

2012/882

**REPORT TO      GENERAL MANAGER  
WESTERN REGION JOINT REGIONAL PLANNING PANEL MEETING**

**FROM            TEAM LEADER - DEVELOPMENT ASSESSMENTS**

**DATE            28 AUGUST 2011**

**ON               DEVELOPMENT APPLICATION  
225-227, 231-243 ANSON STREET, 42 SALE STREET, 94 AND  
98 BYNG STREET, ORANGE**

**DEMOLITION, SHOP, ALTERATIONS AND ADDITIONS TO  
REGISTERD CLUB AND MOTEL**

**PR18528 - IC12/330**

<b>Application Lodged</b>	10 January 2012
<b>Development Application No</b>	DA 4/2012(1)
<b>Plan No/s</b>	Project no 6248 – plans numbered: DA 101a      Photo Montages DA 101b      Photo Montages DA 102 A2    Site Plan DA 103 A2    Existing Lower Ground Floor Plan DA 104 A2    Existing Ground Floor Plan DA 104a A2   Demolition Ground Floor Plan DA 105 A2    Existing First Floor Plan DA 105a A2   Demolition First Floor Plan DA 106 A2    Proposed Lower Ground Floor Plan DA 107 A2    Proposed Ground Floor Plan DA 108 A2    Proposed Ground Floor Car Parking Plan DA 109 A2    Proposed First Floor Plan DA 110 A2    Proposed Second Floor Plan DA 111 A2    Proposed Third Floor Plan DA 112 A2    Proposed Fourth Floor Plan DA 113 A3    Elevations and Sections DA 114 A3    Elevations and Sections DA 115 A2    Shadow Diagrams DA 116 A2    Site Survey Plan DA 117 A1    Lower Ground Construction Phasing Plan DA 118 A1    Ground Floor Construction Phasing Plan

**(plan numbers continued over the page)**



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<b>Plan No/s (cont)</b>	DA 119 A1	First Floor Construction Phasing Plan
	DA 120 A1	Second Floor Construction Phasing Plan
	DA 121 A1	Third Floor Construction Phasing Plan
	DA 122 A1	Fourth Floor Construction Phasing Plan
	Landscape Plan - project number 12-05, Issue C, date 25/5/12 - Landscape	
<b>Applicant</b>	Orange Ex-Services' Club Ltd Attention Mr S Brown C/- Global Projects, Unit 16 8 Avenue of the Americas NEWINGTON NSW 2127	
<b>Owner/s</b>	Orange Ex-Services' Club Limited PO Box 90 ORANGE NSW 2800	
<b>Land Description</b>	Lot 103 DP 1037584, Lot 1 DP 517210, Lot 1 DP 710943, Lot 26 DP 531801, Lot 104 DP 1037584, Lot 23 DP 531801, Lot 1 DP 797346 – 225-227 and 231-243 Anson Street, 42 Sale Street, and 94 and 98 Byng Street, Orange	
<b>Proposed Land Use</b>	Demolition, Shop, Alterations and Additions to Registered Club and Motel	
<b>Value of Proposed Development</b>	\$25,000,000	
<b>Provisions of LEP 2011</b>	B3 Commercial Core	
<b>Details of Advertisement of Project</b>	Advertised in the Central Western Daily on Monday, 23 January 2012. Exhibition closed on Monday, 6 February 2012	
<b>Recommendation</b>	Approval	

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**EXECUTIVE SUMMARY**

The proposed development involves alterations and additions to the Orange Ex-Services' registered club and associated motel complex located at the above described address. The proposed development will involve the following:

- additional bars and restaurants
- expanded and upgraded auditorium/convention/function facilities for 1200+ patrons
- gymnasium
- business centre
- day spa
- cinema
- resort lounge
- expanded motel rooms
- upgraded gaming
- expanded gaming
- expanded car parking
- apartment accommodation – combination of one, two and three bedrooms.

A detailed description of the proposed development is provided below under the heading "The Proposal".

The development has a capital investment value over \$20 million and therefore requires determination by a Joint Regional Planning Panel, in this case the Western Region Joint Regional Planning Panel.

