCP parking requirement of 1 space per 40m² of gross floor area (being the typical rate applied for office or business premises) be adopted for the purposes of the assessment of those elements. This position is supported by Council.

With regards to the proposed training centre (defined in the LEP as an *educational establishment*) the parking requirement is based on a rate of 1 space for every two employees plus 1 space for every ten students over 17 years of age. The applicant has indicated that based on the likely function of the training facility, adoption of this rate would result in a large deficiency in onsite parking.

On this basis, the applicant has requested that the DCP parking requirement of 1 space per 40m² also be adopted for the purposes of the assessment of those elements. This position is also supported by Council given the wide variation between the rate applicable to an educational establishment and that of an office. The proposed rate is considered to be a more realistic standard of parking for the proposed development.

Under clause 87 - General Terms of Orange LEP 2000, gross floor area (GFA) is defined as follows:

Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices, and any elements, projections or works outside the general lines of the outer face of the external wall, and*
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and*
- (c) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access to it, and*
- (d) space for the loading and unloading of goods.*

The submitted plans show that the proposed control centre has a building footprint of 2,243m². The applicant submits that only 1,473m² of the 2,243m² building footprint for Stage 1 would comprise GFA under the above described definition. The applicant argues that the remaining area of building comprising 769.96m² represents machinery and plant rooms and ought not be included in GFA calculations.

Development Control Plan 2004 (cont)

A breakdown of the proposed machinery and plant rooms as described in the applicants submission is as follows:

Screen zone/corridor:	91.23m ²
Generator:	108.32m ²
AHU:	97.62m ²
Data Room A:	117.84m ²
Data Room B:	117.84m ²
UPS/Battery:	99.36m ²
MSSA:	21.59m ²
MSSB:	22.01m ²
Compound:	64.13m ²
Transfer:	30.02m ²
Total	769.96m²

The applicant has requested that the plant and machinery areas listed above should not be included in GFA due to the following:

- *The specified plant and machinery rooms will not be occupied by staff. The only time that staff would enter any room is for maintenance or monitoring purposes.*
- *The screen zone comprises display screens and the corridor behind is to allow servicing and maintenance only.*
- *The generator room comprises part of the back-up power supply for the operation. It is not a habitable room.*
- *The AHU (air handling unit) comprises mechanical plant associated with the building's air-conditioning system. It is not a habitable room.*
- *Data Room A and Data Room B comprise computer banks and all data related equipment for the operation. Each room is a duplicate of the other to safeguard the operation in case one room/system breaks down. These rooms are not habitable. They are heavily secured and access to either room is highly controlled.*
- *The UPS (uninterrupted power supply) and battery room forms part of the back-up power supply for the operation. It is not a habitable room.*
- *MSSA and MSSB (main switch services A and B) are the electrical service rooms for the operation. Each room is a duplicate of the other to safeguard the operation in case of power failure. These rooms are not habitable.*
- *The compound is a secured receipt/storage area for the plant and machinery area. It is not a habitable room. Access to the compound is infrequent and only allowed under strict security arrangements.*
- *The transfer room is a secure hold for waste paper and documents associated with the operation. Such waste is held in this room until ready for disposal.*

It is agreed that the above listed areas of the building can be excluded from GFA calculations for the proposed control centre, with the exception of the proposed data rooms. It is considered that the proposed data rooms do not satisfy the stated exclusions from GFA calculations as banks of computers could not be considered in the strictest sense to be plant unless controlling plant. The proposed data rooms comprise an area of 235.68m². Accordingly GFA parking calculations for this aspect of the development will be based on an area of 1708m².

Development Control Plan 2004 (cont)

Based on the above assumptions and assessment of GFA, the tables below provide the parking calculation for the proposed development:

STAGES 1 AND 2 PARKING REQUIREMENTS - DCP 2004				
Component	GFA	Parking Classification as per DCP	Parking Rate as per DCP	Spaces Required
Control Centre	1708m ²	Office	1 space per 40m ² of GFA	42.7
Reception & Amenities	560m ²	Office	1 space per 40m ² of GFA	14
Training	1168m ²	Office	1 space per 40m ² of GFA	29.2
Office	2576m ²	Office	1 space per 40m ² of GFA	64.4
Total parking required for Stages 1 and 2				150.3 (151)

STAGE 3 PARKING REQUIREMENTS - DCP 2004				
Component	Area	Parking Classification as per DCP	Parking Rate as per DCP	Spaces Required
Laboratory	840m ²	Office	1 space per 40m ² of GFA	21
Workshop	650m ²	Industry	1 space per 100m ² of GFA	6.5
Total parking required for Stage 3				27.5 (28)

Based on the above assessment a minimum of 178 off-street parking spaces would be required to be provided on the land to serve the overall development. The Master Plan submitted in support of the proposal indicates that a total of 235 parking spaces will be provided in addition to the parking available on the existing approved development on Lot 5 DP 255071 (existing depot and office).

An assessment of Stages 1 and 2 of the development indicates that the development will require the provision of 151 off-street car parking spaces. Whilst the overall Master Plan for the development shows up to 235 spaces, the submitted plans for Lot 4 DP 255071 show that 125 spaces would be provided at the end of Stages 1 and 2, which represents a shortfall of 26 spaces.

It is agreed that the proposed parking resources for Stages 1 and 2 would exceed the minimum requirement for the regularly occupied components, being the control centre, office, and reception/amenities area; and that parking congestion onsite would only occur when full capacity training sessions are held onsite.

