

2013/884

REPORT TO

**GENERAL MANAGER
ORANGE CITY COUNCIL MEETING
17 SEPTEMBER 2013**

FROM

SENIOR PLANNER (GLENN)

DATE

6 SEPTEMBER 2013

ON

**DEVELOPMENT APPLICATION
1502 FOREST ROAD, ORANGE
SIX GROUP HOMES AND ASSOCIATED OFFICE**

PR4113 - IC11/12344

EXECUTIVE SUMMARY

The purpose of this report is to make Council aware that the abovementioned development application is being tabled for the determination of the Western Region Joint Regional Planning Panel (JRPP). The report also specifies the protocols to be followed should Council wish to provide a written submission relating to the attached report.

FINANCIAL IMPLICATIONS

There are no expected financial implications from adopting the recommendation of this report.

POLICY/GOVERNANCE IMPLICATIONS

There are no expected policy or governance implications from adopting the recommendations in this report.

RECOMMENDATION

1. That the information contained in the report by Senior Planner (Glenn) for development application DA 326/2011(1) for Six Group Homes and Associated Office at Lot 501 DP 1175440 - 1502 Forest Road, Orange be acknowledged.
2. That Council decide whether it makes a submission upon this application to the Joint Regional Planning Panel.

SUPPORTING INFORMATION

Reference is made to the abovementioned development application which seeks consent for Six Group Homes and Associated Office at Lot 501 DP 1175440 - 1502 Forest Road, Orange.

The proposed development involves the construction of six Group Homes each with 5 bedrooms; Office; Kitchen; Multiple dining and living areas which open to outdoor patio areas; Laundry facilities connected to separate service yard areas for drying; Multiple bathrooms; Storerooms; Communal paved and grassed outdoor areas including a gazebo for the use of the residents; Driveway and carport; and Landscaping including fencing, maintained hedges, footpaths, garden beds and small vegetable gardens. There are associated site works for landscaping, parking drainage and the like.

Pursuant to schedule 4A of the *Environmental Planning and Assessment Act* the development is required to be determined by a Joint Regional Planning Panel, being the Western Region Joint Regional Planning Panel, due to the development being a Crown development having a Capital Investment Value over \$5 million.

Council staff have completed an assessment of the subject application and a copy of the planning assessment report and the Notice of Determination have been forwarded to the Panel Secretariat of the Western Region Joint Regional Planning Panel. The Panel Secretariat has advised that the application is listed for consideration by the Joint Regional Planning Panel on 1 October 2013.

Attached for Council's information is a copy of the planning assessment report, accompanying plans and Notice of Approval for the subject application. The major issues arising in the application are the effects on the native vegetation and European heritage. With regard to the native vegetation issue, it was necessary to progress through a process of Species Impact Statement (SIS) and obtaining concurrence from the Office of Environment & Heritage (OEH), whilst the European Heritage issue required Integrated Development Assessment from NSW Office of Heritage. There was also a need for an Integrated Development Assessment from the Rural Fire Service. The issues have been outlined in detail in the attached report.

Council may make a submission on the development application that is to be determined by a Regional Panel during and up until seven days before the Panel meeting. In the event that Council chooses to make a written submission in relation to the subject application, the submission is required to be prepared by a consultant or another Council officer who was not involved in the initial assessment of the application.

Michael Glenn
SENIOR PLANNER
enc

2013/885

**REPORT TO WESTERN REGION JOINT REGIONAL PLANNING PANEL
1 OCTOBER 2013**

FROM SENIOR PLANNER (GLENN)

DATE 3 SEPTEMBER 2013

**ON DEVELOPMENT APPLICATION
1502 FOREST ROAD, ORANGE
SIX GROUP HOMES AND ASSOCIATED OFFICE**

PR4113 - IC11/12344

Application Lodged	15 September 2011
Development Application No	DA 326/2011(1)
Plan No/s	<ul style="list-style-type: none">• Colour Series for Site Plan, Site Analysis and Colour Schedule by Family and Community Services (4 Sheets)• ABSA Certified Plans by Family and Community Services (18 sheets)• Contour and Detail Survey by Craig Jaques (1 sheet)• Landscape Detail and Character Images by Taylor Brammer (1 sheet)• Landscape Site Plan By Taylor Brammer (1 sheet)• Tree Removal and Retention Plan by Taylor Brammer (1 sheet)• Preliminary Civil Engineering Drawings by NSW Public Works (14sheets)
Applicant	FACS - Ageing, Disability and Home Care Level 2 55 Clarence Street SYDNEY NSW 2000
Owner/s	Bloomfield Hospital C/- WLHD, Assets & Facilities Ward 12 Bloomfield Campus, Forest Road ORANGE NSW 2800
Land Description	Lot 501 DP 1175440 - 1502 Forest Road, Orange
Proposed Land Use	Six Group Homes and Associated Office
Value of Proposed Development	\$10,000,000.00
Provisions of LEP 2000 (amended)	Zone 1(a) General Farming / part Zone 7 Water Supply Catchment
Details of Advertisement of Project	Amended proposal advertised and notified 1 December 2012 to 28 January 2013
Recommendation	Approval



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EXECUTIVE SUMMARY

Council's consent is sought for the construction of six Specialist Supported Living (SSL) Services Group Homes, an associated administration building and ancillary site works at the Bloomfield Hospital precinct, Forest Road Orange.

The subject land is located within the Bloomfield Hospital site at its south/eastern extremity. The land in question is undeveloped and is occupied by remnant bushland. Whilst the recently approved lot (subject land) has frontage to Bloomfield Road at its southern extremity access to this land will be made from Forest Road and the internal road system within the Bloomfield Hospital precinct.

The applicants submitted a separate development application (DA 197/2011 (1)), which has been dealt with in parallel with this application that sought consent for the subdivision of lot 501 in DP 1175440, being the land that contains the Bloomfield Hospital precinct, to create separate title for the development proposed under this application. Council at the Sustainable Development Committee meeting held on 1 October 2013 granted consent to that application.

The subject application was lodged in June 2011 and has been delayed by the need to obtain co-approvals from both NSW Heritage and the NSW Rural Fire Service. Part of this delay related to the requirement by NSW Heritage for Health Infrastructure to prepare a management plan clearly identifying a hierarchy of heritage values across the site and having this assessment inform areas for future development potential.

The proposed development requires referral to the Western Region Joint Regional Planning Panel (JRPP) by reason of the value of the development being over \$5 million for Crown Development (the actual value of this application is just over \$10 million).

The application is Crown Development, which prevents refusal of the application or imposing conditions except with the agreement of the proponent or the Minister. This Crown development restriction does not apply to the OEH concurrence role or the Integrated Development Assessments that have been undertaken by RFS and the Department of Planning's Office of Heritage.

The proposed development in the form submitted could not achieve a satisfactory outcome in the section 5A assessment of significance (the seven part test). This is the mechanism whereby Council determines whether there is likely to be an overall significant adverse effect on threatened or endangered species, their habitats, breeding and nesting cycles or the significant ecological communities (usually Endangered Ecological Communities (EECs)), and further, whether satisfactory offsets, harm minimisation, amelioration or recovery plans are put in place when development is judged as likely to have significant adverse effect. In this case, initially there were no significant offsets (or other mitigations strategies) proposed, and the application was judged as likely to have a significant adverse effect. The combination of these two elements (a significant adverse effect and a lack of mitigation) denied the consent authority the ability to approve the application in the form submitted. The proponent was advised to either withdraw the application, amend the proposal to incorporate satisfactory offsets, or submit to a Species Impact Statement (SIS). The SIS triggers a concurrence role for the Minister (through the Office of Environmental Heritage, (OEH), and allows greater flexibility because of the greater detail in the assessment, which can be used to firstly more accurately gauge the likely impacts, and secondly, if appropriate, to require more targeted responses to those threats in the form of various threat abatement or offset strategies.

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Executive Summary (cont)

After considerable negotiation and discussion between OEH, Council staff, and the proponent, the application was modified to incorporate a much enlarged area (from 2.9 to 12.9ha) with the additional area to be retained and managed as an environmental offset area. The proponent has submitted a Vegetation Management Plan (VMP), which OEH have considered. OEH requires some refinement and enhancement of the VMP generally to eliminate weed infestation and a proliferation of introduced species, however the inclusion of a significant offset area has achieved OEH concurrence. The assessment of Council's assessment staff concurs with the OEH determination of the SIS.

As indicated, the application has been amended to increase the size of the allotment from 2ha to approximately 12.9 ha, to include the offset areas that are required by the OEH.

The proposed development is Integrated Development, by reason of the need to seek approval under the *Heritage Act*, and also by reason for the need to obtain a Bushfire Safety Assessment (BSA) under the *Rural Fires Act*. These have been addressed and the necessary co-approvals obtained.

Issues of note for this application relate to obtaining satisfactory physical access and also satisfactory water reticulation and sewer services. The existing roads, sewer lines and water lines are not Council managed assets and will traverse other lots under NSW Health's control within the Bloomfield Hospital precinct.

FINANCIAL IMPLICATIONS

There are no expected financial implications from adopting the recommendation in this report.

POLICY/GOVERNANCE IMPLICATIONS

There are no expected policy or governance implications from adopting the recommendation in this report.

RECOMMENDATION

That the Western Joint Regional Planning Panel grants consent to development application DA 326/2011(1) for *Six Group Homes and Associated Office* at Lot 501 DP 1175440 - 1502 Forest Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

THE APPLICATION

Development consent is sought for Six Specialist Supported Living (SSL) Services Group Homes and associated Office for Aged and Disabled Persons at Lot 501 DP 1175440 - 1502 Forest Road Orange.

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THE PROPOSAL

The subject land is located within the Bloomfield Hospital site at its south/eastern extremity. The land in question is undeveloped and is occupied by remnant bushland. Whilst the recently approved lot (subject land) has frontage to Bloomfield Road at its southern extremity access to this land will be made from Forest Road and the internal road system within the Bloomfield Hospital precinct.

The applicants submitted a separate development application (DA 197/2011 (1)), which has been dealt with in parallel with this application that sought consent for the subdivision of lot 501 in DP 1175440, being the land that contains the Bloomfield Hospital precinct, to create separate title for the development proposed under this application. Council at the Sustainable Development Committee meeting held on 1 October 2013 granted consent to that application.

The proposal involves the construction of 6 single storey SSL Services Group Homes, each comprising:

- 5 bedrooms; Office; Kitchen; Multiple dining and living areas which open to outdoor patio areas; Laundry facilities connected to separate service yard areas for drying; Multiple bathrooms; Storerooms; Communal paved and grassed outdoor areas including a gazebo for the use of the residents; Driveway and carport; and Landscaping including fencing, maintained hedges, footpaths, garden beds and small vegetable gardens.

Other works proposed include:

- New 6m wide access road from the existing internal Bloomfield Hospital road (Park Drive) including on-street car parking for 24 vehicles;
- Removal of trees to allow for group homes and civil works;
- Cut and fill to achieve level access for the group homes and a suitable sub surface for the access road;
- Site landscaping including a communal open space area in the lower south-eastern corner of the site;
- Stormwater swale running diagonally down across the site from the northwest corner to the eastern part of the site;
- Timber bridge for vehicles to cross the proposed stormwater swale;
- On Site Detention (OSD) tank and stormwater management system to ensure water quality of stormwater runoff from the site is maintained;
- Relocation of existing fire trail from southern end of proposed new access road to link back in with existing fire trail to the south of the development site;
- Establishment of an Asset Protection Zone (APZ) to ensure the proposed SSL Group
- Service infrastructure and connections for water, sewer, gas, telecommunications and electricity, plus an electricity substation to service the development.
- Vegetation Management Plan with rehabilitation of the significant remaining remnant on the site.

The purpose of the proposed development is to enable the relocation of 30 residents with mental disabilities (some also with physical disabilities) who currently reside in institutional buildings to the north of the development site within the Bloomfield Hospital grounds, known as the Riverside Centre.

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BLOOMFIELD HOSPITAL PRECINCT MASTER PLAN

Council has been liaising with Health Infrastructure over the past few years since, regarding the need for a master plan to be developed for the Bloomfield Hospital precinct to adequately plan for the provision of services including water, sewer, roads, access points, parking heritage and urban design for both existing facilities and new developments such as that proposed under this and the related subdivision application. Despite Council attending a briefing relating to a draft Master Plan a number of months ago Council; has not been advised that the master plan has been adopted. The JRPP is required to determine an application for further development within the historically significant Bloomfield Hospital precinct without the direction and guidance afforded by a master plan.

MATTERS FOR CONSIDERATION

Section 79C of the Environmental Planning and Assessment Act 1979 requires Council to consider various matters, of which those pertaining to the application are listed below.

Section 5A – Assessment of Significance

Section 5A of the Act contains the relevant provisions for the assessment of biodiversity issues for all applications, and whilst called up by Section 79C, does have its own assessment processes and standards to take into account. Council is prevented from granting approval for those applications where the proposed development cannot satisfy the seven part test (known as the assessment of significance).

The matters for consideration under Section 5A include a range of matters that must be considered. In assessing these matters, Council is required to adopt a conservative approach to its determination of the biodiversity value. A lack of information, should not generally be taken as a lack of significance (Council cannot adopt the approach "there is no information provided, therefore we can assume no adverse effect"). The onus of proof rests with applicants to show there is little or no significance, or that satisfactory amelioration offsets, harm minimisation or other approved or recognised conservation strategies can be adopted or implemented to achieve satisfactory outcomes, and most importantly avoid significant adverse effects on the biodiversity values of a locality. Defining "locality" can be difficult, but is usually based on the principals of connectivity and effective range of a given species or system under assessment. Essentially, what range is needed for that species or system to remain viable. The conservation assessment also requires that such continued viability be done on the basis of local viability, not a species wide viability. Whilst the onus of providing data rests with the applicant, the actual assessment of significance is undertaken by Council. Council is open to seeking advice in its assessments from whatever sources it feels are appropriate, including other government agencies, or the applicant, or whatever scientific data it believes is relevant. However its assessment must be undertaken in accordance with the relevant OEH guidelines; and it must take into account all the matters listed in the seven part test.

Section 5A also calls up relevant guidelines in force, which are generally those guidelines promulgated by the Office Of Environmental Heritage (OEH). These assessment guidelines provide information on protected habitats (EECs and wetlands/riparian systems generally), endangered and threatened species, the threats posed on these matters (Key Threatening Processes, or KTPs), and accepted amelioration, harm minimisation recovery plans and management strategies that can be accepted in the assessments. Under the guidelines, secondary effects are a valid matter for consideration.

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Section 5A – Assessment of Significance (cont)

In this case the initial assessment by the applicant was incorrect, because it failed to incorporate a new EEC listing in the OEH guidelines. The new listing has been gazetted by the Scientific Committee advising the Minister. The site is best identified as "Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland", which was accepted as a threatened EEC in April 2011. The assessment lodged with the application did not assess the application against this new conservation listing, and assessed the woodland against the criteria applicable to more well-known white/yellow box gum grassy woodlands (BGGW), and from that advised Council that no significant or endangered vegetation existed on the site. The submission made by the applicant did not include any significant survey or capture work on which to assess the likelihood of threatened rare or endangered specimens on the site.