The development triggers requirements contained within State Environmental Planning Policy (Infrastructure) 2007 given the proximity of the proposed development to Summer Street being a main road that requires referral to the Roads and Maritime Service. A referral has been sought from RMS and their requirements form part of the draft notice of determination.

In addition to the above, the applicant will be required to consolidate the subject land into a single title to comply with the requirements of the Building Code of Australia.

The applicant has advised that the proposed development will be carried out in stages. They have further advised that development consent is sought for the development as a whole or as one proposal, and Construction Certificates and Interim Occupation Certificates would be sought as required. The subject development application is not a staged development application made under Section 83B of the *Environmental Planning and Assessment Act 1979* ("the Act").

As outlined in the body of the report, Council staff and Council's Heritage Advisor have raised concerns with the presentation of the development to Sale and Anson Street. The report has provided an assessment of options in regards to this element of the development.

This report recommends approval of the subject development. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

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**TIMING OF APPLICATION**

The subject application was lodged with Council on 10 January 2012. A preliminary review of the application was undertaken by Council staff and Council's Heritage Advisor in the immediate period following lodgement. During the preliminary review it was determined that additional information was required from the applicant to enable appropriate assessment of the development application. A letter from Council was forwarded to the applicant on 15 February 2012 requesting the submission of additional information in support of the application. The applicant responded to Council's request on 9 July 2012, hence the delay.

**RECOMMENDATION**

That the Western Joint regional Planning Panel consent to development application DA 4/2012(1) for *Demolition, Shop, Alterations and Additions to Registered Club and Motel* at Lot 103 DP 1037584, Lot 1 DP 517210, Lot 1 DP 710943, Lot 26 DP 531801, Lot 104 DP 1037584, Lot 23 DP 531801, Lot 1 DP 797346 – 225-227 and 231-243 Anson Street, 42 Sale Street, and 94 and 98 Byng Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.

**SUPPLEMENTARY INFORMATION**

**THE APPLICATION**

Approval is sought for alterations and additions to the Orange Ex-Services' registered club and associated motel complex located at the above described address.

**THE PROPOSAL**

The proposed development involves alterations and additions to the Orange Ex-Services' registered club and associated motel complex located at the above described address. The proposed development will involve the following:

- additional bars and restaurants
- expanded and upgraded auditorium/convention/function facilities for 1200+ patrons
- gymnasium
- business centre
- day spa
- cinema
- resort lounge
- expanded motel rooms
- upgraded gaming
- expanded gaming
- expanded car parking
- apartment accommodation – combination of one, two and three bedrooms.

A summary of each element of the proposed development is provided below.

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**DEMOLITION**

Approval is sought for demolition of the:

- bowling greens (no longer in use)
- former Police Citizens Youth Club (PCYC) building in Byng Street
- retail premises at 225 Anson Street (adjacent to the south-eastern corner of the Club)
- partial demolition of existing motel (car park, office, stores, laundry, plant and the like)
- partial demolitions are required around the existing club building to facilitate certain new works.

The applicant submits that demolition of the centrally located first floor level bowling green facilitates opportunity to refocus the club's main access and activities and establish this area as the central functioning core and focal point.

**PROPOSED BUILDING WORKS**

The proposal involves the following works:

**Alterations and Additions to Existing Club Building**

Alterations and additions to the existing club building are proposed so as to upgrade and/or expand the offering of facilities and services. The proposed works include:

- reorientation of the lobby/reception area and central functioning core area towards the new on-grade car park facing Byng Street
- provision of a landscaped courtyard through ground and first floor levels.
- expanded bistro; a sports bar; new gaming areas; new lobby and reception; toilets; support areas on ground floor
- enlarged auditorium/convention area with improved flexibility on the first floor along with new restaurants, functions rooms, cinema, toilets, and administration and support areas
- rationalisation of the back-of-house area to the south-eastern corner of the building with direct access to and from Anson Street
- reconstruction of a smaller retail space at 225 Anson Street (south-eastern corner of the site) in a style and finish to match the existing club building
- removal of the overpass to the Memorial Hall and then continue the building façade to the north eastern corner of the main building to provide new exit doors at ground level.

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**Alterations and Additions to Existing Club Building (cont)**

External finishes include:

- painted Hebel walls; rendered and painted masonry walls; and face brick walls to match the existing building
- powder coated aluminium window and door frames to match the existing
- Colorbond metal roofing to match the existing
- powder coated fixed metal louvers.