The applicant submits that alternate indication as to the adequacy of the parking resources can be related to employee numbers. According to Part 15 of the DCP, parking in industrial and warehouse developments may be calculated at a rate of 1 space per two employees. Based on this indicator, the proposed parking resources in stages 1 and 2 (125 spaces) would accommodate a full time workforce of 250 employees. This position is not supported by Council on the basis that the development does not represent a typical industrial development. Given the nature of the development, its location within an industrial estate and the lack of public transport, it is reasonable to assume that a high proportion of employees would drive to the site. It is acknowledged, however, that there may be some car pooling from time-to-time with employees sharing vehicles and some employees may cycle or walk to work.

Development Control Plan 2004 (cont)

The applicant advises that the control centre and office would accommodate approximately 180 staff onsite on a regular work day. It could be argued that a sufficient number of spaces are available for this aspect of the development. However, on training days (one per week) it is understood that up to 250 employees could be onsite at any one time, which will place pressure on the ability of the development to accommodate vehicles onsite. Until such time that Stage 3 of the development is constructed it is considered that there would be insufficient parking provided for Stage 2 of the development. Thus potential would exist for parking congestion onsite and therefore a possible impact on Leewood Drive.

The applicant advises that employee numbers and shift patterns will generally be as follows:

Control Room

Monday to Friday day shift:	7am to 7pm = 45 staff
Saturday and Sunday day shift:	7am to 7pm = 15 staff
Monday to Sunday night shift:	7pm to 7am = 15 staff

Office

Monday to Friday:	7am to 4pm = 100 staff
	9am to 6pm = 35 staff

Training Centre

One large session per week:	approximately 60 to 80 people
Two smaller sessions per day:	approximately 10 people per group

The proponent has indicated in the statement of environmental effects that in the preliminary planning of the project they investigated the potential to provide additional parking spaces on the land. The proponent indicated that up to 152 car parking spaces could be provided within Lot 4, however the provision of such spaces would significantly impact the amount of landscaping that is proposed for the development, which was considered to be a less desirable solution.

It is understood from the advice provided by the proponent that due to contractual arrangements with the current owner of Lot 3, this land is not available to provide parking to serve Stages 1 and 2 of the development. The proposal as submitted seeks approval to use overflow parking on the eastern side of the existing depot within Lot 5 as an interim measure to alleviate parking congestion when training days are held until such time that contractual arrangements are honoured and works associated with Stage 3 are formally undertaken. The temporary arrangements would involve the construction of a temporary access road along the northern side of the existing depot to improve connectivity between Lots 4 and 5, with parking being made available on Lot 5.

Development Control Plan 2004 (cont)

Pursuant to DA 184/2009(1) the depot and office at their current level of operation are required to have 34 off-street parking spaces provided. The depot currently has 53 spaces provided onsite. This represents a parking excess of 19 spaces on Lot 5 with a further 6 off-street car parking spaces being achieved on Lot 5 following the construction of the access driveway. The availability of such spaces would essentially accommodate the parking shortfall of 26 spaces on Lot 4.

Further, it appears from a site inspection of Lot 5 that the parking resources on this site are currently underutilised. On this basis it is reasonable to suggest that opportunity would exist for further informal overflow parking to be accommodated on Lot 5 during this interim period should the need arise.

The location of the proposed temporary road conflicts with the approved location of the building additions proposed under DA 184/2009(1). The proponent has indicated that the proposed additions as approved under DA 184/2009(1) would not take place within Lot 5 while this interim arrangement was in place. In terms of timing the proponent estimates that Stage 3 would commence by mid 2014 subject to circumstances at the time. In any event, the proponent has given an assurance that the interim arrangements would remain in place until Stage 3 is completed. In the event that the approved development within Lot 5 was to be carried out prior to the completion of Stage 3 it would be necessary for the proponent to formally alter the location of the connecting road between each lot.

Given that the proposal does not involve the consolidation of land, in order to formalise the interim parking arrangements it is recommended that a reciprocal right-of-carriageway be placed over the proposed driveway system within Lots 4 and 5 to ensure legal access. In addition it is also recommended that a right-of-carriageway be placed over at least 26 off-street parking spaces within Lot 5 that benefit Lot 4. On this basis, it is agreed that the shortfall of parking could be legally accommodated on Lot 5 during this interim period.

It is noted that in the long term when Stage 3 is completed the parking provision for development on Lots 3 and 4 will be some 62 spaces in excess of the minimum parking requirement. Upon completion of Stage 3, the temporary access road between Lots 4 and 5 and the above described right-of-carriageway would become superfluous.

With regards to the overall parking design, the submitted plans show that the parking layout will comply with AS 2890.1 User Class 1 (employee and commuter parking with single manoeuvre entry/exit). For 90° parking, this requires parking bay widths to be a minimum of 2.4m (2.5m is proposed), parking bay lengths to be a minimum of 5.4m, and aisle widths to be a minimum of 6.2m.

The submitted plans show that the vehicle manoeuvring and loading areas will be provided in a manner to ensure that no related activities occur beyond the boundaries of the site. The site layout has been designed to allow all vehicles associated with the operation to enter and exit the site in a forward direction at all times. Further discussion and assessment of traffic related matters are considered below under the heading "The Likely Impacts of the Development".

Development Control Plan 2004 (cont)

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

The proposed signs as indicated in the elevation drawings would be compliant with the exempt development criteria contained within the DCP and, as such, no formal approval for the signage is required.

Any future advertising signage will be required to comply with Council's provisions relating to exempt or complying development, or be subject to a separate development application.

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

The existing palisade fencing along the frontage of the warehouse site (Lot 5) is proposed to be continued along the street frontage of Lots 3 and 4. It is proposed that this style of fencing would also be established along the side and rear boundaries as the development progresses in stages.