Council early in the process sought advice from OEH Biodiversity Unit. OEH advised that the site was consistent with the new EEC listing. It assessed the significance of the site as moderate (it does have a significant weed infestation problem, particularly in the *Section 5A – Assessment of Significance (continued)* understorey). OEH concurred that it was not possible for Council to satisfactorily complete the assessment of significance on the basis of the information at that time available. OEH also advised that the site was known nesting and feeding areas for Superb Parrots. Council at about this time undertook some survey trapping and observation on nearby bushland areas under Council management and counted 40 gliders on the site, including 6 of a species listed as threatened. At that time it became quite clear that the bushland on this site was significant, and given that the overall program of works involved several KTPs, most important of which for this proposed development was the clearing and potential fragmentation of the bushland, Council could not satisfactorily resolve the seven part assessment of significance.

The application did not offer any counterbalancing to these adverse effects. Council was unable to complete the seven part test, and therefore unable to approve the application. However, as Crown development, neither could Council refuse the application, except with the agreement of the applicant (or minister), neither of which were forthcoming. Council was in the position of having a DA that it could not resolve. The applicant eventually elected to undertake a Species Impact Assessment which effectively gave a concurrence role to OEH in resolving the biodiversity issue, and lifted Council's obligation pertaining to the assessment of significance for the DA. Council was no longer required to complete its seven part test.

In summary, after the completion of the SIS assessment OEH have issued their terms of concurrence. A key finding of that concurrence is the provision of the remainder of the site as an offset area, necessitating a minimum lot size of 12.9 ha (original lot size was 2.9ha), with the additional area subject to ongoing management and conservation. As the OEH determination had a direct impact on the related subdivision application (because it requires a minimum lot size), the OEH concurrence requirements were applied to the subdivision as well. The applicant addressed this by submission of an amended plan that increases the size of the subject lot to 12.9 ha.

Integrated Development

The proposed development is classified as Integrated Development pursuant to section 90 of the Environmental Planning and Assessment Act, requiring co-approval from another government agency because the site and/or the nature of the proposed development.

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Integrated Development (cont)

In this case the proposed development is Integrated Development because the Bloomfield Hospital Group is listed on the State Heritage Register as an item of state significance. Further, the development site is classified as bushfire prone and the type of development requires a bushfire safety authority under the Rural Fires Act.

Accordingly, a non-indigenous heritage assessment was undertaken by the applicant in order to assess the impacts of the proposed development on the local area and the likelihood of encountering significant items during construction. It was also necessary for the applicant to undertake a comprehensive hazard management plan for the bushfire issue.

Heritage Act – Integrated Development

The entire Bloomfield site is listed as a state significant heritage item, identified as such for a number of reasons including the landscape setting and natural bushland that exists on the site which provides considerable natural amenity to the function as a hospital.

At its meeting on 5th October 2011, the NSW Heritage Council Approvals Committee, considered the above integrated development application and resolved *that no further development occur within this site until a management plan has been prepared clearly identifying a hierarchy of heritage values across the site and having this assessment inform areas for future development potential* and certain other detail changes to the proposed development were undertaken.

These requirements were not completed and submitted until April 2013, with Heritage NSW issuing its co-approval conditions in July 2013.

Bushfire Prone Land – Integrated Development

The matter was referred to RFS as Integrated Development, as a bushfire safety authority is required for subdivision located within a bushfire hazard management area. The RFS provided a response on 20 December 2012, providing co-approval conditions that are included in the attached notice of determination.

Aboriginal Heritage

Late in the process, the applicant advised that they had undertaken an aboriginal heritage impact management statement (AHIMS), that indicated the presence of some aboriginal heritage on the site. This in turn triggers a need for a permit to destroy under section 90 of the National Parks and Wildlife Act 1974. This can be sought as an Integrated Development Approval, however to reduce time delays, the applicant advises they do not wish to exercise that right and will instead seek their permits under separate cover. This is their prerogative, however before any work can take place on the site the applicant will need to provide or submit evidence of a permit to destroy pursuant to Section 90 of the NPWS Act 1974.

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

Orange Local Environmental Plan 2011 (Amended)

Under this Plan the subject land is zoned R1 General Residential and E2 Environmental Conservation. The R1 zone was created under OLEP 2011 specifically to allow the subject development to occur. At the time of making the LEP the offset area that forms a major part of lot 600 was not envisaged. This area is zoned E2. Group home are permitted with consent in the R1 zone and are also permitted under SEPP (Affordable Rental Housing) 2009. Whilst the use of the offset area could be considered to be for the purpose of a group home, which under the E2 zone is prohibited, it is considered that this anomaly should be overlooked as this land will essentially continue to be used for Environmental Conservation purposes.

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

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

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (c) *to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*
- (d) *to manage rural land as an environmental resource that provides economic and social benefits for Orange,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The application is considered to be consistent with the above described aims of the plan.

Clause 1.6 - Consent Authority

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

Clause

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

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

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*

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Clause 1.9A - Suspension of Covenants, Agreements and Instruments (cont)

- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*

Council staff are not aware of the subject title being affected by any of the above.

Mapping

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

Land Zoning Map:	Land is part zoned R1 General Residential and part zoned E2 Environmental Conservation
Lot Size Map:	1000m ² minimum lot size for that part of the site zoned R1 General Residential. 100ha minimum lot size for that part of the site zoned E2 Environmental Conservation
Heritage Map:	Land forms part of the historic Bloomfield Hospital precinct which is listed as a heritage item.
Height of Buildings Map:	No building height limit.
Floor Space Ratio Map:	No floor space limit.
Terrestrial Biodiversity Map:	High biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Ground water vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Located adjacent to a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies

These matters (and all clauses of the LEP) have been considered in the assessment. Those relevant to the proposed development are listed and commented upon where appropriate in the body of this report.

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Part 2 - Permitted or Prohibited Development**Land Use Zones**

The subject site is located within the E2 Environmental Conservation and R1 General Residential. The proposed development is defined as a Group Home pursuant to OLEP 2011. Pursuant to the dictionary contained within OLEP 2011 a Group Home means:

a permanent group home or a transitional group home.

Group home (permanent) or permanent group home means:

a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

Note. Permanent group homes are a type of group home—see the definition of that term in this Dictionary.

Groups homes are permissible in the R1 General Residential zone but prohibited in the E2 Environmental Conservation zone under OLEP 2011. Notwithstanding this, as mentioned above the development application was made prior to OLEP 2011 being made, at which time group homes were permissible under the former zoning of OLEP 2000, furthermore also established above, whilst the use of the offset area could be considered to be for the purpose of a group home, which under the E2 zone is prohibited, it is considered that this an anomaly and should be overlooked as this land will essentially continue to be used for Environmental Conservation purposes.

Clause 2.3 of LEP 2011 references the Objectives for each zone in LEP 2011. These objectives for land zoned R1 – General Residential and E2 Environmental Conservation are as follows:

1 - Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.
- To ensure that development along the Southern Link Road has an alternative access.

The proposed development is not inconsistent with the above listed objectives of the R1 General Residential Zone. The development provides to the needs of the community for an alternative form a residential accommodation. The proposed development is considered to be an appropriate use for the zone.

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1 - Objectives of the E2 Environmental Conservation Zone

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To ensure development along the Southern Link Road has alternative access.*

Whilst it is acknowledged that the proposed development is prohibited in the zone under OLEP 2011, it is considered that the development is proposed in such a manner so as to not be entirely inconsistent with the objectives of the zone. The development has been designed and sited in such a way so as to minimise harm to the areas identified as endangered ecological community and appropriate conditions are attached requiring off-sets to compensate for the loss to the EEC.

Part 3 - Exempt and Complying Development

The application is not exempt or Complying Development.

Part 5 - Miscellaneous Provisions**5.10 - Heritage Conservation**

The subject land forms part of the historic Bloomfield Hospital Precinct and is identified as an item of environmental heritage under OLEP 2011 and is also a NSW State Registered Item. General Terms of Approval have been sought from the NSW Heritage Branch and are incorporated in the Notice of Approval.

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Orange,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject development is consistent with the objectives of the above clause, which are not dissimilar to those required to be considered under OLEP 2000; and for this reason heritage considerations are addressed in more detail under OLEP 2000

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

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Part 7 - Additional Local Provisions**7.1 - Earthworks**

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

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) *the effect of the development on the likely future use or redevelopment of the land*
- (c) *the quality of the fill or the soil to be excavated, or both*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties*
- (e) *the source of any fill material and the destination of any excavated material*
- (f) *the likelihood of disturbing relics*
- (g) *the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*
- (h) *any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

The earthworks proposed in the application are limited to the extent of cutting and filling required for the proposed building or structure. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

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

The site is not known to be contaminated, should the site be found to be contaminated the proponents would be responsible to meet their obligations under the Contaminated Land Management Act.

The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore the effect on the amenity of adjoining properties is considered to be minor.

The site is not known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions are imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

The proposed work is not in proximity to any waterway, but is within the drinking water catchment. Conditions are imposed to require a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment does not escape the site boundaries.

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7.3 - Stormwater Management

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

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposal has been designed to include permeable surfaces and includes onsite retention of stormwater through the use of detention basins. It is therefore considered that the post development runoff levels will not exceed the predevelopment levels.

7.4 - Terrestrial Biodiversity

This clause seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal:

- (a) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*
- (b) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
- (c) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Additionally this clause prevents consent being granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is located on land that has been identified on the Terrestrial Biodiversity Map as partially comprising "High Biodiversity Sensitivity" land. The subject site was inspected on numerous occasions during the assessment of the development and the area of sensitivity was found to be Highly valued and largely unaffected by the proposed location of the Group Homes. The area identified as high biodiversity is limited to the area set aside for the compensation of the loss to the EEC.

In this regard the proposal has been designed to site the buildings and their access in a manner that seeks to avoid adverse consequences. Appropriate management of the proposal is controlled through conditions of consent to further protect the environmental functions and values of the land.

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7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore consent may not be granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

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

7.7 - Drinking Water Catchments

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as "Drinking water" on the Drinking Water Catchment Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:*
 - (a) *the distance between the development and any waterway that feeds into the drinking water storage, and*
 - (b) *the onsite use, storage and disposal of any chemicals on the land, and*
 - (c) *the treatment, storage and disposal of waste water and solid waste generated or used by the development.*

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7.7 - Drinking Water Catchments (cont)

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The land is fully serviced by localised infrastructure within the site with onsite treatment of stormwater proposed. In this regard the development is not likely to adversely impact upon the water catchment.

Notwithstanding the above the application was lodged prior to the making of OLEP 2011 which triggers clause 1.8A.

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Therefore the application will be determined under the provisions of OLEP 2000.

Orange Local Environmental Plan 2000 (Amended)

The development site (proposed lot 600) is only a portion of the overall Bloomfield Hospital site and is zoned 7 Water Supply Catchment under Orange Local Environmental Plan 2000 (amended) ("the LEP"). The Bloomfield hospital site as a whole is zoned part 1(a) General Farming, part 6 Open Space and Recreation and part 7 Water Supply Catchment under the LEP. The proposed development is defined as a "group home". Pursuant to clause 86:

Group Home means a dwelling used to provide accommodation for disabled or socially disadvantaged persons in the form of a single household.

A group home is permissible with consent under all three zones applicable to the Bloomfield Hospital land, pursuant to clauses 29(2), 68(2) and 71(2) of the LEP.

The objective of zone 7 is to manage development within those rural areas which comprise water supply catchments in a way that conserves and enhances the City's and district's water resources while maintaining the rural function and character of the area generated by productive primary industries and some living opportunities.

The proposed development would have a neutral impact on the City's water supply catchment. It would provide specialised living opportunities consistent with the general intent of the zone 7 and zone 1(a) objectives.

The objective of zone 6 is to ensure that public and private open space meets a range of recreational needs of residents of the City, and enhances and protects the environment of Orange.

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Orange Local Environmental Plan 2000 (Amended) (cont)

The land on which the proposed building is to be erected provides incidental open space to the locality. However, in terms of its usage, it is not considered a core open space area of the City. Subject to conditions (discussed in the report) concerning the provision and management of a large native vegetation offset area, the proposed development is considered compatible to the zone 6 objectives.

The objective of zone 1 (a) is to *provide for an area with an open rural character comprising agriculture, other primary industries and development consistent with a rural location, and which includes some rural living opportunities that do not reduce the potential for productive primary industries.*

The proposed development in its general conception, is consistent with this objective, given the long standing usage and ownership of the Bloomfield site for various health care purposes. As such, the potential for the land to provide for productive rural living is at present very low, or non-existent, which would remain unchanged as a result of the proposed development.

With regard to the preservation of open rural character it is considered that special circumstances exist on this site. Parts of the site, particularly in the location of the subject development, retain a semi-rural context due to the absence of development and the large amount both passive and active recreation space. The proposed development for the new subdivision will retain a low scale development, and would maintain a reasonable spacing with surrounding buildings. It would have some reducing effect on the open landscaped character of the locality. There would be some loss of vegetation, outlined in this report, however this can be offset by the incorporation of the remaining remnant bushland and its prudent rehabilitation.

Clause 24 - The Zones

Clause 24 of the LEP provides that prior to determining an application for consent under this plan Council shall consider how the development meets:

- (a) the general aims of this plan, and
- (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 this plan.

These are considered in the report.

Clause 2 - Aims of Plan

Council in determining this application must consider how the development meets the aims of the plan. The Aims are:

- (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,

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Clause 2 - Aims of Plan (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.

Aim a) The proposed Specialist Supported Living Services Group Homes will, in essence, be a continuation of specialist supported living opportunities that have existed at Bloomfield Hospital for a considerable period of time and will therefore complement and enhance the character of the Bloomfield Hospital precinct and the City.

Aim b) The proposed development will provide significant social benefits to those members of the community in need of supported living services and provide economic benefits through the construction and ongoing management of this accommodation.

Aim c) Whilst the subject development will result in the increase in runoff into the Spring Creek water catchment area the onsite retention and treatment facilities proposed will result in the development not impacting on the water supply catchment.

Aim d) The subject land is not rural land.

Aim e) The proposed development will provide Specialist Supported Living opportunities within the Bloomfield Hospital precinct to cater for the needs of specific sections of the community.

Aim f) The subject site forms part of a site of significant Heritage, ecological, landscape and scenic qualities. The proposed group homes will be complementary to the built form of the Bloomfield Hospital precinct in terms of scale, building design and separation. The development will impact considerably upon the existing bushland and ecological communities but as addressed elsewhere in this report the ameliorative measures proposed by the inclusion of the offset area will minimise the impacts upon this area.