**Motel and Serviced Apartments**

The existing Templers Mill Motel will be expanded to provide an additional 88 motel units plus 20 serviced apartments.

The majority of the new motel units will be constructed in a pavilion arrangement alongside the existing motel complex. Each pavilion will comprise three storeys, with motel units provided at each level. The pavilions are connected via walkways. The external finishes comprise face brick walls; slate tile roofing; powder coated aluminium window and door frames; and powder coated metal balustrades. Seven new motel units will also be constructed at ground level to infill the current driveway access to the motel in Byng Street.

The apartment complex will be constructed over the site of the former PCYC building. It involves construction of a below street level car park with three levels of apartments above. The external finishes comprise face brick walls; slate tile roofing; powder coated aluminium window and door frames; glass balustrades; and treated stained timber feature cladding.

As a result of the development the motel/serviced apartment complex would provide a total of 153 units/serviced apartments as follows:

- 45 existing motel units (two of the existing 47 are to be demolished to facilitate construction of the new complex)
- 88 new motel units
- 20 proposed serviced apartments (mix of one, two and three bedrooms).

**Parking Deck and Gymnasium**

It is proposed to construct a new four level parking deck at the Sale Street end of the site with a two level gymnasium above. The upper levels of this building recede with setbacks of 15m, 32m and 43m from the Sale Street boundary. The external finishes comprise:

- a perforated metal screen ventilating mesh around the decked parking
- face brick walls and powder coated aluminium framed windows and doors around the gymnasium
- powder coated aluminium sunscreen louvers.
- Colorbond metal roofing.

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## **Vehicle Areas**

### Access

The proposal involves alterations to the existing access arrangements for the site. In this regard:

- The service driveway from Anson Street along the northern side of the main club building will be deleted. Back-of-house and service deliveries will be rationalised to the south-eastern corner of the main club building. All service vehicle access will be via Anson Street and a widened driveway and manoeuvring area along the southern side of the building.
- The current Byng Street access arrangements will be rationalised. The main entrance to the Templers Mill Motel plus the existing driveway along the western side of the motel will be deleted due to the proposed motel expansion. The existing driveway which currently provides access to the car park will be changed to an exit only driveway, with a new driveway being created to provide access to the complex adjacent to the adjoining property to the east (100 Byng Street). The proposed arrangements will facilitate separate ingress and egress to service the proposed off-street parking resources.
- The existing access points onto Sale Street will be retained.

### Manoeuvring

The loading zone at the south-eastern corner of the development has been designed to accommodate the forward ingress and egress of rigid trucks (up to 10.7m in length). The applicant advises that the proposed parking layout and access ramps have been assessed by traffic engineers Colston Budd Hunt & Kafes who conclude that the relevant Australian Standards are able to be met.

### Parking

In addition to the new parking deck described above, it is also proposed to expand the parking resources within the site as follows:

- Provide lower ground parking beneath the existing motel car park, the proposed apartment complex and part of the ground floor of the main club building.
- Provide on- grade parking beneath the proposed apartment complex.
- Provide a new parking deck above the three levels of parking that exist at the western end of the site.

The proposed redevelopment will incorporate a total of 750 off-street parking spaces.

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**MATTERS FOR CONSIDERATION**

In the administration of sections 78A, 79B, 79C, 111 and 112, the provisions of Section 5a must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. This section includes a requirement to consider any adopted assessment guidelines, which means assessment guidelines issued and in force under section 94A of the *Threatened Species Conservation Act 1995*. Assessment guidelines are in force (see DECC-W "Threatened Species Assessment Guidelines - The Assessment of Significance") which requires consent authority to adopt the precautionary principle in its assessment.

The design as submitted will not have any effect in terms of any of the matters for consideration under the seven part test. The land directly affected by the development is developed urban land, with no biodiversity extant on the site. There are no known Endangered Ecological Communities (EECs) or EEC remnants within the area directly affected by the proposed development.