Motorised security gates are proposed across the principal entrance as indicated in the attached site plan. The proponent advises that the proposed gates will only be closed during the night time operations. At all other times the gates will remain open to ensure uninterrupted transition from Leewood Drive to the site. The proponent submits that the closed gate arrangement for night time operation is acceptable on the following basis:

- *traffic levels along Leewood Drive at night are expected to be lower than that experienced during daylight hours*
- *the remote opening of the gate can be activated from the vehicle, thus enabling the driver to remain in the vehicle*
- *the gate will be fully opened within 12 seconds of being activated*
- *the gate is recessed to enable two vehicles to stand without impeding the roadway.*

It is agreed that the proposed operation of the gates will not impact unreasonably on traffic flow. The proposed security gates and fencing are considered to be visually appropriate in the context of the proposed development and the industrial setting of the locality.

MATTERS PRESCRIBED BY THE REGULATIONS

The Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered in determining a development application. The following information is provided in respect of the relevant prescribed matters:

Clause 94 (*Buildings to be Upgraded*) applies to a development application for development comprising the rebuilding, alteration, enlargement or extension of an existing building. In determining the application, the consent authority is required to take into consideration whether it would be appropriate to require the existing building on Lot 5 to be brought into total or partial conformity with the Building Code of Australia (BCA).

Matters Prescribed by the Regulations (cont)

Fire safety considerations regarding the connection of the proposed three storey section of the building to the building on the adjoining allotment will be required. The connection is by an enclosed walkway between the two buildings over a common boundary.

On the basis that the land is not consolidated, the buildings will need to be assessed as two fire compartments within a united building as defined by the BCA. This will require the applicant to ensure that the existing building on Lot 5 complies with the BCA. Given the size and age of the building it is likely that alternative solutions will be required to be developed by a fire engineer. The applicant is aware of this requirement.

With regards to BCA compliance, the proposed building may also result in the need for alternative fire solutions due to its size. Notwithstanding this Council's, Environmental Health and Building staff advised that the buildings can readily achieve compliance with the BCA. These construction details would be required to be addressed with an application for a construction certificate.

With regards to Stage 3, of the development the applicant will be required to submit a further development application for consideration. Matters in relation to fire safety for this aspect of the development will be determined when and if an application is made.

Recommended conditions of consent in relation to the above matters are included in the attached draft Notice of Approval.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)

Traffic Impacts

The potential for traffic impacts relate mainly to the capacity of the local road network to accommodate the increase in traffic levels as a result of the development and the ability for vehicles to enter and leave the site in a forward direction. The application is accompanied by a Traffic Report prepared by Colston Budd Hunt and Kafes Pty Ltd. The recommendations contained within the Traffic Report indicate that the proposed development is satisfactory in terms of traffic effects.

The road network in the vicinity of the development includes Edward Street, Little Brunswick Street, Elsham Avenue, Blowes Road, Leewood Drive and Ash Street. The traffic generated by the proposed development will have its greatest effects during the morning and afternoon peak periods when traffic from the proposed development combines with other industrial and commuter traffic on the surrounding road network. The Traffic Report indicates that the proposed development would generate some 0.6 to 0.8 vehicles per hour two-way per parking space during the morning and afternoon peak periods. Application of these rates to the proposed 235 parking spaces results in a traffic generation of some 140 to 190 vehicles per hour two-way during peak period. It is estimated that 10 to 20 vehicles per hour during the morning and afternoon peak periods will involve movements between the proposed development and the existing mining operation at Cadia Valley. The proposed development would also involve a redistribution of existing trips to/from the existing mining operation at Cadia Valley during peak periods that currently occur to other areas of the City.

Traffic Impacts (cont)

Existing traffic flows plus traffic generated by the proposed development are shown on Figures 2 and 3, and summarised in Table 3.1 of the Traffic Report. This table shows that the traffic flow increases on Leewood Drive at the entrance to the site would be some 190 vehicles per hour two-way during the morning and afternoon peak periods. Traffic flow increases on Elsham Avenue and Edward Street, away from the site, would be between 65 to 170 vehicles per hour two-way during peak periods. Traffic flow increases on Blowes Road and Ash Street are estimated to be 20 to 40 vehicles per hour two-way during peak periods.

Council's Technical Services Division advises that the recommendations and findings of the traffic assessment prepared by Colston Budd Hunt and Kafes Pty Ltd are acceptable. In the context of likely traffic volumes for the development within the estate, it is reasonable to suggest that traffic impacts as a result of this proposal will be relatively modest. Whilst it is acknowledged that the proposed development will generate an increase in local traffic beyond that previously anticipated to use the site, the road network serving the development is considered to be of a standard that can accommodate the anticipated traffic movements. Further, in response to concerns raised by the RTA with regards to incremental traffic impacts on Forest Road as a result of the increasing amount of development proposed in South Orange, it should be noted that Council has adopted a strategic approach to alleviating traffic issues in this area through the planned capital works program for the future construction of certain sections of the Southern Distributor Road.

The site layout allows vehicles to enter and exit the site in a forward direction at all times. The applicant has demonstrated that the site can accommodate the forward ingress and egress and loading/unloading of vehicles associated with the future development of the site without disruption to traffic flow along Leewood Drive. The roundabout at the northern end of the central roadway will, however, need to be designed and constructed to enable vehicles to drive over the central island. The current design is restrictive and any large vehicles would not be able to manoeuvre around the central roundabout island. Attached is a recommended condition of consent in relation to this matter.

Noise Impacts

The ambient noise levels of the area are defined by the existing industrial activities associated with the Leewood Estate. It is considered that the proposed development does not involve any processes or activities that would generate unreasonable noise impact beyond the existing situation.

A Traffic Noise Assessment prepared by Indigo Acoustics was submitted in support of the development to assess if traffic increase as a result of the development proceeding would generate unreasonable noise impact, particularly in regard to the residential area on the northern side of Blowes Road. The assessment found in all cases, except on Leewood Drive itself, that the predicted increase in traffic noise is less than 2dBA, which meets the noise goal.