Clause 8 - General Considerations for Development

The matters that are of relevance to this proposal are listed and commented upon as follows:

- (a) *the potential of that development to impact on....existing vegetation, native flora and fauna*

Submissions made in conjunction with the application indicate the removal of 1.9 ha of significant vegetation will occur as a result of future redevelopment of the new lot. The OEH concurrence assessment is relevant to this LEP provision, though it does not speak directly to the clause. Relevantly the OEH comments include:

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Clause 8 - General Considerations for Development (cont)

The SIS indicates that a major component of the planned ameliorative measures for the development comprises the conservation of the adjoining 10.7ha of woodland on the old hospital grounds as an offset site. This area contains 7.7 ha of Southern Tablelands Grassy Woodland EEC in moderate condition, 2.3 ha in low condition and 0.7 ha that is either not vegetated or exotic. This area of Southern Tablelands Grassy Woodland is characterised by trees of a similar age class to those on the development site, ie > 100 years old. The development and offset sites occurs within one of the largest remnant woodland areas remaining in the Orange area, forming a corridor to Mt Canobolas. This corridor is fragmented by roads and agricultural development with connectivity being described in the SIS as being moderate at best. Connectivity of the offset site to the development site is very good although the link to the nearby Bloomfield Park is fragmented by Bloomfield Road. The SIS makes a recommendation that Orange City Council consider installing structures such as glider poles to facilitate the movement of gliders between the offset area and Bloomfield Park. The SIS further recommends Council manage surround areas of native vegetation, including the planting of native species such as Acacias, to improve the connectivity of glider habitat and thus the sustainability of the resident glider population, and:

Many of the threatened fauna considered likely to occur in the study area are dependent upon hollow-bearing trees for either nesting or roosting (e.g. Little Lorikeet, Superb Parrot, Powerful Owl, Squirrel Glider, Yellow-bellied Sheath-tailbat, Southern Myotis). The proposed development will remove a total of 11 hollow bearing trees. However the large number of trees remaining in the surrounding areas, 70 on the development site and adjoining offset area and 121 in nearby Bloomfield Park Reserve, supporting hollows of varied sizes is not likely to result in a loss in long-term regional viability of these species. Once established, the proposed offset area will increase the area of protected EEC and threatened species habitat in the region. The condition of the EEC in the Offset area will be improved through the progressive removal of exotic weeds and on-going maintenance.

It is therefore considered that, with the ameliorative measures proposed, this proposal is unlikely to significantly impact on existing vegetation, native flora and fauna.

(c) the impact on the scenic, landscape or urban character of the area

The removal of 1.9 ha of moderate value EEC as a landscape element of the site, is cause for considerable concern. However the inclusion of a much larger offset area, that is to be managed and rehabilitated is considered not only to be a satisfactory environmental offset for that vegetation to be removed, it will also tend to preserve and reinforce the scenic qualities of the hospital as a whole. This particular corner of the Bloomfield site is noteworthy because of its native vegetation, other parts nearby are important because of cultural plantings.

(f) any measures necessary to mitigate any of these impacts

The revised subdivision plan at 12.9ha is, by reason of the greatly increased size of the allotment a satisfactory measure designed to mitigate the biodiversity and landscape issues of future development of the site.

The proposal does incorporate some replacement landscaping, whilst the design itself is of modest scaling and appropriate finishes. Some aspects of the landscaping, specifically the non-native elements are, in this case not considered appropriate, given the biodiversity issues also affecting the site, and consequently a revised landscape plan eliminating or reducing the non-native plantings is included in the conditions of consent.

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Part 12 (Clauses 74-81) - Heritage

The following items are listed in schedule 8 of OLEP 2000 as heritage items:

- Nymagee Lodge – which has State significance
- Landscape features, Entry gateway, Elm Avenue and grounds – which have local significance

The objectives of this part that are relevant to the application are:

- (a) *to conserve the environmental heritage of the City of Orange and*
- (c) *to ensure that development is consistent with the heritage character of the City of Orange*

Council is required to take into account the extent to which the proposed development would have on the heritage significance of the heritage item in question. Council may decline to grant consent for development in respect of a heritage item as having State significance until it has considered a conservation management plan.

Council's Heritage Study identifies the site as significant for the architectural and contextual significance of some of the buildings on the site and the grounds generally, including the spacing between buildings and the landscape elements evident on the grounds.

The items referred to above are well removed from the subject site therefore the development is not likely to affect those items. Therefore, the subject development is considered to be consistent with the heritage objectives of OLEP 2000.

The subject property is identified as Heritage Item of state significance under the Heritage Act. This in turn generates a need under the integrated development provisions of the Act to seek the co-approval of the NSW Heritage Branch of the Department of Planning.

In this regard Council has three main sources of assessment that should be considered; the applicants own heritage impact statement submitted with the application, the assessment recently completed by NSW Heritage, and the assessment undertaken by Council's own Heritage Adviser.

In this case the site is listed as a heritage item that is of both local and state significance. The inclusion of the site on the state heritage register triggers a need for assessment under the provisions of the Heritage Act 1977, which has been undertaken by the NSW Heritage Council, with General Terms of Approval given by them in their response of July 2013. This response indicates NSW Heritage has granted their approval subject to conditions, however no significant alterations to the proposal are required as a result of that conditional consent.

In summary, the Heritage Council's Co-Approval is subject to conditions that:

- All work to be carried out in accordance with the approved plans and consistent with the Conservation Management Plan (CMP).
- A revised materials board that is to be submitted and approved by NSW Heritage
- Precautionary conditions to manage possible archaeological deposits on the site.
- The preparation of a photographic record of the site

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Part 12 (Clauses 74-81) - Heritage (cont)

The co-approval issued by NSW Heritage is generally precautionary in its assessment, with no significant alterations to the basic proposal required or apparent at this point in time. There is no conflict or issue with respect to Councils own heritage assessment, and no significant conflict with other provisions of the consent.

Section 91A(3) of the Environmental Planning and Assessment provides that *"A consent granted by the consent authority must be consistent with the general terms of any approval proposed to be granted by the approval body in relation to the development and of which the consent authority is informed."*

The determination by NSW Heritage and the applicants Heritage Impact Statement indicate that the proposed development is generally satisfactory with regard to its heritage impacts. In this case there are no major areas of concern with the NSW Heritage assessment. Therefore, the consent as recommended will be consistent with the general terms of approval by the NSW Heritage Council.

STATE ENVIRONMENTAL PLANNING POLICIES**State Environmental Planning Policy (Affordable Rental Housing) 2009**

Division 7 of the ARH SEPP contains provisions in relation to group homes. Clause 43 of the ARH SEPP provides for public authorities to undertake development for the purposes of group homes as 'development without consent' under Part 5 of the EPA Act provided the development does not result in more than 10 bedrooms in one or more group homes on a site, or with consent in any other case. The proposed development is for a total of 30 bedrooms contained within 6 group homes and therefore development consent is required.

Clause 46 specifies requirements for a consent authority in its determination of development applications for group homes and states that:

(1) A consent authority must not:

(a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or

(b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.

The Statement of Environmental Effects states that the proponent (a significant provider of this form of accommodation) has identified *"a high need in the community for the proposed group homes as they will cater for existing residents in institutional buildings currently located in the Riverside Centre on the Bloomfield Hospital site who need to be rehoused in the area. It is essential for the quality and continuity of the lives of the people currently residing in the institutional buildings on the Bloomfield Hospital site and their families that they are housed in a similar location that reflects, as far as possible, a normal residential setting"*.

There are no design requirements for group homes under SEPP ARH.

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

At the time this application was lodged, there were no draft environmental planning instruments that applied to the subject land or proposed development. Since that time LEP-2011 was exhibited as a Draft LEP and made. There have been two amendments of the LEP exhibited, with one being gazetted. One amendment (Amendment 1) has been exhibited and has yet to be made. This amendment does not relate to the subject land or affect the subject proposal.

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

Development Control Plan 2004

Development Control Plan 2004 ("the DCP") applies to the subject land. Whilst the site that is the subject development currently relates to is lot 501 in DP 1175440, which is the whole of the Bloomfield Hospital precinct, - which has multiple zonings applicable to it - it is considered that it is relevant to carry out the assessment of the provisions of the DCP in relation to the specific zone (zone 7) that applies to the actual site. Notwithstanding this, there are no specific DCP controls that are relevant to this development in this zone specific part of the DCP. The land and the landscaped setting require an assessment under multiple parts of the DCP. It is considered that the following parts of the DCP have application in the assessment of the proposed development:

Part 2.3 - Vegetation Management

Part 3 - General Considerations

Part 12 - Rural Environment Protection Zone

Part 13 - Heritage

Part 15 - Parking

Chapter 2.3 - Vegetation Management

The DCP contains a number of generalised provisions that require Council to manage vegetation areas in accordance with the Threatened Species Conservation Act. The vegetation on the site is a mixture of introduced and native species. Collectively the vegetation provides visual amenity and character, and adds significantly to the ambience of the site.

The most comprehensive flora and fauna assessment for vegetation applicable to the whole of the Bloomfield site and its rural surrounds was undertaken in conjunction with the Species Impact Statement that has recently been considered. In summary the OEH concurrence requires a 12.9 ha site area for the site, and ongoing vegetation management of the site. In general, the conclusions and requirements of OEH are consistent with the DCP.

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Chapter 2.3 - Vegetation Management (cont)

The proposed site for the group home is located in an area containing a degraded woodland association of Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland. The site also has a clear association and proximity with the woodlands to the south of the site along Bloomfield Road and the occurrence of individual specimens both within the grounds and on the adjacent golf course. The site and the golf course now contain a mix of these individual remnant trees and plantings of exotic species of trees and shrubs typical of Oranges' parklands. The native species and EEC on the development site have a strong connectivity to the remnant woodland located to the south, and are highly likely to provide seed bank opportunities, as well as possible nesting and food sources and add generally (and specifically) to the native biodiversity of the region.

The SIS and OEH assessment identify a number of threatened and endangered species likely to utilise this site, however the offset provisions of the application have now been assessed as likely to mitigate the obvious adverse effects that will arise from the redevelopment of the new lot. Expressed in its simplest terms, the proposed subdivision, and its future redevelopment will have adverse effects, but the offset area and its rehabilitation will counterbalance those adverse effects.

Bower and Semple (2002) describe eight different associations of significant species associated with the Box Gum Grassy Woodland (BGGW) alliance. They don't deal directly with the newly listed EEC, however their research does carry a high degree of relevance in a general manner. They note that on the basalt plateau around Orange can be found an association of Ribbon Gum (*E. viminalis*) and Apple Box (*E. bridgesiana*), and on the Orange plateau Candle Bark (*E. rubida*). The remnants of these associations can be seen around the City (including the Bloomfield site) where many large examples of the larger Ribbon Gums (in particular) have survived on various parklands and around the Bloomfield hospital site.

A number of migratory bird species are shown in the OEH assessment as likely to utilise and depend on the site, and the site is considered a significant element of the cities surviving biodiversity. It is considered however that a satisfactory conservation response has been arrived at in the SIS.

With regard to the exotic species, these of course do not add to the native biodiversity; however they do provide significant visual and heritage value to the site. In this case, it is considered that the non-native species are not appropriate, in the landscape plan as they actually pose a significant weed threat to the integrity of the native bushland.

There are two key offsets that are needed to counterbalance the loss of significant vegetation, the incorporation of the remaining remnant bushland which requires a minimum lot size of 12.9ha, and an ongoing management plan for the rehabilitation and conservation of this surviving remnant. The applicant has submitted a basic Vegetation Management Plan (VMP), however OEH's concurrence requires further detail and more attentive ongoing management than is currently submitted. This deficiency is covered in the concurrence conditions and does not need further conditions from the JRPP.

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Chapter 2.3 - Vegetation Management (cont)

In detail, OEH concurrence has the following conditional requirements:

1. *The Department of Community Services (Ageing, Disability and Homecare) must develop a compensatory offset package to the satisfaction of OEH in writing and finalised within twelve months of the date of this concurrence. To compensate for the impact to vegetation classified as EEC the offset package is to comprise a 10.66 ha portion of the old Lot 501 DP 1175440 (currently being sub-divided).
The package is to include 8.8 ha to be managed for conservation and an additional 1.86 ha that will be managed as an Asset Protection Zone. The APZ will have bushfire management constraints on the vegetation but will also have conservation management outcomes.*
2. *The Offset area must be secured by a legally binding covenant to provide in perpetuity protection of the site.*
3. *A comprehensive Biodiversity Management Plan, detailing the long-term rehabilitation and management of the Offset area, is to be developed in consultation with OEH in accordance with the OEH Guidelines for the Preparation of Biodiversity Management Plans. The BMP is to include a Weed Management Plan outlining strategies for the ongoing management of weeds. The WMP should detail timelines for the staged removal of major weeds infestations taking into account, and compensating for, any temporary loss of habitat for fauna.*
4. *The BMP should include details of a monitoring program for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:*
 - i. *the monitoring of the condition of species and ecological communities at offset locations;*
 - ii. *the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;*
 - iii. *provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH.*

Part 3 - General Considerations

The provisions of this part are concerned principally with cumulative impacts of new development. The specific provisions are listed and commented upon as follows:

- *How new development relates to character.*

The proposed development is somewhat atypical of the building types found on the surrounding hospital complex, but does relate well in terms of general bulk and scale. Provided the landscaping elements of the site can be preserved and enhanced, the character of the locality can be preserved. The proposed development will not be dissimilar to the recently constructed Cancer Care West development and recently approved and under construction Ronald MacDonald House located elsewhere in the Bloomfield Hospital precinct in terms of building form and bulk and scale.

- *Maintaining environmental impacts that are within existing or community level impacts.*

These have been previously commented on and are considered to be generally satisfactory

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Part 3 - General Considerations (cont)

- *Water conservation measures are implemented.*

Conditions are included requiring the implementation of an erosion and sediment control plan that is based on current Water Sensitive Urban Design (WSUD) Principals.

- *Development incorporates landscaping that enhances the setting of the locality.*

This aspect of the proposed development has been previously assessed, with conditions included to require the provision and implementation of the approved landscaping plans.

- *External finishes complement the setting*

It is considered appropriate to require more traditional materials including brick stucco and tiles on those elevations visible from the road. The attached notice of determination includes a condition requiring further details on the external finishes to be submitted and approved prior to the issue of a Construction Certificate.

NSW Heritage have also imposed conditions in their general terms of approval relating to external finishes.

Part 12 - Rural Environment Protection Zone

As discussed above, the proposed development will have little if any impact on the rural environment protection zone.