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

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

The subject development application was lodged with Orange City Council on 10 January 2012. Given that the application was lodged with Council prior to the formal adoption of Orange LEP 2011, the consent authority will be required by virtue of Clause 1.8A (Savings Provisions relating to Development Applications) contained within Orange LEP 2011 to determine the application pursuant to the requirements of Orange Local Environmental Plan 2000. An assessment of the proposal against both the requirements of Orange LEP 2000 (amended) and Orange 2011 is provided below:

**Orange Local Environmental Plan 2011**

**Part 1 - Preliminary**

This part of the plan is largely administrative in nature and has minimal implications for the proposal.

**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,*



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**Clause 1.2 - Aims of Plan (cont)**

- (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,*
- (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 LEP. The proposed development will enhance the role of the CBD as the primary business centre for the City by providing for improved entertainment facilities and additional employment opportunities in accessible locations.

**Clause 1.6 - Consent Authority**

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP. However, pursuant to State Environmental Planning Policy (Major Development) 2005, the development is deemed to be regional development. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining this application.

**Clause 1.8A (Savings Provisions relating to Development Applications)**

Clause 1.8A states:

*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 the commencement, the application must be determined as if the Plan had not commenced.*

The subject development application was lodged with Orange City Council on 10 January 2012. Given that this development application was lodged with Council prior to 24 February 2012, the consent authority will be required to determine the application pursuant to the provisions of Orange Local Environmental Plan 2000. An assessment of the proposal against the requirements of LEP 2000 will be provided in the body of this report under the heading Orange LEP 2000 (amended).

An assessment of how the development relates to other specific clauses contained within Orange LEP 2011 is provided below.

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**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*
- 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*

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

There are no known covenants, agreements or instruments that seek to restrict the carrying out of development that apply to the subject site.



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## Mapping

The subject site is identified on the LEP 2011 maps in the following manner:

Land Zoning Map:	Land zoned B3 Commercial Core
Lot Size Map:	No Minimum Lot Size
Heritage Map:	Located within a heritage conservation area
Height of Buildings Map:	Building height limits apply
Floor Space Ratio Map:	Floor space limit 1:5:1 applies
Terrestrial Biodiversity Map:	Not biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Ground water vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting 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 where relevant are addressed in detail in the body of this report.

## Part 2 - Permitted or Prohibited Development

### Land Use Zones

The subject land is zoned B3 Commercial Core under LEP 2011. The proposed works associated with the redevelopment of the club are described as development for the purposes of a *registered club*. According to the Dictionary contained within the LEP:

**“registered club”** has the same meaning as in the *Registered Clubs Act, 1976*, whether or not entertainment is provided at the club.

Orange Ex-Services' Club satisfies the definition contained within the LEP and is listed as being permissible with development consent in Zone B3.

The proposed motel/serviced apartment component is defined as development for the purposes of *hotel or motel accommodation* and *serviced apartments* which are permissible uses in the B3 Zone subject to receiving development consent. According to the Dictionary contained within the LEP:

**“hotel or motel accommodation”** means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 2007):

- (a) Comprising rooms or self-contained suites, and
- (b) That may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

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**Land Use Zones (cont)**

**"serviced apartment"** means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

The proposed small retail space at the south-eastern corner of the site represents development for the purposes of *retail premises* which is also listed as a permissible use in the B3 Zone.

**Objectives of the B3 Zone**

The objectives of the B3 zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that service the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To promote development which contributes to the role of the Orange Central Business District as the primary retail and business centre in the City and region.*

The applicant submits that the proposed development is consistent with the above objectives as follows:

- The proposal would result in the upgrade of the OESC and thus contribute to the range of entertainment and community uses that service the needs of the local and wider community.
- The proposal will increase employment opportunities in the CBD.
- The proposal integrates with existing public transport networks and remains accessible by walking and cycling.
- The proposal represents development that has the potential to reinforce the role of the CBD as the primary business centre within the City as well as enhance the maturity of Orange as a major regional business centre.

It is considered that the proposed development satisfies the above described objectives of the zone. In this regard it is considered that the development will enhance the role of the CBD as the primary business centre for the City by providing for improved entertainment facilities and additional employment opportunities in accessible locations. The development represents a major investment in the CBD and will reinforce the primacy of this locality as a place of business. Whilst the development is considered to be accessible for walkers and cyclists there appears to be no provision for bike racks and the like within the development. It is recommended that provision be made for bike racks and the like within the car park design to encourage cyclists. A condition of consent to this effect is attached.