The results of the traffic assessment indicate that no significant increase in traffic noise is predicted at any residential location as a result of this proposed development. In particular, at the residential area on the northern side of Blowes Road the predicted traffic noise increases are approximately 0.5dBA. Such an increase is unlikely to be noticed and will have a negligible impact.

Lighting

The nearest dwelling is located approximately 80m from the northern boundary of the subject site. To ensure that external lighting does not cause adverse impacts attached to the draft Notice of Approval is a condition which requires the applicant to prepare and submit for approval a lighting plan for the site specifying lighting systems that provide effective illumination of the site without causing light scatter or disturbance to neighbours, the road system and particularly the residential neighbourhood to the north. The lighting plan shall be designed to satisfy compliance with AS 4282-1997 – Control of the Obtrusive Effects of Outdoor lighting.

Dust and Odour

The proposed operation does not involve processes or activities that would affect the neighbourhood in terms of waste, dust, odour or atmospheric discharges.

Social and Economic Effect

The proposed development has the potential to generate positive social and economic effects. The proposed development facilitates improvement in the function, efficiency and safety of one of the region's largest enterprises and employers. The proposal will reduce travel times and trips for those personnel that will relocate from Cadia Valley Operations.

The proposal represents a major and long term investment in the City and strengthens the role of Orange as a major regional business and service centre. The construction phase of the development will generate employment and economic benefits. There appear to be no negative social effects generated by the proposal.

Environmental

Earthworks relating to the development of land may have a detrimental impact on the environment in terms of erosion and water quality. The proposed development is required to conform with the requirements of Council's Development and Subdivision Code. Attached is a range of conditions to ensure that the development proceeds in an acceptable manner in accordance with the requirements of this code.

Stormwater Management

The subject land is affected by a 1:100 year overland flowpath that traverses the land. The overland flowpath is located within the proposed central driveway system. The proponent will be required to ensure that the minimum floor height of the development is 500mm above the 1:100 year flood level. Attached is a recommended condition of consent addressing this matter.

Stormwater Management (cont)

The development will increase the peak rate of discharge of stormwater from the site. The proposed building and vehicle areas will alter the existing stormwater catchment characteristics. Council's stormwater drainage system located downstream of the site is not expected to accommodate the increased runoff generated by the development. The proponent will be required to provide an onsite stormwater retention system to limit the peak rate of discharge from the site after development to the same rate of discharge calculated prior to the development taking place in accordance with Council's adopted stormwater management policy.

Attached is a recommended condition of consent in relation to this matter.

Waste Management

The proposed works will generate certain building wastes. In accordance with Council's normal requirements the applicant will be required to prepare a waste management plan to manage construction waste. Attached is a recommended draft condition of consent in relation to this matter.

The management of waste when the building is functioning will include the provision of garbage enclosures and general recycling of other suitable wastes including packaging, glass and plastics.

The applicant advises that the proposed use does not generate liquid trade waste. In accordance with Council's normal requirements the applicant will be required to enter into a trade waste contract with Council prior to the issue of a Construction Certificate.

Safety and Security

The development proposes visually permeable security fencing along the frontage to provide adequate security of the site. A recessed security gate will be provided to assist in controlling unauthorised persons to the site. It is noted from the applicant's submission that the gate will be permanently open during daytime operations; however a swipe system will be activated at night to secure the site. The proposed security fence will provide satisfactory spatial definition between the public realm and the proposed operations of the business.

Natural surveillance of the site from the proposed control centre (Stage 1) is considered to be limited due to the lack of windows proposed along the southern and western elevations of the building. The office and training facilities proposed as part of Stage 2 of the development will introduce a level of natural surveillance of the site via the main entrance and upper level office areas which overlook the proposed central car park. The surveillance provided from this part of the site is restricted to a degree due to the setback of the three storey component of the development from the front entrance of the site.

Safety and Security (cont)

The site is proposed to be “well illuminated”, however details of the lighting (such as type, brightness, distribution, colour rendition and obstructions) have not been provided to Council for assessment. Attached is a recommended condition of consent which requires the applicant to prepare and submit for approval a lighting plan for the site specifying lighting systems that provide effective illumination of the site. The proposed security fencing and required lighting system for the site, together with the 24 hour manned operation of the premises, provide reasonable measures to minimise potential for crime during night time operation.

Impacts on Surrounding Development

Clause 59 of the LEP relates to development near a residential zone and states that consent may be granted for development within zone 4 which is in the vicinity of land within a residential zone only if, in the opinion of the consent authority, it would be compatible with the character and amenity of the existing and likely future nearby residential areas.

The nearest residential zone is located approximately 80m from the northern boundary of the subject site. Despite the fact that the proposed development will operate 24 hours a day, the potential for an unreasonable increase in noise impacts by the development is considered minimal. The residential neighbourhood to the north enjoys reasonable separation from the site due to the broad corridor created by Blowes Road and the Council reserves on either side of that road.

Further, the submitted plans show that the main access to the subject land is located off Leewood Drive and is well separated from residential properties to the north. The provisions of the Protection of the Environment Operations Act would ordinarily apply in circumstances where emitted noise from the site exceeded any noise goals contained within the industrial noise guidelines. Further assessment of noise impacts has been provided under the heading “Noise Impacts”.

To ensure that lighting does not cause adverse impacts, the applicant proposes to prepare a lighting plan for the site specifying lighting systems that provide effective illumination of the site without causing light scatter or disturbance to neighbours, the road system and particularly the residential neighbourhood to the north. Attached is a recommended condition to this effect.