Part 13 - Heritage

In addition to the site being listed on the State heritage register as having State significance, a number of items on the Bloomfield Hospital site are listed in schedule 8 of OLEP 2000 as heritage items. These are Nymagee Lodge (State significance), Landscape features: Entry gateway, Elm Avenue and grounds (Local significance). The 1986 Heritage Study identifies the site as being significant because of the buildings as well as the landscape setting of the grounds themselves. Part 13 of the DCP sets out the following planning outcomes with respect to heritage conservation

- *Development relates the significant features of heritage buildings on or near the site, as reflected in the inventory sheets.*

The subject site is listed as significant for the context of the buildings and what they represented, as much as the architectural merits of the buildings themselves. The landscaped setting in this case is as much a part of the site's heritage value as the buildings themselves. In this case considerable efforts have been made to conserve the more significant elements and remnants of the landscaped setting of the site. This has been considered in greater detail earlier in the report.

- *Development conforms with recognised conservation principles.*

The proposed development seeks to conserve and retain the important heritage elements of the landscape and proposes no changes to the existing buildings on the site. The new buildings that are proposed are considered to be adequate in their visual impact given the extent of landscaping to be retained, and/or provided under this proposal.

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Part 13 - Heritage (cont)

- *Conservation Management Plans are prepared for development having a significant effect on heritage sites.*

This is considered unnecessary as a CMP already exists for the whole of the site.

Part 15- Parking

The application proposes 24 onsite spaces for the development. Group homes are not a specific land use type separately listed for car parking assessment under Chapter 15, however, it is considered appropriate to apply the standard residential rate.

Group Homes are a specialised form of dwelling, in which unrelated adults co-habitat. By nature the car dependence of the future residents will be low; few people living in a residential care unit will own a vehicle.

Pursuant to the requirements of the DCP, it is considered most appropriate to apply standard residential rate and then add or make some adjustment to allow for resident staff parking and visitor parking rates. This translates to a requirement of 2 vehicles for each dwelling, plus 1 space for staff, and 0.2 visitor spaces for each dwelling. In total that equates to a car-parking requirement of 19.2 spaces, rounded up to 20 spaces. The proposed allowance of 24 spaces is considered an adequate provision of parking for this development.

The applicants Statement Of Environmental Effects makes the following submission with respect to parking *"Group Homes are not specifically defined in the DCP table and therefore do not have a required parking rate. The proposed design provides a total of 30 car parking spaces and has been assessed by traffic engineers Halcrow as being acceptable"*.

(Note: The applicant statement advises there are 30 off-street spaces, however the plans submitted to Council only show 24 spaces provided).

SECTION 94 DEVELOPMENT CONTRIBUTIONS

Council's Technical Services Division was requested to clarify as to whether s94 contributions could be levied for the proposed development. The following response was received:

Council are not able to require State Government organisation to pay Sec 94.

However Council may request they pay.

Any dispute will be decided by Minister for Planning.

If Council does wish to pursue Sec 94 they could request discussions on a planning agreement.

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Section 94 Development Contributions (cont)

On page 19 of ODCP 2012 section 2.6.1 states:

The following types of development, or components of development, will be exempted from a requirement to make contributions under this Plan:

Development for the purposes of any form of seniors housing as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that is provided by a social housing provider as defined in that Policy.

This may also apply.

The applicant was requested to clarify as to whether they would be prepared to accept a condition for contributions, and has responded in the following terms

ADHC would not be supportive of conditions being imposed that would levy S94 contributions. To date, ADHC has not been subject to the payment of S94 contributions on its state wide group home program, primarily because of 'in-kind' contributions. That is, we are providing a facility to house residents of Orange, with special needs, who are unable to secure accommodation elsewhere in the LGA. Accordingly, given the provision of social infrastructure by ADHC, Council has accordingly not levied for other forms of contributions.

In this instance I would also argue, given the intellectual disabilities of the tenants of the proposed group homes their interaction and or utilisation of council facilities is not comparable to other residents of the community and therefore the nexus between the subject development and increased demand is not so obvious. For example, there will be little increased loadings upon council parking facilities, roads and intersections (tenants cannot operate motor vehicles); little demand will also be placed upon local and district sporting, recreational, cultural and social facilities.

S64 Contributions are payable. There are no exemptions available to Crown authorities. but has not provided a response at this stage.

No conditions for s94 contributions are included in the attached notice. Were the JRPP to seek the ministers agreement for contributions, they have been calculated as follows:

Open Space and Recreation	@ \$4,466.78 x 5 additional dwgs	22,333.90
Community and Cultural	@ \$761.97 x 5 additional dwgs	3,809.85
Roads and Cycleways	@ \$5,520.46 x 5 additional dwgs	27,602.30
Stormwater Drainage	@ \$427.65 x 5 additional dwgs	2,138.25
Plan Preparation & Administration	@ \$335.31 x 5 additional dwgs	1,676.55
TOTAL:		\$57,560.85

SECTION 64 - WATER AND SEWER HEADWORKS CHARGES

Section. 64 water and sewer headworks charges are applicable to the proposal. Such charges are calculated at the time of release of a Subdivision Certificate for the development. Attached is a condition requiring the payment of the required contributions.

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PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

Demolition of a Building (clause 92)

The proposal does not involve the demolition of a building.

Fire Safety Considerations (clause 93)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (clause 94)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building

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

The likely impacts of the development have been previously assessed in this report. It is considered that the benefits of the proposed development outweigh the impacts on landscape quality and heritage. Other issues such as traffic and noise have been considered in the assessment of the application.

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

Notwithstanding the need to remove a significant area of EEC, the site is considered suitable for the proposed development

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

The proposed development is defined as "Integrated Development" under the provisions of the LEP. The application was advertised for the prescribed period of 30 days and at the end of that period seven submissions had been received, principally from the Bloomfield Bushland Advisory Group and its associated affiliates. The basis of the submissions relate to the potential threats to the natural environment. These issues have been addressed and assessed elsewhere in the report, and in the OEH concurrence assessment.

As indicated above, the key issues raised by objectors relate to the threats to the native bushland, and the threats also to threatened species and their habitats.

There have been several meetings with the objectors to work through the issues. The submitters remain concerned about the ongoing management of the remnant bushland, but are also quite satisfied with the outcome that will see proper management and conservation of a large offset area.

1502 FOREST ROAD, ORANGE

3 September 2013

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of some interest to the wider public due to the services that would be provided as part of the development. There is also considerable interest in preserving the natural and manmade heritage of the site. The impacts of the development have been taken into consideration, and satisfactory offset and amelioration worked into the consent. The conservation of the site is now protected by a heritage management statement (required by NSW Heritage in their co-approval). The impacts of the development on the surrounding environment are considered to be significant however they can be addressed with conditions. 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 with the consent of Council. 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 Section are included in the attached Notice of Approval.

Michael Glenn
SENIOR PLANNER
enc

DEVELOPMENT APPLICATION

SPECIALIST SUPPORTED LIVING
SERVICES GROUP HOMES
FOREST ROAD, ORANGE
PART LOT 230 DP 720596

DRAWING SCHEDULE:

ARCHITECTURAL

CONTEXT SITE PLAN	Sheet 1 of 21
SITE ANALYSIS	Sheet 2 of 21
SITE / ROOF PLAN	Sheet 3 of 21
SITE PLAN NORTH END 1:200	Sheet 4 of 21
SITE PLAN SOUTH END 1:200	Sheet 5 of 21
STREET ELEVATIONS	Sheet 6 of 21
GROUP HOME 1 - SITE & FLOOR PLAN	Sheet 7 of 21
GROUP HOME 1 ELEVATIONS & SECTION	Sheet 8 of 21
GROUP HOME 2 - SITE & FLOOR PLAN	Sheet 9 of 21
GROUP HOME 2 ELEVATIONS & SECTION	Sheet 10 of 21
ADMIN BUILDING - SITE & FLOOR PLAN	Sheet 11 of 21
ADMIN BUILDING ELEVATIONS & SECTION	Sheet 12 of 21
GROUP HOME 3 - SITE & FLOOR PLAN	Sheet 13 of 21
GROUP HOME 3 ELEVATIONS & SECTION	Sheet 14 of 21
GROUP HOME 4 - SITE & FLOOR PLAN	Sheet 15 of 21
GROUP HOME 4 ELEVATIONS & SECTION	Sheet 16 of 21
GROUP HOME 5 - SITE & FLOOR PLAN	Sheet 17 of 21
GROUP HOME 5 ELEVATIONS & SECTION	Sheet 18 of 21
GROUP HOME 6 - SITE & FLOOR PLAN	Sheet 19 of 21
GROUP HOME 6 ELEVATIONS & SECTION	Sheet 20 of 21
COLOUR SCHEDULE & 3D PERSPECTIVES & IMAGE	Sheet 21 of 21

LANDSCAPE

TREE RETENTION & REMOVAL PLAN	LA01
LANDSCAPE SITE PLAN	LA02
LANDSCAPE DETAILS	LA03

CIVIL & HYDRAULIC

COVER SHEET & LOCALITY PLAN	PC001
(REFER TO DWG PC001 FOR ENGINEERING DRAWINGS)	

SURVEY

SURVEY PLAN	Sheet 1 of 1
-------------	--------------



GROUP HOME 1
VIEW TO SOUTH WEST FROM EXISTING ROAD

DEVELOPMENT DATA

SITE AREA = 23025.70m ²		
GROUP HOME 1	G.E.A.	CURTILAGE AREA
GROUP HOME 2	269.89m ²	1512.00m ²
ADMIN BUILDING	289.70m ²	1322.90m ²
GROUP HOME 3	310.92m ²	1218.58m ²
GROUP HOME 4	295.15m ²	1308.00m ²
GROUP HOME 5	294.16m ²	1235.00m ²
GROUP HOME 6	295.15m ²	1430.00m ²
GROUP HOME 6	294.16m ²	1320.00m ²
TOTALS	2049.13m ²	
Parking		30 spaces

LOCATION PLAN:



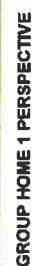
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ASSETS DIVISION
PHONE No (02) 8753 8800
FAX No (02) 8753 8888
www.housing.nsw.gov.au







NSW
GOVERNMENT
Family & Community Services
HOUSING NSW

PROJECT MANAGER & ARCHITECT
ASSETS DIVISION
PH 02 8753 8800 FAX 02 8753 8888
HOUSING NSW

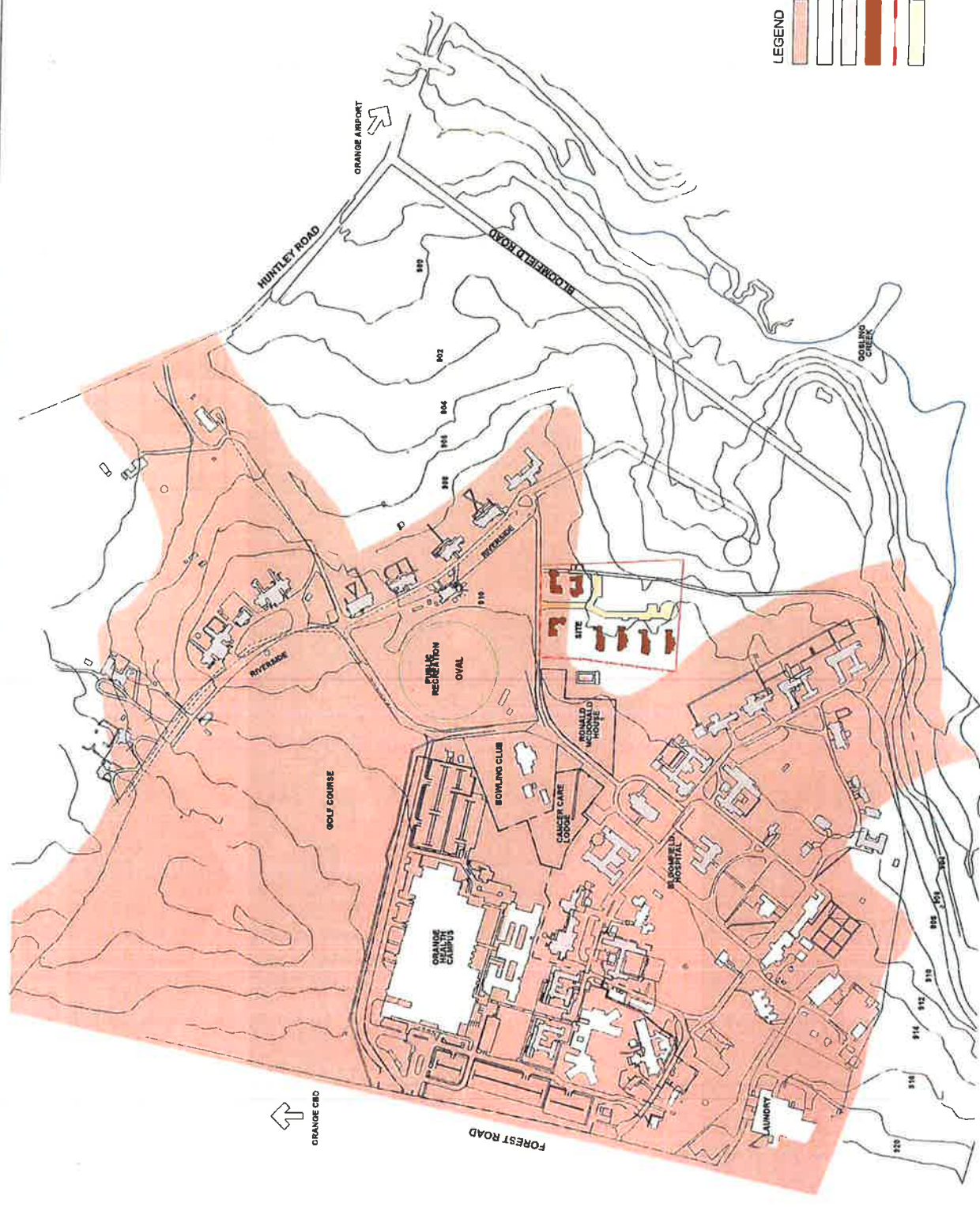
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Family & Community Services
Ageing, Disability & Home Care

DATE 17/09/2011
DESIGN K.K.
PROJECT NO. BC985
P. KOKULERAJ
NOMINATED ARCHITECTS
GEOFFREY WILLIAM KNOX
4544
LINDA GOSLING
4018

[illegible]

Product 1	Product 2	Product 3	Product 4	Product 5	Product 6
 <p>Product 1: A small, dark, rectangular object, possibly a component or a small box.</p>	 <p>Product 2: A small, light-colored, rectangular object, possibly a component or a small box.</p>	 <p>Product 3: A small, dark, rectangular object, possibly a component or a small box.</p>	 <p>Product 4: A small, light-colored, rectangular object, possibly a component or a small box.</p>	 <p>Product 5: A small, dark, rectangular object, possibly a component or a small box.</p>	 <p>Product 6: A small, light-colored, rectangular object, possibly a component or a small box.</p>

