



ORANGE CITY COUNCIL

Development Application No **DA 316/2010(1)**

NA11/247

Container PR20245

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application

Applicant Name: Midwestern Plant Hire Pty Ltd
Applicant Address: (Attention Barry Swords)
PO Box 1029
MUDGEE NSW 2850
Owner's Name: Orange City Council
Land to Be Developed: Lot 77 DP 1077737, Lot 2 DP 1149074, Lot 1 DP 728845 and
Lot 60 DP 1063083 - Astill Drive and Phillip Street, Orange
Proposed Development: Boundary Adjustment and Industry (concrete batching plant - increase in capacity)

Building Code of Australia building classification:

Class 8 and Class 10b

Determination

Made On: 4 May 2011
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: 5 May 2011
Consent to Lapse On: 5 May 2016

Terms of Approval

The reasons for the imposition of conditions are:

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

Conditions

- (1) The development is to be carried out generally in accordance with:
 - (a) **Plans numbered 03A_EV01 Rev A; 03A_EV02 Rev A; 03A_EV03 Rev A; 03A_EV04 Rev A; 02A_EV03 Rev A; 02A_EV04 Rev A; 02A_EV05 Rev A; 02A_EV06 Rev A**
 - (b) statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

Conditions (cont)

PRESCRIBED CONDITIONS

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

BOUNDARY ADJUSTMENT

DURING CONSTRUCTION/SITEWORKS

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

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE
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- (5) Application shall be made for a Subdivision Certificate under Section 109(1)(d) of the Act.
- (6) Prior to the issuing of the Subdivision Certificate, a Surveyor's Certificate or written statement is to be provided to the Principal Certifying Authority, stating that the buildings within the boundaries of the proposed Lot 772 comply in respect to the distances of walls from boundaries.
- (7) Certification from Country Energy, stating that electricity and street lighting systems comply with Country Energy's Networks Division Customer Connection Policy NP11.1, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (8) All services are to be contained within the allotment that they serve. A Statement of Compliance, from a Registered Surveyor, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (9) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.

CONCRETE BATCHING PLANT

PRIOR TO WORKS COMMENCING

- (10) A detailed plan showing landscaping shall be submitted to and approved by Councils Manager Development Assessments prior to the issue of a Construction Certificate.
- (11) Prior to works commencing, an approval under Section 68 of the Local Government Act is to be sought from Orange City Council, as the Water and Sewer Authority, for the water and stormwater works. Details concerning the proposed backflow prevention between the nominated tank supply and the potable system is to be provided. No plumbing and drainage is to commence until approval is granted.
- (12) A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, is to be submitted to the Principal Certifying Authority prior to any work.

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

Conditions (cont)

DURING CONSTRUCTION/SITEWORKS

- (13) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm on Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (14) The following inspections will be required to be carried out by Council as the Water and Sewer Authority:
- water service installation
 - stormwater drainage
 - final on water and stormwater drainage and Council services.
- (15) All plumbing and drainage (water supply, sanitary plumbing and drainage, stormwater drainage and hot water supply) is to 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 is to be inspected and approved by Council prior to concealment.
- (16) All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (17) The site is located within an area identified as containing naturally occurring asbestos, therefore development works on the site must be carried out in accordance with the Orange City Council "Naturally Occurring Asbestos Planning Procedures" prepared by Noel Arnold & Associates dated January 2006 and also in accordance with WorkCover requirements.
- (18) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (19) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.
- The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
- (20) Evidence that Lot 772 has been registered with the LPI is to be submitted to Orange City Council prior to commencing commercial operations for the increased production of concrete products.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (21) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's Manager Development Assessments.
- (22) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.

Conditions (cont)

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (23) Production of concrete or concrete product shall be limited to 60,000 tonnes per year.
- (24) Emitted noise shall not exceed 5dB(A) above background sound level measured at the nearest affected residence.

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: 5 May 2011