An evaluation of the proposal indicates that the proposed operations will not involve processes or activities that would affect the neighbourhood in terms of waste, dust, odour or atmospheric discharges. Generally it is considered that the proposal adequately addresses the typical interface issues that arise when development is proposed on the industrial and residential fringe. The proposal is considered to be an appropriate landuse and one that is unlikely to cause unreasonable impacts on surrounding development.

Environmentally Sustainable Development

In order to address matters relating to environmentally sustainable development and energy efficiency, the applicant has advised that an energy efficiency statement pursuant to Part J of the Building Code of Australia will be submitted at the Construction Certificate stage of the development process. The applicant submits that the building will be designed to meet the equivalent for a 5 star rating under the Green Building Council of Australia Office Development Guidelines. The applicant further submits that a number of previously successful initiatives will be implemented in the design of the building to assist in the achievement of an optimum ESD outcome. These typically include energy and water saving devices, extensive shading devices, high efficiency lamps and associated fittings, together with appropriate airflow and orientation of the building.

THE SUITABILITY OF THE SITE s79C(1)(c)

Physical Attributes

In terms of its physical attributes the site is considered to be suitable for the development. The subject land is zoned 4 Industry and Employment and the development is consistent with the objectives of the zone.

The site suitability is considered to be acceptable on the following basis:

- The site offers excellent proximity to the proponent's mine operations at Cadia Valley and is well located in terms of its relationship to industrial landuses.
- The generous configuration of the land will accommodate the overall development and its function, along with the potential for future expansion.
- The gradual terrain will not require significant earthworks to establish the proposed building and vehicle areas.
- The adjacent road network is of a capacity that is designed to accommodate traffic associated with the surrounding industrial estate.
- The site is connected to all available urban utilities. The further extension or augmentation of any service will be to the requirements of the relevant supply authority.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The proposed development is not defined as advertised development under the provisions of the LEP. However, given the potential for public interest in this proposal Council arranged for the development to be formally advertised in accordance with Council's normal procedure for "advertised development. The application was advertised for the prescribed period of 14 days and at the end of that period no formal written submissions had been received.

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal would be of benefit to the local economy and would facilitate the function of one of the region's largest employers. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

SUMMARY

The proposed development is permissible subject to receiving development consent. The applicant has adequately demonstrated that the proposed development complies with the relevant aims, objectives and provisions of the LEP. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

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

RECOMMENDATION

That the Joint Regional Planning Panel approves development application DA 238/2010(1) for a *Mining Support Facility involving a Technology Centre, Educational Establishment, Research Facility, Light Industry and Office (used in conjunction with a Depot on Lot 5 DP 255071, Technology Centre, Educational Establishment and future Research Facility and Light Industry)* at Lots 3, 4 and 5 DP 255071 - 5, 7 and 9 Leewood Drive, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

Paul Johnston

TEAM LEADER - DEVELOPMENT ASSESSMENTS

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ORANGE CITY COUNCIL

Development Application No **DA 238/2010(1)**

NA10/

Container PR6609

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

STAGED DEVELOPMENT CONSENT

Division 2A of the *Environmental Planning and Assessment Act 1979*

Development Application

Applicant Name: Newcrest Mining Ltd
Applicant Address: C/- Peter Basha Planning & Development
PO Box 1827
ORANGE NSW 2800
Owner's Name: Marclef Pty Limited, Malacorp Pty Ltd and Cadia Holdings Pty Ltd
Land to Be Developed: Lots 3, 4 and 5 DP 255071 - 5, 7 and 9 Leewood Drive, Orange
Proposed Development: Mining Support Facility involving a Technology Centre, Educational Establishment, Research Facility, Light Industry and Office (used in conjunction with a Depot on lot 5 DP 255071, Technology Centre, Educational Establishment and future Research Facility and Light Industry.)

Building Code of Australia building classification:

Class 5 and Class 9b

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 (cont)

Conditions

- (1) This consent is granted for a staged development application and such consent is granted to carry out Stages 1 and 2 upon Lots 4 and 5 DP 255071 - 7 and 9 Leewood Drive, Orange in accordance with:
- (a) **Plans numbered Plans by Peter Basha Planning & Development: 10050 figures 1 and 2; Plans by Peter Hunt Architect: sheets 4-6, A100, A101 and A102; Landscape concept plan by Caledonian Landscapes: project number 10-23 sheet 1 Issue C**
 - (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.

This consent does not authorise the carrying out of development shown on the concept plan and forming Stage 3 of this application upon Lot 3 DP 255071 - 5 Leewood Drive, Orange; and that such development may only be carried out following submission of a subsequent development application and receipt of development 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 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 shall be maintained while the building work, subdivision work or demolition work is being carried out.

STAGE 1 - CONTROL CENTRE

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (4) A Construction Certificate application shall be submitted to, and issued by, Council/Accredited Certifier prior to any excavation or building works being carried out on site.
- (5) An approval under Section 68 of the Local Government Act must be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system and concerning the grey water recycling system is to be provided. No plumbing and drainage shall commence until approval is granted.
- (6) A Fire Safety Schedule specifying the fire-safety measures (both current and/or proposed) to be implemented in the building must 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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- (7) A detailed plan and report indicating all fire safety measures for the proposed building and incorporating the existing building shall be provided. This shall be designed by a suitably qualified person. Where the report recommends the use of an Alternative Solution, the specific design must be prepared by a Fire Engineer. The specification is to include all hydraulic calculations for any required hydrants, hose reels, fire water mains.
- (8) Plans and specifications must 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.
- (9) 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.
- (10) A detailed plan indicating the proposed layout of all external and internal sanitary drainage, stormwater and external water shall be submitted with the Construction Certificate. All proposed lines are to be within the property and not within any easements.
- (11) Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, shall be submitted to, and approved by, Orange City Council or an Accredited Certifier prior to the issuing of a Construction Certificate.
- (12) 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 shall be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
- (13) A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, shall 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 1 ET for water supply headworks and 1 ET for sewerage headworks.