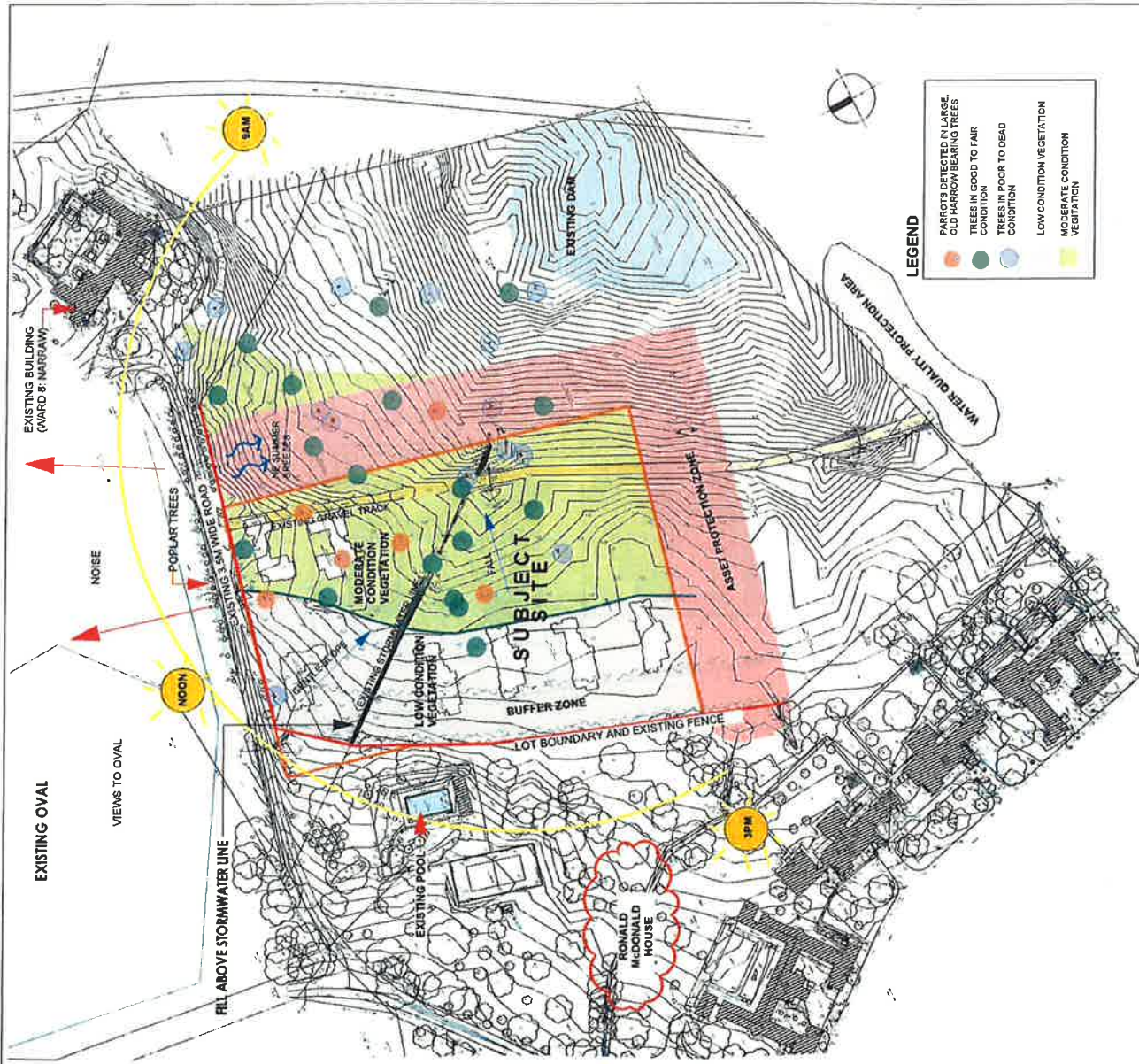
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- LEGEND**
- HIGH HERITAGE SIGNIFICANCE
 - EXISTING BUILDINGS
 - HERITAGE SIGNIFICANT BUILDINGS
 - PROPOSED ADHC DEVELOPMENT
 - SUBJECT SITE
 - PROPOSED ROAD



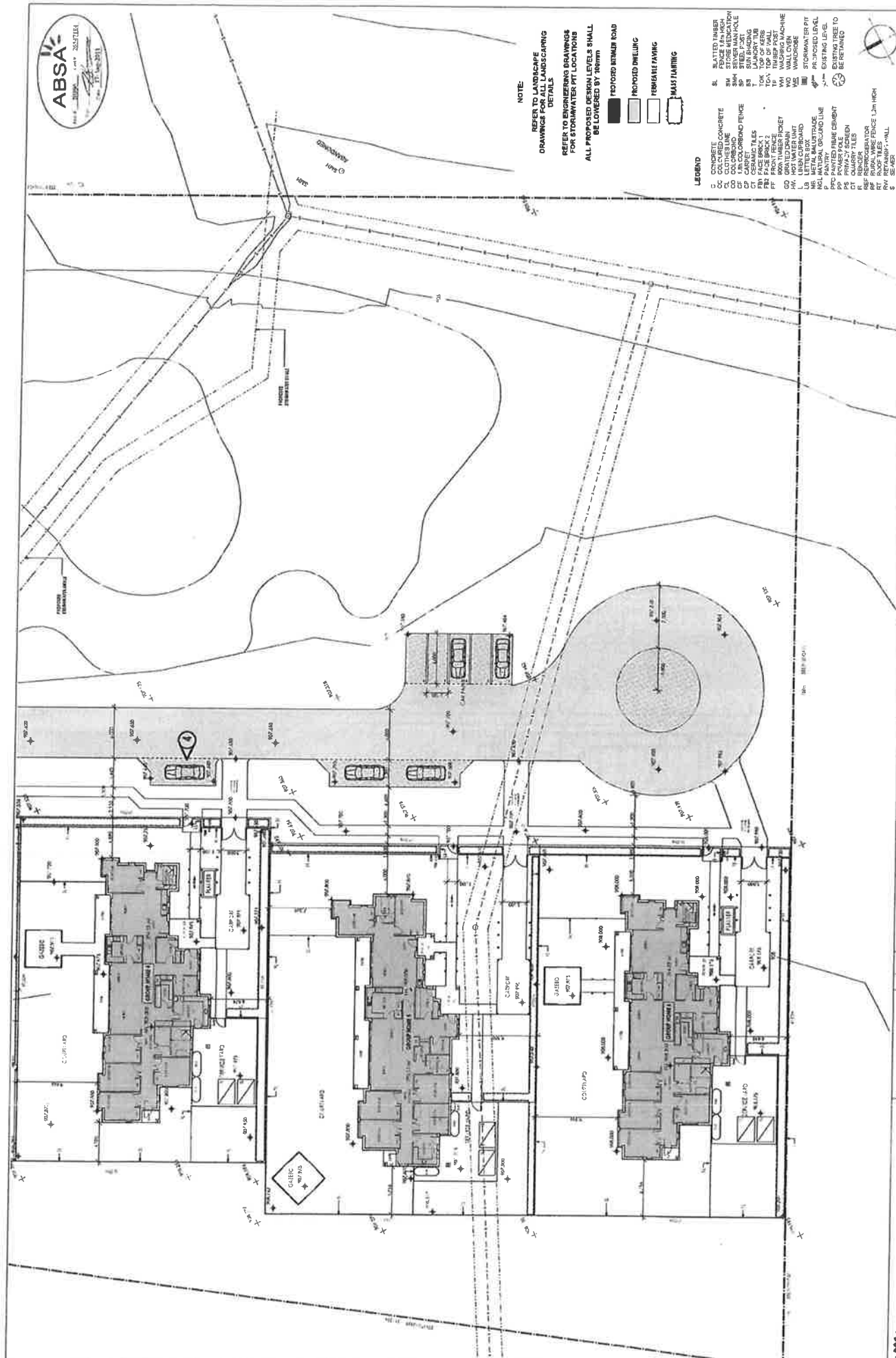
		Family & Community Services Ageing, Disability & Home Care		CONTEXT SITE PLAN		DEVELOPMENT APPLICATION 17/09/2011 2:24 PM A 1 of 21 A	
SPECIALIST SUPPORTED LIVING SERVICES FOREST ROAD, ORANGE 4018		SPECIALIST SUPPORTED LIVING SERVICES FOREST ROAD, ORANGE 4018		SPECIALIST SUPPORTED LIVING SERVICES FOREST ROAD, ORANGE 4018		SPECIALIST SUPPORTED LIVING SERVICES FOREST ROAD, ORANGE 4018	
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- LEGEND**
- PARROTS CATERPILLARS IN LARGE OLD HAWKWEED TREES
 - TREES IN GOOD TO FAIR CONDITION
 - TREES IN POOR TO DEAD CONDITION
 - LOW CONDITION VEGETATION
 - MODERATE CONDITION VEGETATION



Family & Community Services NSW GOVERNMENT		Specialist Supported Living Services Group Homes Forest Road, Orange Part of 200		Site Analysis 17/02/2011 2:24 PM BGS-CD-01		Development Application NTS S.L. K.K. L.G. A 2 of 21 A	
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REFER TO LANDSCAPE
DRAWINGS FOR ALL LANDSCAPING
DETAILS

REFER TO ENGINEERING DRAWINGS
FOR STORMWATER PIT LOCATIONS

ALL PROPOSED DESIGN LEVELS SHALL
BE LOWERED BY 105mm

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Architectural drawing of the exterior of the church building. The main structure is a large, dark-colored building with a prominent steeple and a series of windows. To the right, there is a smaller, lighter-colored building labeled "ANNEX BUILDING". The drawing includes landscaping elements like trees and shrubs, and a dashed line indicating a boundary or path.

PLAN 1000

Architectural drawing of a two-story house, labeled "CRISP HOUSE 1". The house features a dark, gabled roof, white siding, and a prominent chimney on the right side. The front facade includes a large window and a small porch area. The drawing is oriented vertically on the page.

[illegible]

4 GROUP HOME 1 WESTERN ELEVATION
1"=10'

10'0"

10'0"

10'0"

ROOF STRUCTURE TO BIG DETAIL

INSULATION PER AREA REQUIREMENTS TO EXTERNAL WALLS & CEILING

CARPORT

KITCHEN

DINING

LIVING

GROUP HOME 1 SECTION A

1300

NOTE:
REFER TO COLOUR SCHEDULE FOR
COLOUR FINISHES & DETAIL

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NSW
GOVERNMENT

GROUP HOME 4 EASTERN ELEVATION

1:100

[illegible]

INSULATION MEETING AREA REQUIREMENTS TO EXISTING WALL & CEILING

10'-0"

10'-0"

10'-0"

1" = 10'-0"

GROUP HOME 4 SECTION E

1:100

NOTE:
REFER TO COLOUR SCHEDULE FOR
COLOUR FINISHES & DETAIL

GPV

- [illegible]

[illegible]



NSW
GOVERNMENT

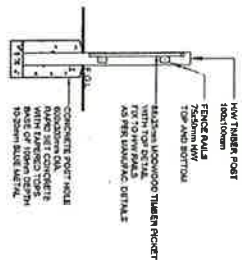
GROUP HOME 6 SOUTHERN ELEVATION

1/100

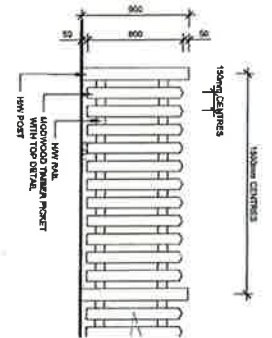
NOTE:
REFER TO COLOUR SCHEDULE FOR
COLOUR FINISHES & DETAIL

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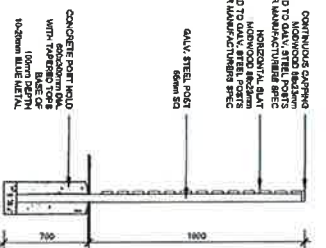
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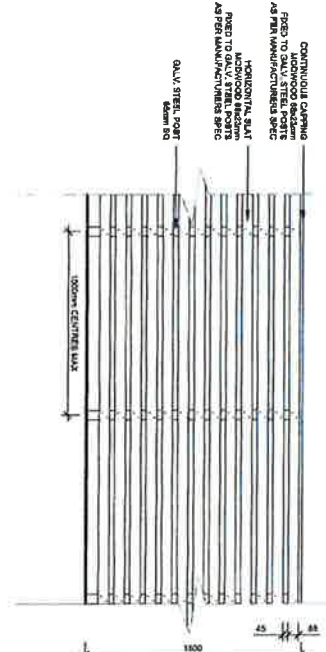
FRONT PICKET FENCE
SECTION 1:20



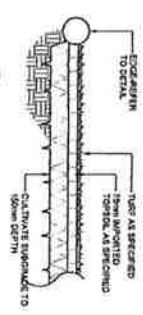
FRONT PICKET FENCE
ELEVATION 1:20



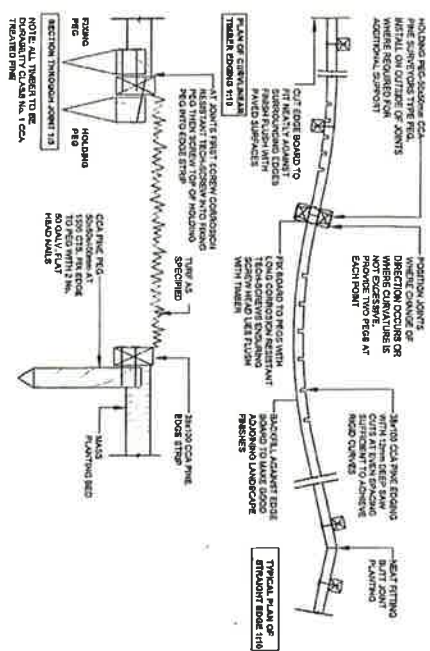
SLATTED TIMBER FENCE
SECTION 1:20



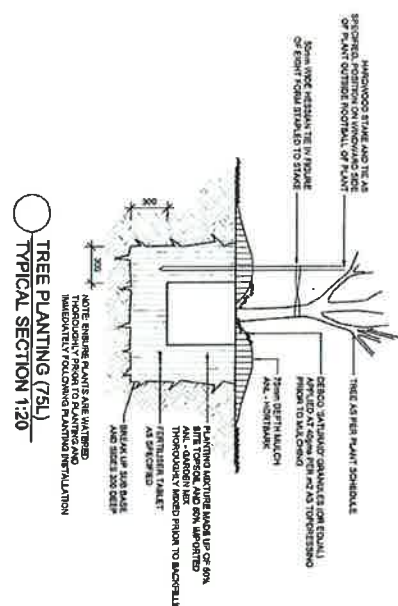
SLATTED TIMBER FENCE
ELEVATION 1:20



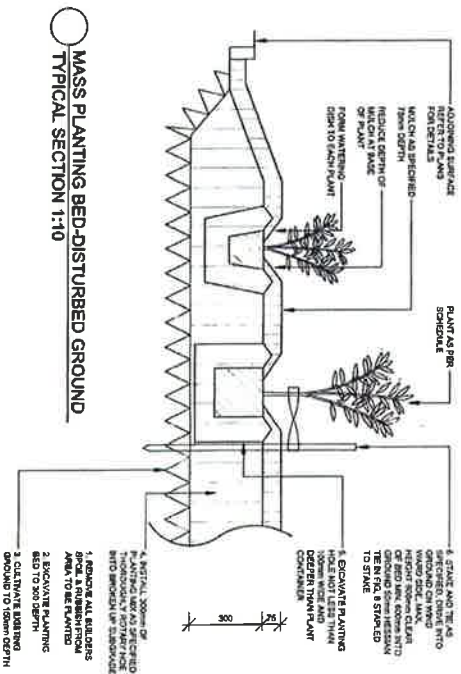
TURF
SECTION 1:20



GARDEN EDGE-TIMBER
TYPICAL DETAIL 1:10



TREE PLANTING (75L)
TYPICAL SECTION 1:20



MASS PLANTING BED-DISTURBED GROUND
TYPICAL SECTION 1:10

PROPOSED LANDSCAPE CHARACTER



THREE IN LAWN WITH HEDGING
(PICTURE OF EXISTING BLOOMFIELD SITE)