- (14) 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 is to 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. 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;

Conditions (cont)

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

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

All proposed stormwater retention basins are to be located clear of all overland stormwater flow paths.

(15) All stormwater from the site shall be collected and piped to Council's existing stormwater system. Orange City Council or an Accredited Certifier, prior to issuing a Construction Certificate, is to approve engineering plans for this drainage system.

(16) The existing grate and kerb inlet pit in Leewood Drive, within the proposed central driveway, shall be removed and replaced with a Webforce Rollover Vee Grate (industrial grade) and an additional kerb inlet pit is to be installed to the east of the proposed driveway. Orange City Council must approve engineering plans for this stormwater alteration prior to the issuing of a Construction Certificate.

(17) An overland stormwater flow path, to cater for all expected stormwater events, shall be designed along the central driveway of the development.

The floor level of all proposed buildings shall be a minimum of 500mm above the top water level of all overland stormwater flow paths.

Orange City Council must approve engineering plans for this overland stormwater flow path and associated floor levels prior to the issuing of a Construction Certificate.

(18) 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 are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

Where applicable, the applicant shall 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

(19) 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.

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

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

DURING CONSTRUCTION/SITEWORKS

(22) 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.

Conditions (cont)

During construction/siteworks (cont)

- (23) 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 is to be installed by a licensed plumber and must be inspected and approved by Council prior to concealment.
- (24) 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 is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.
- (25) An exhaust system, ducted directly to the outside air, and wired to the light switch, to the bathroom/toilet/laundry/ensuite shall be provided.
- (26) 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.
- (27) An approved railing/balustrade shall be provided to any landing, patio, verandah, balcony or stairway being at a height exceeding one (1)m above finished ground level. A minimum balustrade height of one (1)m is required on landings; a minimum balustrade height of 865mm is required on stairs/ramps. The bottom horizontal railing is to be at a height of not more than 125mm above nosing of the stair treads or finished floor level. Vertical members are to be spaced no further apart than 125mm.
- (28) Parking facilities for people with disabilities must 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".
- (29) 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.
- (30) In the event of any damage being caused to the existing kerb, gutter, footpath, water mains, sewer mains or public roadway during demolition works, the applicant must reimburse the Council for the full cost of repairing the damage.
- (31) Any adjustments to existing utility services that are made necessary by this development proceeding shall be at the full cost of the developer.
- (32) The provisions and requirements of the Orange City Council Development and Subdivision Code must be applied to this application and all work constructed within the development shall be in accordance with that Code.

The developer must 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.

- (33) 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.
- (34) 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 be in accordance with the Orange City Council Development and Subdivision Code.

Conditions (cont)

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (35) A heavy-duty concrete kerb and gutter layback and footpath crossing shall 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.
- (36) A total of 42 off-street car parking spaces shall be provided upon the site for Stage 1 of the development in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code prior to the issue of an Occupation Certificate.
- (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) No person shall use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (39) 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.
- (40) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (41) 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.
- (42) 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.
- (43) 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 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.
- (44) All of the foregoing conditions must 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 must be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (45) Land described as Lot 4 DP 255071 shall be used in conjunction with the approved depot (development consent DA 184/2010(1)) on land described as 5 DP 255071.
- (46) All activities associated with Stage 1 of the development shall be carried out onsite, including employee parking. No parking associated with the development will be permitted on Leewood Drive.

Conditions (cont)

STAGE 2 - TRAINING FACILITY AND OFFICE

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (47) Lighting of the development shall be designed by a lighting engineer or suitably qualified person in accordance with AS4282-1997 – Control of Obtrusive Effects of Outdoor Lighting. The applicant shall submit a lighting plan demonstrating compliance with AS4282-1997 – Control of Obtrusive Effects of Outdoor Lighting to the principal certifying authority for approval prior to the issue of a Construction Certificate.
- (48) A Construction Certificate application shall be submitted to, and issued by, Council/Accredited Certifier prior to any excavation or building works being carried out on site.
- (49) 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. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system and concerning the grey water recycling system is to be provided. No plumbing and drainage is to commence until approval is granted.
- (50) 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*.
- (51) A detailed plan and report indicating all fire safety measures for the proposed building and incorporating the existing building shall be provided. This is to be designed by a suitably qualified person. Where the report recommends the use of an Alternative Solution, the specific design must be prepared by a Fire Engineer. The specification shall include all hydraulic calculations for any required hydrants, hose reels, fire water mains.
- (52) Plans and specifications must 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.
- (53) Detailed plans indicating the layout of all sanitary and access facilities for people with disabilities shall 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.
- (54) Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, shall be submitted to, and approved by, Orange City Council or an Accredited Certifier prior to the issuing of a Construction Certificate.

The proposed roundabout at the northern end of the central driveway shall be designed and constructed to enable vehicles to drive over the central island. No landscaping shall be planted within the central island.

- (55) 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 shall be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
- (56) A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, shall 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 9 ETs for water supply headworks and 9 ETs for sewerage headworks.

Conditions (cont)

Prior to the issue of a construction certificate (cont)
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- (57) 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. 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 shall be submitted and approved by Orange City Council or an Accredited Certifier prior to the issue a Construction Certificate.

All proposed stormwater retention basins must be located clear of all overland stormwater flow paths.

- (58) All stormwater from the site shall be collected and piped to Council's existing stormwater system. Orange City Council or an Accredited Certifier, prior to issuing a Construction Certificate, is to approve engineering plans for this drainage system.
- (59) An overland stormwater flow path, to cater for all expected stormwater events, shall be designed along the central driveway of the development.

The floor level of all proposed buildings shall be a minimum of 500mm above the top water level of all overland stormwater flow paths.

Orange City Council shall approve engineering plans for this overland stormwater flow path and associated floor levels prior to the issuing of a Construction Certificate.

- (60) A Liquid Trade Waste Application shall be submitted to Orange City Council prior to the issuing of a Construction (or Occupation) Certificate. The application shall 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 shall 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

- (61) 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.
- (62) The location and depth of the sewer junction/connection to Council's sewerage system shall be determined to ensure adequate fall to the sewer is available.

Conditions (cont)

Prior to works commencing (cont)

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

DURING CONSTRUCTION/SITEWORKS

- (64) 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.
- (65) 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 is to be installed by a licensed plumber and must be inspected and approved by Council prior to concealment.
- (66) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority prior to the pouring of the slab or footings.
- (67) 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.
- (68) An exhaust system, ducted directly to the outside air, and wired to the light switch, to the bathroom/toilet/laundry/ensuite shall be provided.
- (69) An approved railing/balustrade shall be provided to any landing, patio, verandah, balcony or stairway being at a height exceeding one (1)m above finished ground level. A minimum balustrade height of one (1)m is required on landings; a minimum balustrade height of 865mm is required on stairs/ramps. The bottom horizontal railing must be at a height of not more than 125mm above nosing of the stair treads or finished floor level. Vertical members shall be spaced no further apart than 125mm.
- (70) The development must 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.
- (71) 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.
- (72) Any adjustments to existing utility services that are made necessary by this development proceeding must be at the full cost of the developer.
- (73) 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.
- (74) 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.

Conditions (cont)

During construction/siteworks (cont)

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (76) A total of 151 off-street car parking spaces shall be provided upon the subject land for stages 1 and 2 in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code prior to the issue of an Occupation Certificate. A total of 125 spaces are to be provided on land described as Lot 4 DP 255071 with provision being made for all overflow parking to be provided on land described as Lot 5 DP 255071 until such time that works associated with the concept approval for development of Lot 3 DP 255071 is formally undertaken.
- (77) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's Manager Development Assessments.
- (78) 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.
- (79) 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.
- (80) 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.
- (81) 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.
- (82) Reciprocal rights of carriageway shall be created on the titles of Lots 4 and 5 DP 255071 over the proposed driveways, to provide legal access for the entire development. A right of carriageway shall be created over 26 car parking spaces within Lot 5 DP 255071 to provide legal access for carparking associated with the training facility on Lot 4 DP 255071.

Evidence that required rights of carriageways have been registered with the LPI shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate for Stage 2.

- (83) 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.
- (84) Certification from Orange City Council shall 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.
- (85) 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 is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

Conditions (cont)

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (86) All activities associated with stages 1 and 2 of the development shall be carried out onsite, including employee parking. No parking or the loading/unloading of vehicles associated with the development will be permitted on Leewood Drive.
- (87) The owner shall 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*.

STAGE 3 - LABORATORY AND OFFICE

- (88) This consent does not authorise the carrying out of development shown on the concept plan and forming Stage 3 of this application upon Lot 3 DP 255071 - 5 Leewood Drive, Orange; and that such development may only be carried out following submission of a subsequent development application and receipt of development consent.

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

Our Ref: L3PJB10050.doc

21 September 2010

The General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800

Attention: Paul Johnston

Dear Sir

DA 238/2010(1) – PROPOSED TECHNOLOGY CENTRE, EDUCATIONAL ESTABLISHMENT, RESEARCH FACILITY, LIGHT INDUSTRY AND OFFICE (USED IN CONJUNCTION WITH ANOTHER PERMISSIBLE USE IN THE ZONE) – 5, 7 AND 9 LEEWOOD DRIVE, ORANGE

In reference to the above matter and in response to the matters raised in your email of 15 September 2010 we provide the following additional information to support the Development Application:

1. We confirm that the Stage 1 building area is approximately 2,243m² (comprising some 1,473m² of Gross Floor Area and 770m² of plant and machinery area).
2. According to Orange LEP 2000 Gross Floor Area (GFA) is defined as follows:

Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices, and any elements, projections or works outside the general lines of the outer face of the external wall, and*
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and*
- (c) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access to it, and*
- (d) space for the loading and unloading of goods.*

3. Based on the above definition we submit that the GFA is 1473m². Referring to Drawing A101, this figure is based on the following breakdown

Control room	1091.91m ²
Info Centre Meeting Room	38.8m ²
PRTG	17.28m ²
Conference Room	48.38m ²
Meeting Room	36.05m ²
Male Toilets	14.97m ²
Female Toilets	12.09m ²
Disabled Access Toilet	5.47m ²
Print Room	7.29m ²
Canteen	27.77m ²
4 x Meeting Rooms (8.03m ²)	32.12m ²
Corridors	141.27m ²
Total	1473.4m²

4. Based on the LEP definition of GFA, the remaining area of 769.96m² represents machinery and plant rooms. Referring to Drawing A101, this figure is based on the following breakdown:

Screen Zone/Corridor	91.23m ²
Generator	108.32m ²
AHU	97.62m ²
Data Room A	117.84m ²
Data Room B	117.84m ²
UPS/Battery	99.36m ²
MSSA	21.59m ²
MSSB	22.01m ²
Compound	64.13m ²
Transfer	30.02m ²
Total	769.96m²

5. The plant and machinery areas listed above should not be included in GFA due to the following:

- The specified plant and machinery rooms will not be occupied by staff. The only time that staff would enter any room is for maintenance or monitoring purposes.
- The screen zone comprises display screens and the corridor behind is to allow servicing and maintenance only.
- The generator room comprises part of the back-up power supply for the operation. It is not a habitable room.