SMALL ORNAMENTAL TREE IN FRONT LAWN
(PICTURE OF EXISTING BLOOMFIELD SITE)



GRASSY SWALE ADJACENT TO A DRIVEWAY
(EXISTING BLOOMFIELD CHARACTER)



GREEN TIMBER FENCE 1.8m HIGH
(EXISTING BLOOMFIELD CHARACTER)



WASHED CONCRETE PAVING (P2)



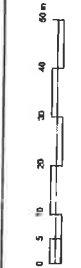
SAW CUT WASHED CONCRETE PAVING (P3)

SPECIALIST SUPPORTED LIVING SERVICES
GROUP HOMES
FOREST ROAD, ORANGE

PROJECT INFORMATION		DRAWING INFORMATION	
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[illegible]

taylorrammer



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92	DESIGNER	LA02				

LEGEND

	SITE BOUNDARY
	EXISTING TREE RETAINED
	EXISTING HOLLOW BEARING TREE RETAINED
	EXISTING TREE REMOVED
	EXISTING HOLLOW BEARING TREE REMOVED
	EXISTING CONTOUR

EXISTING TREE SCHEDULE

Tree ID	Tree Size	Species	DBH (cm)	Height (m)	Condition	Notes
1	10	Acacia	10	10	Good	
2	15	Acacia	15	15	Good	
3	20	Acacia	20	20	Good	
4	25	Acacia	25	25	Good	
5	30	Acacia	30	30	Good	
6	35	Acacia	35	35	Good	
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197	990	Acacia	990	990	Good	
198	995	Acacia	995	995	Good	
199	1000	Acacia	1000	1000	Good	
200	1005	Acacia	1005	1005	Good	

NOTE: REFER ARBORIST REPORT FOR DETAILED ASSESSMENT AND RECOMMENDATIONS PREPARED BY AGILE ARBOR

140 David Road, Wollstonecraft, NSW 1500
 Tel: 02 9377 1000 Fax: 02 9377 1001
 www.taylorbrammer.com.au

SPECIALIST SUPPORTED LIVING SERVICES
 GROUP HOMES
 FOREST ROAD, ORANGE

DATE: 10/10/2023
 DRAWN BY: J. B. 10/10/2023
 CHECKED BY: J. B. 10/10/2023
 APPROVED BY: J. B. 10/10/2023

50 m

SCALE: 1:1000

LA01

B

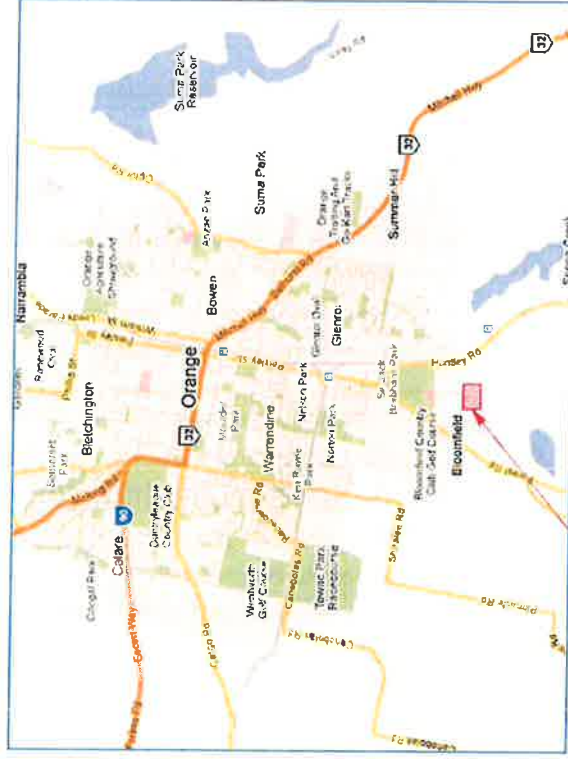
PRELIMINARY CIVIL ENGINEERING DRAWINGS

SPECIALIST SUPPORTED LIVING SERVICES GROUP HOMES

FOREST ROAD, ORANGE

SCHEDULE OF DRAWINGS

- C 001 COVER SHEET AND LOCALITY PLAN
- C 002 OVERALL SERVICES PLAN
- C 003 SITE SERVICES PLAN
- C 004 EARTHWORKS PLAN
- C 005 EARTHWORKS SECTIONS - SHEET 1 OF 4
- C 006 EARTHWORKS SECTIONS - SHEET 2 OF 4
- C 007 EARTHWORKS SECTIONS - SHEET 3 OF 4
- C 008 EARTHWORKS SECTIONS - SHEET 4 OF 4
- C 009 ROADWORKS PLAN AND LONGITUDINAL SECTIONS
- C 010 ROADWORKS TYPICAL SECTIONS
- C 012b TIMBER BRIDGE CROSSING - DETAILS
- C 020 CONCRETE DRIVEWAY AND FOOTPATH DETAILS
- C 021 SEWER ENCASEMENT
- C 023 EROSION AND SEDIMENT CONTROL PLAN AND DETAILS



LOCALITY PLAN

**BLOOMFIELD RIVERSIDE
DEVELOPMENT SITE**

NOTES

1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SPECIALIST SUPPORTED LIVING SERVICES GROUP HOMES - FOREST ROAD, ORANGE COVER SHEET AND LOCALITY PLAN.
2. ALL LEVELS ARE TO AUSTRALIAN REDDIT DATUM IN METRES.
3. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE (I.N.O.).
4. DO NOT OBTAIN DIMENSIONS BY SCALING FROM DRAWINGS.
5. ALL PROPOSED DESIGN LEVELS SHOWN SHALL BE LOWERED BY 100mm.

DRAFT COPY

DRAWING NOT TO SCALE

SPECIALIST SUPPORTED LIVING SERVICES GROUP HOMES - FOREST ROAD, ORANGE	
Project No.	C 001
Revision	REVISION

COVER SHEET AND LOCALITY PLAN	
Author	Author
Checker	Checker
Engineer	Engineer
Project Manager	Project Manager

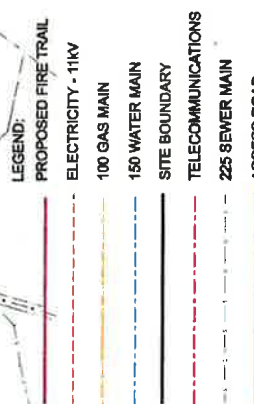
PLOT DATA - Project General	
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Plot Shape	Plot Shape
Plot Location	Plot Location

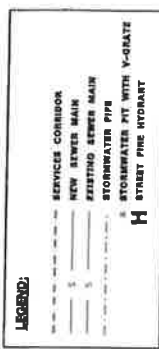
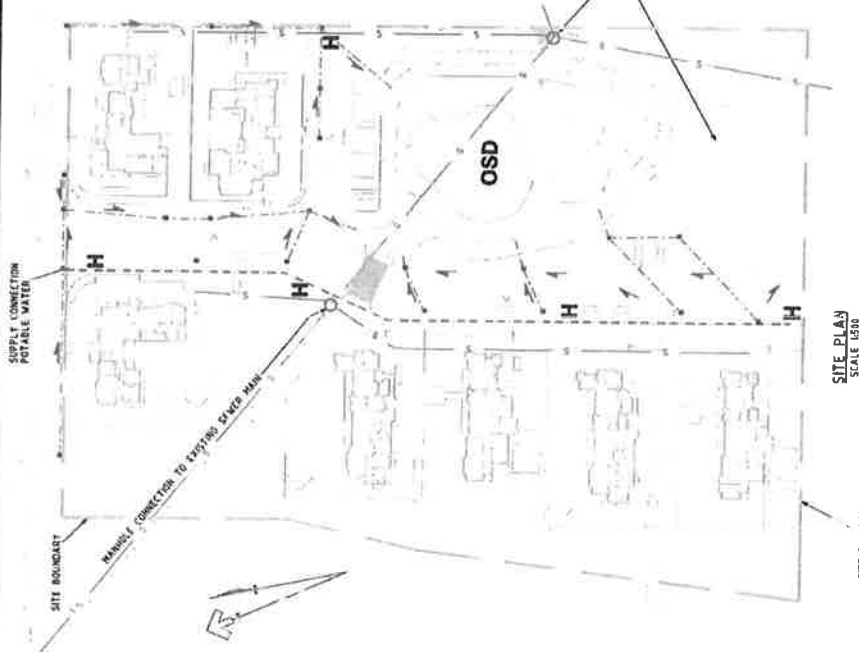
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PLOT DATA - Project Specific	
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Plot Shape	Plot Shape
Plot Location	Plot Location

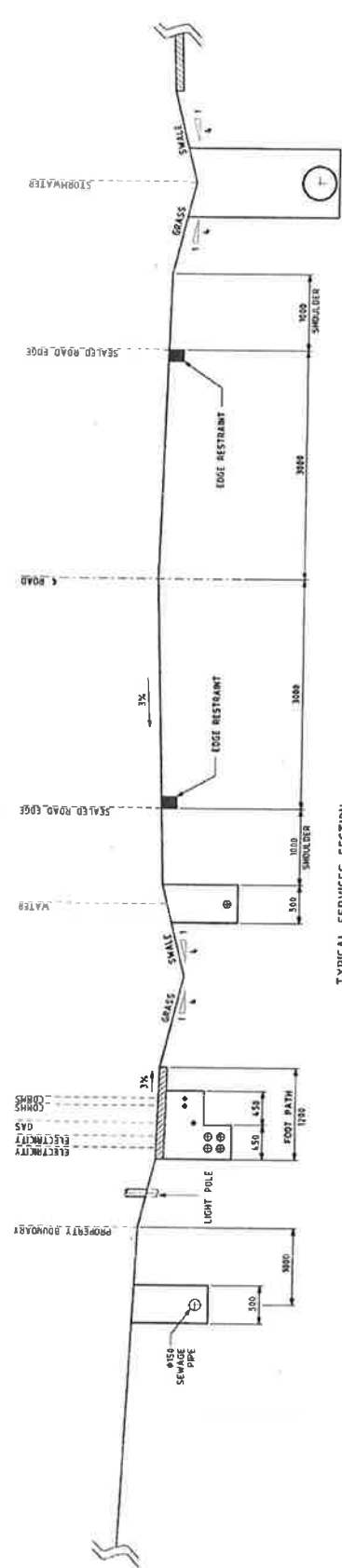
THE PROPOSED ACCESS ROAD FROM FOREST ROAD TO THE COUNTRY CLUB ROAD INTERSECTION SATISFIES THE NEW RURAL FIRE SERVICE (RFS) REQUIREMENTS FOR EMERGENCY ACCESS OF FIRE TRUCKS. IN GENERAL, THE ROAD IN FRONT OF THE ADHC SITE ALSO SATISFIES THE RFS REQUIREMENTS WITH SEALED SURFACE WIDTHS VARYING BETWEEN 3.6 METRES TO 3.8 METRES WITH VERGE ON EITHER SIDE TO ALLOW FOR VEHICLE PASSING.

[illegible]



NOTES:

1. CONTRACTOR MUST CONTACT DIAL BEFORE YOU DIG AND OBTAIN UP-TO-DATE LOCATIONS OF ALL EXISTING UTILITIES. ALL LOCATIONS OF SERVICES ARE TO BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF WORKS.
2. CONTRACTOR SHALL TAKE DUE CARE WHEN EXCAVATING ON-SITE INCLUDING HAND EXCAVATION METHODS WHERE NECESSARY.
3. CONTRACTOR TO LAISE DIRECTLY WITH ALL SERVICES AUTHORITIES AND SHALL COMPLY WITH ALL THEIR REGULATIONS AND REQUIREMENTS.
4. MAKE SMOOTH CONNECTION WITH EXISTING WORKS