- The AHU (air handling unit) comprises mechanical plant associated with the building's air-conditioning system. It is not a habitable room.
 - Data Room A and Data Room B comprise computer banks and all data related equipment for the operation. Each room is a duplicate of the other to safeguard the operation in case one room/system breaks down. These rooms are not habitable. They are heavily secured and access to either room is highly controlled.
 - The UPS (uninterrupted power supply) and battery room forms part of the back-up power supply for the operation. It is not a habitable room.
 - MSSA and MSSB (main switch services A and B) are the electrical service rooms for the operation. Each room is a duplicate of the other to safeguard the operation in case of power failure. These rooms are not habitable.
 - The compound is a secured receipt/storage area for the plant and machinery area. It is not a habitable room. Access to the compound is infrequent and only allowed under strict security arrangements.
 - The transfer room is a secure hold for waste paper and documents associated with the operation. Such waste is held in this room until ready for disposal.
6. Based on the above points, the parking requirement for Stage 1 of the development should be assessed on a GFA of 1473.4m². Using the rate of 1 space per 40m² of GFA for offices or business premises as provided in *Orange DCP 2004 – 15 Car Parking*, the parking requirement for Stage 1 is 36.8 spaces. Parking for Stage 1 can be accommodated in the 42 spaces that are to be provided at the front of Lot 4 (between the building and Leewood Drive).
7. As requested we provide the following information in regard to employee numbers and shift patterns.

Control Room	
Monday to Friday Day Shift:	7.00am to 7.00pm = 45 staff
Saturday and Sunday Day Shift:	7.00am to 7.00pm = 15 staff
Monday to Sunday Night Shift:	7.00pm to 7.00am = 15 staff
Office	
Monday to Friday:	7.00am to 4.00pm = 100 staff
	9.00am to 6.00pm = 35 staff
Training Centre	
1 large session per week comprising approximately 60 to 80 people	
2 smaller sessions per day comprising approximately 10 people per group.	

8. The parking assessment provided in the SoEE refers to the above numbers. As mentioned, a minimum of 173 off-street parking spaces would be required at completion of all stages of the development. The site plan/master plan indicates that 235 parking spaces will be provided which is 62 spaces more than required.

Stages 1 and 2 of the development will require 145 spaces. The site plan/master plan indicates that only 125 spaces would be provided at the end of Stages 1 and 2. It is requested that Council accept this shortfall for the following reasons:

- All Stage 1 and 2 works are to be confined entirely to Lot 4. Due to contractual arrangements with the current owner of Lot 3, the proponent is unable to use that land to provide parking to serve Stages 1 and 2 of the development.
- As indicated in the table below, the proposed parking resources for Stages 1 and 2 (i.e. 125 spaces) exceed the minimum requirement for the regularly occupied components, being the control centre; office; and reception/amenities area (which generate a parking demand for 115 spaces). Thus at most times the parking resources for Stages 1 and 2 would be satisfactory.

Stages 1 and 2 Parking Requirements Orange DCP 15 – Car Parking				
Component	Area m ²	Parking Classification as per DCP	Parking Rate as per DCP	Spaces Required
Control Centre	1473	Office or Business Premises	1 space per 40m ² of GFA	36.8
Reception and Amenities	560	Office or Business Premises	1 space per 40m ² of GFA	14
Training	1168	Office or Business Premises	1 space per 40m ² of GFA	29.2
Office	2576	Office or Business Premises	1 space per 40m ² of GFA	64.4
Total parking required for Stages 1 and 2				144.4 (145)
Stage 3 Parking Requirements Orange DCP 15 – Car Parking				
Component	Area m ²	Parking Classification as per DCP	Parking Rate as per DCP	Spaces Required
Laboratory	840	Office or Business Premises	1 space per 40m ² of GFA	21
Workshop	650	Industry	1 space per 100m ² of GFA	6.5
Total parking required for Stage 3				27.5 (28)

- It would only be when full capacity training sessions are held that the parking resources for Stages 1 and 2 would come under pressure. Until Stage 3 of the

development is completed, it is possible for overflow parking at these times to be accommodated on the eastern side of the existing depot within Lot 5.

Pursuant to DA 184/2009(1) the depot at its current level of operation is only required to have 34 off-street parking spaces. The depot currently has 53 spaces. This represents a parking excess of 19 spaces on Lot 5 which is practically equal to the parking shortfall of 20 spaces on Lot 4. Thus, the overflow parking from the latter during training sessions could be accommodated without unreasonable impact.

(It is acknowledged that an approved second stage of the Lot 5 project requires another 58 spaces to be provided, however in the context of the proposed master plan, this aspect may be reviewed).

- In the long term, when Stage 3 is completed, the parking provision for the entire development will be some 62 spaces in excess of the minimum parking requirement.
9. Reiterating previous advice to Council in regard to the proposal to use Lot 5 for overflow parking on training days:
- The proponent agrees that the future warehouse and office additions as approved under DA 184/2009(1) would not take place within Lot 5 while this interim arrangement is in place.
 - A temporary access road is proposed along the northern side of the existing warehouse to improve connectivity between Lots 4 and 5 during the interim parking arrangements.
 - In terms of timing, the proponent estimates that Stage 3 would commence by mid-2012 subject to circumstances at the time. Please note that the mid-2012 estimate is now extended to mid-2014 due to recent negotiations with the owner of the Stage 3 land.
 - In any event, the proponent would ensure that the interim parking arrangements remain in place until Stage 3 is completed.

We trust that this additional information is satisfactory and please do not hesitate to contact our office to discuss any matter further.

Yours faithfully

Peter Basha Planning & Development

Per: 

PETER BASHA