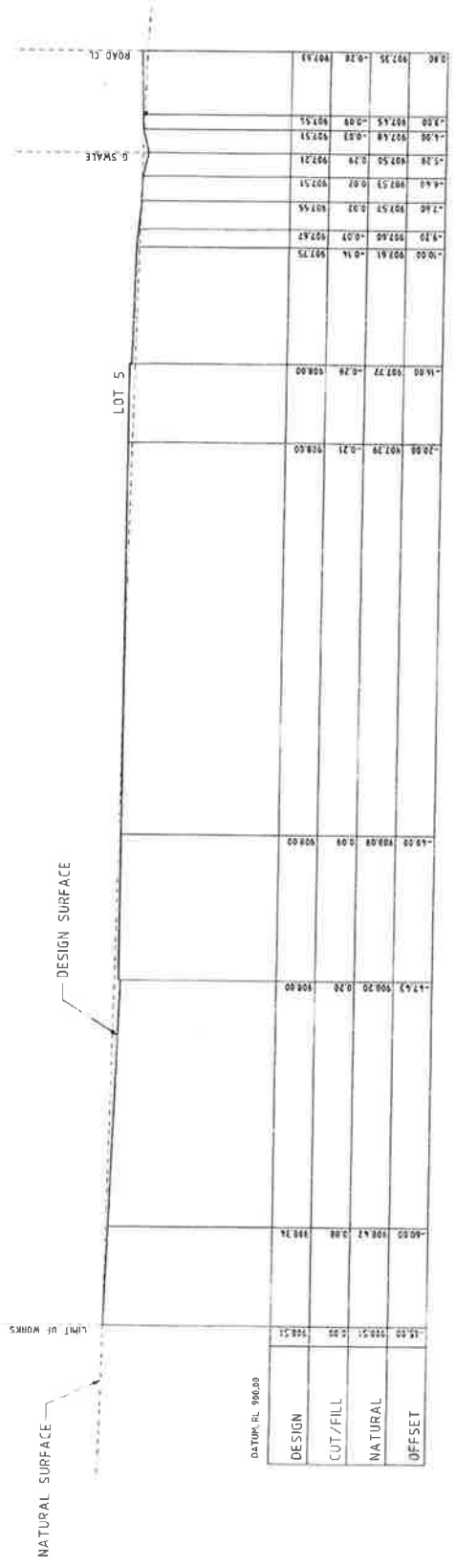


TYPICAL SERVICES SECTION
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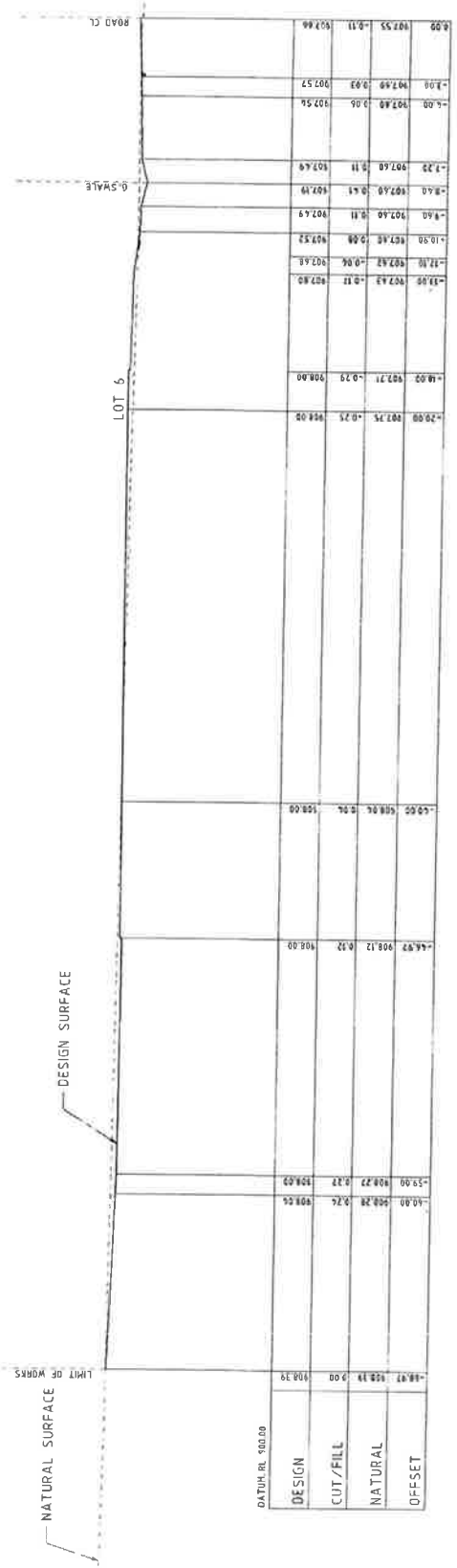
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<p>PROJECT: SPECIALIST SUPPORTED LIVING SERVICES GROUP HOMES - FOREST ROAD, ORANGE</p>		<p>DATE: 08/08/2011</p>	<p>SCALE: 1:50</p>	<p>PROJECT NO: 003</p>
<p>DESIGNER: [Firm Name]</p>		<p>CLIENT: [Client Name]</p>	<p>LOCATION: [Location]</p>	<p>STATUS: [Status]</p>
<p>DESIGNED BY: [Name]</p>		<p>CHECKED BY: [Name]</p>	<p>APPROVED BY: [Name]</p>	<p>DATE: [Date]</p>

PRELIMINARY DRG\C004.dgn 8/08/2011 3:20:24 PM



SECTION E
SCALE 100'



SECTION F
SCALE 100'

NOTES
1. REFER TO NOTES ON DRG C-004.
2. ALL PROPOSED DESIGN LEVELS TO BE LOWERED BY 100mm.

PROJECT: 007 SHEET: 3 of 4 DATE: 08/20/11		SPECIALIST SUPPORTED LIVING SERVICES GROUP HOMES - FOREST ROAD, ORANGE		EARTHWORKS SECTIONS C 007	
DESIGNER: [Signature] CHECKED: [Signature] DATE: 08/20/11		PROJECT MANAGER: [Signature] DATE: 08/20/11		CLIENT: [Signature] DATE: 08/20/11	
PROJECT LOCATION: [Address] PROJECT NUMBER: [Number]		PROJECT DESCRIPTION: [Description] PROJECT STATUS: [Status]		PROJECT BUDGET: [Budget] PROJECT COST: [Cost]	

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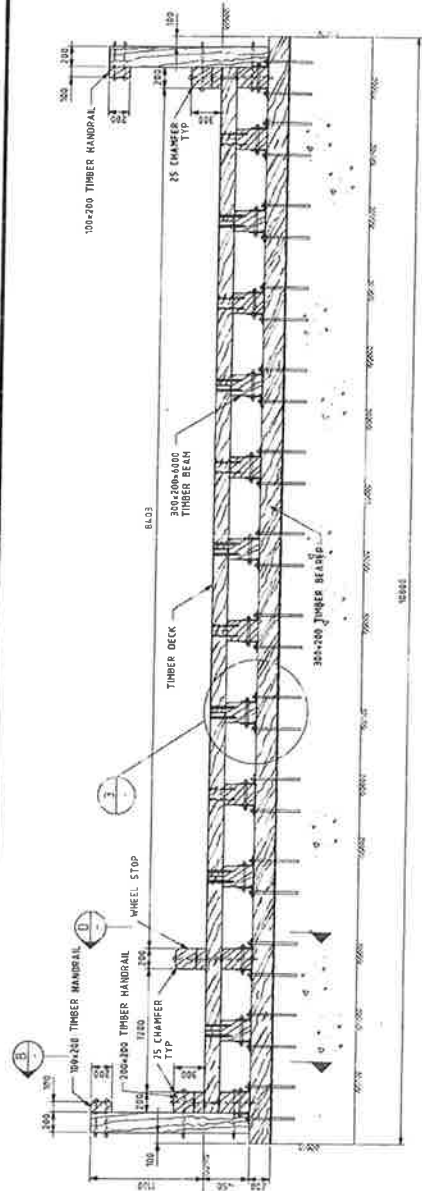
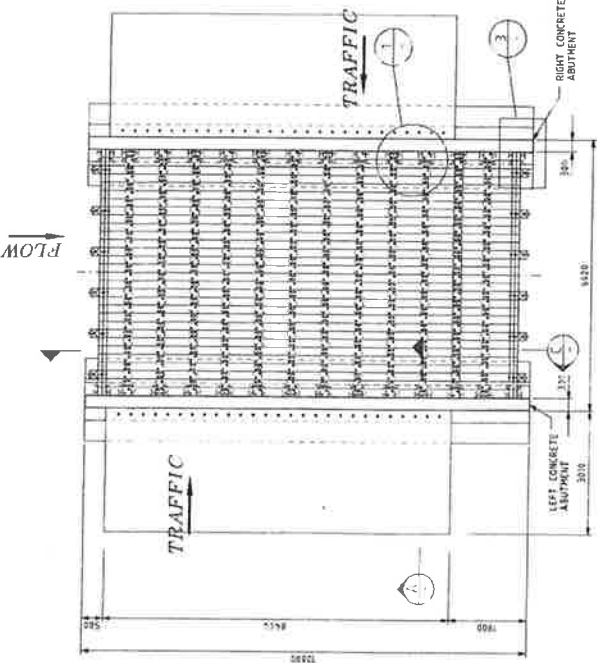
SHEET 5 OF 5

REVISION

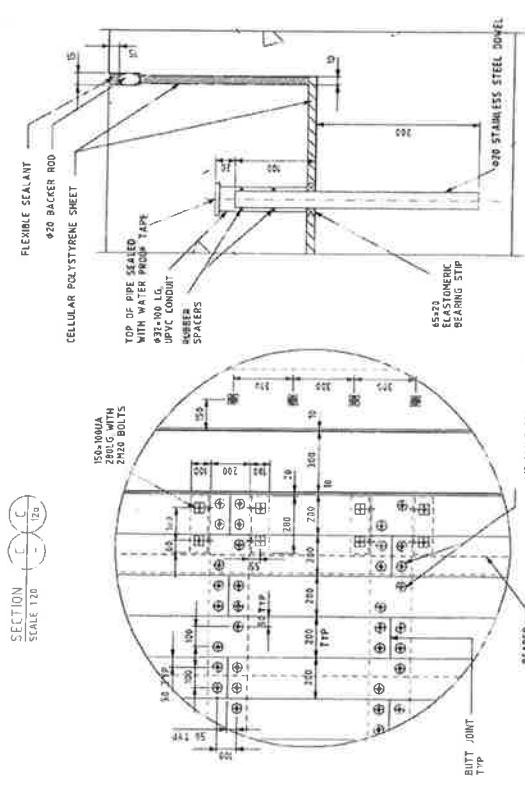
1. REFER TO NOTES ON DRG C-004.
2. ALL PROPOSED DESIGN LEVELS TO BE LOWERED BY 100mm.



Topographic map of Lot 7. The map shows a long, narrow lot with a dashed line indicating the 'NATURAL SURFACE' and a solid line indicating the 'DESIGN SURFACE'. A 'LIGHT OF WORKS' is marked near the bottom left. The lot is bounded by 'ROAD CL' on the right and 'G SWALE' on the left. The text 'LOT 7' is written vertically along the right boundary.

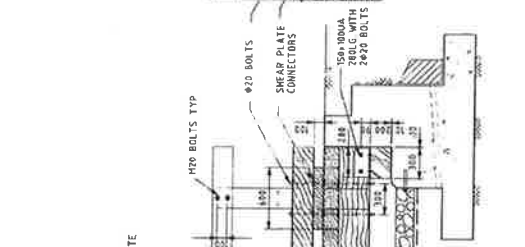


SECTION
SCALE 1/2" = 1'-0"



DETAIL
SCALE 1/2" = 1'-0"

SECTION
SCALE 1/2" = 1'-0"



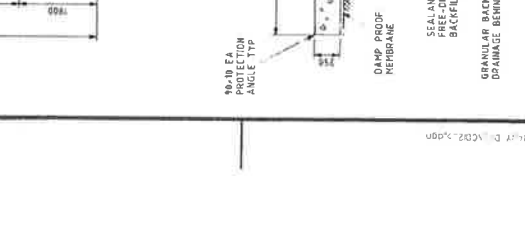
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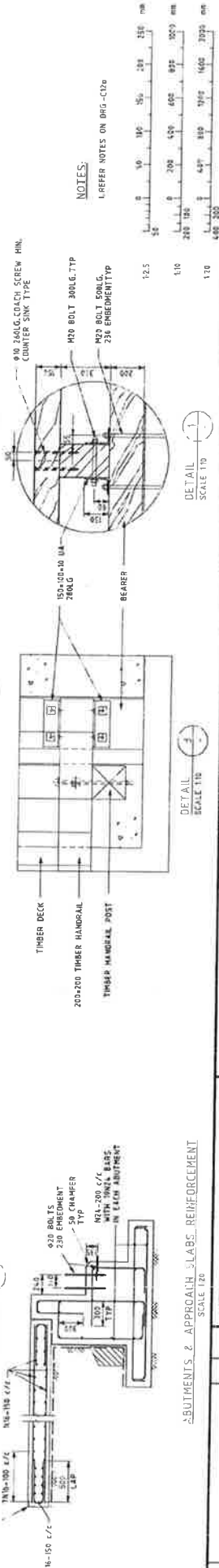


SECTION
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SECTION
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SECTION
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DETAIL
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ABUTMENTS & APPROACH SLABS, REINFORCEMENT

SPECIALIST SUPPORTED LIVING SERVICES
GROUP HOMES - FOREST ROAD, ORANGE

TIMBER BRIDGE DETAILS

REVISION

DATE: 10/11/2011

BY: [Signature]

CHECKED: [Signature]

DATE: 10/11/2011

BY: [Signature]

CHECKED: [Signature]

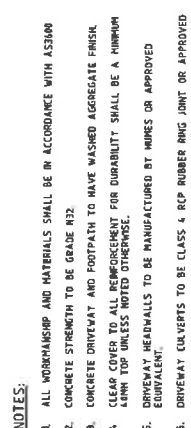
DATE: 10/11/2011

LIST SUPPORTED LIVING SERVICES

1

PL

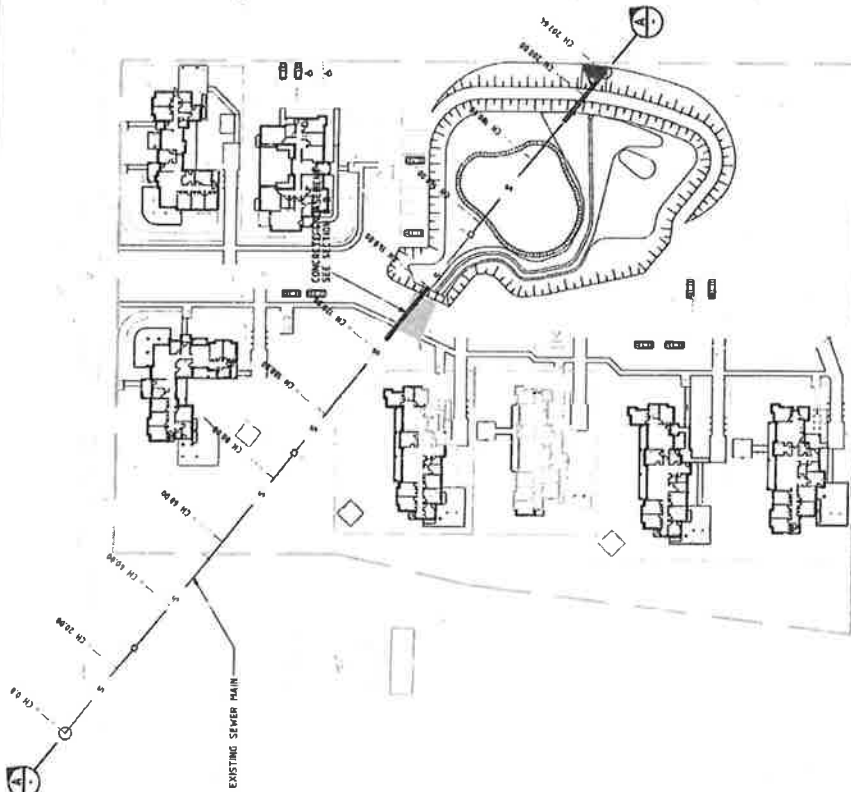
020



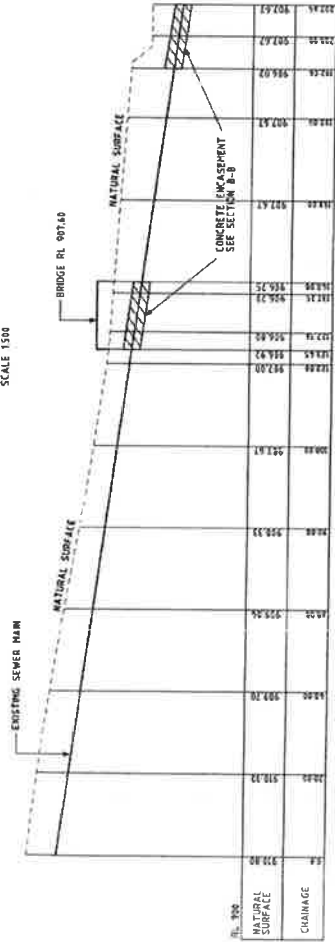
NOTES:

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AASHTO M 301.
2. CONCRETE STRENGTH TO BE GRADE R32.
3. CONCRETE DRIVEWAY AND FOOTPATH TO HAVE WASHED AGGREGATE FINISH CLEAR COVER TO ALL REINFORCEMENT FOR DURABILITY SHALL BE A MINIMUM 4 INCH TOP UNLESS NOTED OTHERWISE.
4. DRIVEWAY HEADWALLS TO BE MANUFACTURED BY MURES OR APPROVED EQUIVALENT.
5. DRIVEWAY CURBSETS TO BE CLASS 4 RCP RUBBER RING JOINT OR APPROVED EQUIVALENT.

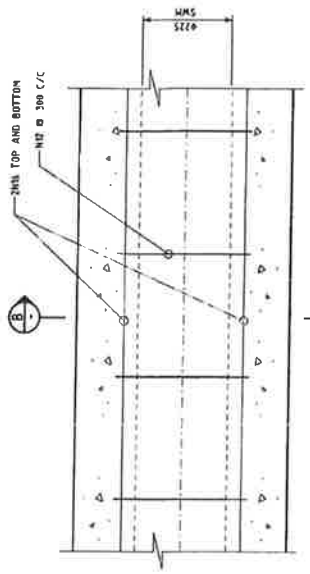




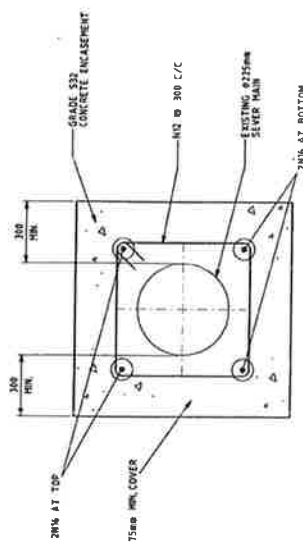
PLAN
SCALE 1"=50'



SECTION
SCALE 1/8"=1'-0"



PLAN
SCALE 1"=50'



SECTION
SCALE 1"=50'

NOTES:

1. EXTENT OF SEWER ENCASEMENT SHOWN IS APPROXIMATE ONLY.
2. PRIOR TO AND DURING CIVIL WORKS, THE CONTRACTOR MUST CONDUCT THEIR OWN SURVEY AND OBTAIN ALL NECESSARY PERMITS FROM ALL AUTHORITIES PRIOR TO COMMENCEMENT WORK FOR LOCATION OF EXISTING SERVICES.



SPECIALIST SUPPORTED LIVING SERVICES	
GROUP HOMES - FOREST HODG, ORANGE	
PROJECT NO.	021
REVISION	2

DATE	11/11/2011
BY	J. J. J.
CHECKED BY	J. J. J.
APPROVED BY	J. J. J.

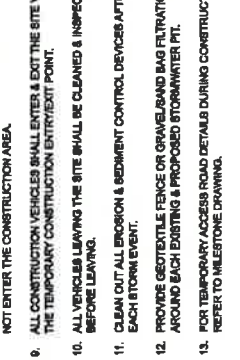
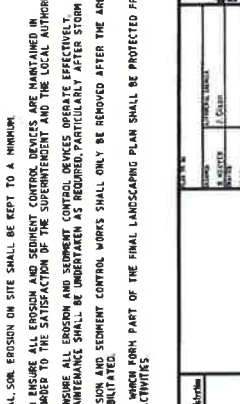
DATE	11/11/2011
BY	J. J. J.
CHECKED BY	J. J. J.
APPROVED BY	J. J. J.

DATE	11/11/2011
BY	J. J. J.
CHECKED BY	J. J. J.
APPROVED BY	J. J. J.

DATE	11/11/2011
BY	J. J. J.
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APPROVED BY	J. J. J.

DATE	11/11/2011
BY	J. J. J.
CHECKED BY	J. J. J.
APPROVED BY	J. J. J.

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6. EXISTING TREES WHICH FORM PART OF THE FINAL LANDSCAPING PLAN SHALL BE CONSTRUCTION ACTIVITIES.

6. EXISTING TREES WHICH FORM PART OF THE FINAL LANDSCAPING PLAN SHALL BE PROTECTED FROM CONSTRUCTION ACTIVITIES.

The graph plots 'Days of absence due to illness' on the vertical axis (0 to 150) against 'Days of exposure to 12-hour shift' on the horizontal axis (0 to 50). The data points are connected by a line, showing a rapid increase in absence days starting around day 10, reaching a plateau of approximately 140-150 days of absence by day 40.



ORANGE CITY COUNCIL

Development Application No **DA 326/2011(1)**

NA13/618

Container PR4113

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application

Applicant Name: FACS - Ageing, Disability and Home Care
Applicant Address: Level 2 55 Clarence Street
SYDNEY NSW 2000
Owner's Name: Bloomfield Hospital
Land to Be Developed: Lot 230 DP 720596 - 1502 Forest Road, Orange
Proposed Development: Six Group Homes and Associated Office

Building Code of Australia building classification:

Class - to be advised by the Certifier

Determination

Made On: 1 October 2013

Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: 2 October 2013

Consent to Lapse On: 2 October 2018

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 must be carried out in accordance with:
 - (a) **Plan- Colour Series for Site Plan, Site Analysis and Colour Schedule by Family and Community Services (4 Sheets); ABSA Certified Plans by Family and Community Services (18 sheets); Contour and Detail Survey by Craig Jaques (1 sheet); Landscape Detail and Character Images by Taylor Brammer (1 sheet); Landscape Site Plan By Taylor Brammer (1 sheet); Tree Removal and Retention Plan by Taylor Brammer (1 sheet); and Preliminary Civil Engineering Drawings by NSW Public Works (14 sheets)**
 - (b) statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

Conditions (cont)

PRESCRIBED CONDITIONS

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the site is prohibited.

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

- (4) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent commences.
- (5) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - a in the case of work for which a principal contractor is required to be appointed:
 - 1 the name of the licence number of the principal contractor, and
 - 2 the name of the insurer by which the work is insured under Part 6 of that Act,
 - b in the case of work to be done by an owner-builder:
 - 1 the name of the owner-builder, and
 - 2 if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (6) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a protect and support the adjoining premises from possible damage from the excavation, and
 - b where necessary, underpin the adjoining premises to prevent any such damage.

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

PRIOR TO THE COMMENCEMENT OF WORK

- (7) Prior to the commencement of work evidence shall be provided to demonstrate that the plan of subdivision to create approved Lot 600 has been registered with NSW Land and Property Information.

Conditions (cont)

Prior to the commencement of work (cont)

- (8) Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the commencement of work.
- (9) A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) for approval prior to the commencement of work. The control plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
- (10) The development's stormwater design is to 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 is to 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 are to be submitted and approved by Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the commencement of work.

- (11) **Payment of contributions for water, sewer and drainage works** is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 6 ETs for water supply headworks and 6 ETs for sewerage headworks. A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, will be issued upon payment of the contributions.

This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the commencement of work.

- (12) All stormwater from the site is to be collected and piped to the existing watercourse within the site. All stormwater is to be directed to sediment basins / wetlands / detention basin(s) to ensure that no contamination leaves the subject land. Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6), prior to the commencement of work, is to approve engineering plans for this stormwater system.

The design and construction of the stormwater management system for the subject land shall ensure that the quality of stormwater leaving the developed site shall be equal or better to existing outflows. The criteria for assessment shall include the following key indicators: Total Phosphorus ($\mu\text{g.L}^{-1}$), Total Nitrogen ($\mu\text{g.L}^{-1}$), pH (lower and upper limits), Salinity ($\mu\text{S.cm}^{-1}$), and Turbidity (NTU).

A stormwater management design shall be submitted by the applicant and approved by Councils Director – Technical Services. Prior to the submission of the design, the applicant shall undertake comprehensive water quality modelling on for the site, using an accredited assessment tool (recommended using Music™ or other approved assessment tool) and shall include the abovementioned key indicators. All modelling shall be prepared on the assumption that the site is free of stock (ie completely vacant). Modelling shall be undertaken for both pre and post development scenarios.

Conditions (cont)

PRIOR TO WORKS COMMENCING

- (13) A temporary on-site toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available on-site.
- (14) Soil erosion control measures shall be implemented on the site.
- (15) 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 water, sewer and stormwater connection and works. Details concerning the proposed backflow prevention between the nominated tank water supply and the potable system is to be provided. No plumbing and drainage is to commence until approval is granted.

DURING CONSTRUCTION/SITEWORKS

- (16) 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.
- (17) The following inspections will be required to be carried out by Council as the Water and Sewer Authority:
 - internal sewer
 - hot and cold water installation
 - external sewer
 - stormwater drainage
 - final on water, sewer and stormwater drainage and Council services.
- (18) 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.
- (19) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (20) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (21) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.

The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
- (22) All driveway and parking areas are to be sealed with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.

Conditions (cont)

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- (23) 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 building.
- (24) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater retention basin / wetland complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- (25) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (26) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
- (27) A minimum lot size of 12.9 ha is required for the subdivision.
- (28) No approval is included in this consent for any fencing of the site.
- (29) A minimum of 24 off street parking spaces is required to be provided at all times, laid out and constructed in accordance with the approved plans.
- (30) Prior to the carrying out of any works, the applicant shall ensure full compliance with the recommendations of the Preliminary Aboriginal Heritage Assessment, prepared by AHMS and dated July 2013.

GENERAL TERMS OF APPROVAL OF THE RURAL FIRE SERVICE (RFS)

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- (1) At the commencement of building works and in perpetuity, asset protection zones (APZ) shall be provided as detailed in Figure 2- Proposed Development Layout and Asset Protection Zones with the bushfire Threat Assessment prepared by Ecobiological report revised August 2011. APZs associated with the development shall be managed as an inner protection area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- (2) Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Conditions (cont)

General Terms of Approval Of The Rural Fire Service (RFS)

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- (3) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (4) New construction shall comply with section 5 (BAL 125) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

- (5) Landscaping around the buildings is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

GENERAL TERMS OF APPROVAL OF THE HERITAGE COUNCIL OF NEW SOUTH WALES

- (1) All work must be carried out in accordance with the following documents (except where amended by conditions below);
 - Heritage Impact Statement for Group Homes Issue B dated February 2013;
 - Species Impact Statement prepared by Ecobiological dated October 2012;
 - Vegetation Management Plan prepared by Ecobiological dated May 2011;
 - Offset Area Vegetation Management Plan prepared by Ecobiological dated November 2012;
 - Landscape Design Report by Taylor Brammer dated 4th August 2011;
 - Landscape and architectural drawings listed below.
 - (a) Architectural Drawing No. BG885 Revision B, Sheet 3a prepared by Family & Community Services and dated 02/11/2012.
 - (b) Architectural Drawings Nos. BG885 Revision A, Sheets 4 to 21 prepared by Family & Community Services and dated 16/08/2011.
 - (c) Landscape Drawings Nos. LA01 to LA03 Revision B prepared by Taylor Brammer and dated 04/08/2011.
 - (d) Services Site Plan Drawing No. 10146-1 prepared by NSW Water Solutions Dams and Civil Technologies.
- (2) Prior to construction commencing, a revised materials board shall be submitted for approval to the Heritage Council or its delegate.

Archaeological Heritage

- (3) Should any Aboriginal objects be uncovered on site, all work must cease in the immediate area and the appropriate section of the Office of Environment and Heritage must be notified;

Conditions (cont)

General Terms of Approval of the Heritage Council of New South Wales (cont)

- (4) Should any historic archaeological deposits or relics be uncovered during excavation works the Heritage Council must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Work must cease in the affected area(s) and a suitably qualified and experienced archaeologist (with experience working on *State Heritage Register* sites) must be contacted to assess the archaeological material. Additional assessment and approval may be required, prior to works continuing in the affected area(s) based on the nature of the discovery.

Threatened Species

- (5) An active planning program (staged) for *Acacia species* is to form part of any vegetation management plans as supplementary superb parrot habitat (as shrub layer);
- (6) The sequence of ameliorative measures listed below are to be undertaken by the applicant:
- Pre-clearing assessments by a qualified ecologist;
 - Tree removal techniques which minimise harm to fauna;
 - The presence of a qualified ecologist at all times during clearing of trees so that any injured animals may be recovered and given appropriate veterinary attention;
 - The recovery of hollows and felled trees as habitat. All hollow bearing trees proposed for removal, shall be retained and relocated to the offset area. The hollows are to supported upright by appropriate staking;
 - Fencing and access control to prevent site access during construction;
 - Establishment of a local seed bank to assist future rehabilitation of the site.

Landscaping

- (7) A revised landscape plan, showing a more informal approach to the landscaping of the residential complex, is to be submitted to the Heritage Council for approval.

Site Protection

- (8) The Applicant must ensure that all personnel involved in the works attend a heritage induction which explains the heritage significance of the site and their obligations and requirements in relation to historical archaeology;
- (9) Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Recording

- (10) A photographic record of the site is to be undertaken in accordance with the Heritage Council's guidelines, "Photographic Recording of Heritage Items using Film or Digital Capture," prior to commencement of work. The recording is to be stored in a suitable archive with other archival material relating to the site.

Compliance

- (11) An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.

Conditions (cont)

CONCURRENCE REQUIREMENTS OF THE OFFICE OF ENVIRONMENTAL HERITAGE (OEH)

- (1) The Department of Community Services (Ageing, Disability and Homecare) must develop a compensatory offset package to the satisfaction of OEH in writing and finalised within twelve months of the date of this concurrence. To compensate for the impact to vegetation classified as EEC the offset package is to comprise a 10.66 ha portion of the old Lot 501 DP 1175440 (currently being sub-divided). The package is to include 8.8 ha to be managed for conservation and an additional 1.86 ha that will be managed as an Asset Protection Zone. The APZ will have bushfire management constraints on the vegetation but will also have conservation management outcomes.
- (2) The Offset area must be secured by a legally binding covenant to provide in perpetuity protection of the site.
- (3) A comprehensive Biodiversity Management Plan, detailing the long-term rehabilitation and management of the Offset area, is to be developed in consultation with OEH in accordance with the OEH Guidelines for the Preparation of Biodiversity Management Plans. The BMP is to include a Weed Management Plan outlining strategies for the ongoing management of weeds. The WMP should detail timelines for the staged removal of major weeds infestations taking into account, and compensating for, any temporary loss of habitat for fauna.
- (4) The BMP should include details of a monitoring program for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:
 - (i) the monitoring of the condition of species and ecological communities at offset locations;
 - (ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
 - (iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH.

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
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 6 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:

2 October 2013