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**Clause 2.7 - Demolition Requires Development Consent**

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition and the applicant is seeking consent for such work. The demolition works proposed will have no significant impact on adjoining lands, streetscape or public realm. Conditions may be imposed in respect of hours of operation, dust suppression and the need to investigate for, and appropriate management of the presence of, any materials containing asbestos. Attached is a condition of consent addressing issues in relation to demolition and waste management.

**Part 3 - Exempt and Complying Development**

The application is not exempt or complying development. Pursuant to Clause 2.6 the application is seeking development consent.

**Part 4 - Principal Development Standards**

**Clause 4.3 - Height of Buildings**

This clause limits the height of buildings on land identified on the Height of Buildings Map. The subject land is identified on the Map as having a height of building limit of 9m for land fronting Byng Street and 12m for the remainder of the site. The proposed development is significantly higher than the height limit prescribed by Orange LEP 2011. The maximum height of the proposed building will be 19m for the main club building and car park/gymnasium building and 16m for the Serviced Apartments and is therefore inconsistent with the height limits in LEP 2011. This aspect of the development will however need to be assessed under the requirements of Orange LEP 2000.

**Clause 4.4 - Floor Space Ratio**

This clause limits the floor space ratio (FSR) permitted on land identified on the Floor Space Ratio Map. Clause 4.5 is associated with this clause and establishes the rules for calculating the site area and FSR of any proposal. These rules exclude certain parts of a site and development such as:

- *excluding any part of the site upon which the development is prohibited (ie if the site is split zoned only the zone in which the development is permissible may be considered)*
- *excluding community land and most public places*
- *lots in a strata scheme wholly or partly above other lots in the scheme do not increase the site area (ie the site area is the ground level of the scheme only)*
- *adjoining lots in the same ownership do not form part of the site area unless significant parts of the development are proposed on that land*
- *the floor area of existing buildings is to be included in the FSR calculation*
- *any covenant restricting floor space on the lot, due to floor space having been considered as part of the development of another lot, is to be taken into account.*

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**Clause 4.4 - Floor Space Ratio (cont)**

According to the Orange LEP 2011 map, an FSR of 1.5:1 applies to the subject land. The subject land has a site area of 17,882m<sup>2</sup> and thus allows buildings with a gross floor area of 26,823m<sup>2</sup>. Based on information submitted by the applicant the development comprises a gross floor area of 22,949m<sup>2</sup>. The FSR for the development is calculated to be 1.286:1 which is below the allowable FSR for the site.

**Clause 4.6 - Exceptions to Development Standards**

This clause establishes the process by which development standards may, in exceptional circumstances, be varied. Before granting a variation under this clause, the consent authority must consider a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The consent authority may grant consent only if the concurrence of the Director General of the Department of Planning and Infrastructure has been obtained and Council is satisfied that

- *the written request has adequately addressed the above, and*
- *the proposed development will be in the public interest because of:*
  - *consistency with the objectives of the particular standard, and*
  - *consistency with the objectives of the zone applying to the site.*

As discussed above, given the requirements of clause 1.8A of LEP 2011 and the fact that this development application was lodged with Council prior to 24 February 2012 (date of gazettal), the consent authority is required to determine the subject development application pursuant to the requirements of the former planning scheme, being Orange Local Environmental Plan 2000. The identified non compliances with respect to height of building and floor space ratios may in this instance be considered on merit under the terms of OLEP 2000 without having to obtain concurrence from the Director General.

**Part 5 - Miscellaneous Provisions**

**Clause 5.10 - Heritage Conservation**

The subject land is located within the Central Orange Heritage Conservation Area under the provisions of Orange LEP 2011 ("the Plan") and is in the vicinity of listed heritage items. Pursuant to clause 5.10(2) consent is required for:

- *Demolition of a building or work within a HCA (subclause (a)).*
- *Alteration of a building or work within a HCA including changes to the detail, fabric finish or appearance of a building exterior (subclause (b)).*
- *Erecting a building on land within a HCA (subclause (f)).*

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**Clause 5.10 - Heritage Conservation (cont)**

Pursuant to Clause 5.10(4) and (5), the consent authority is required to consider the potential impact that the development may have on the heritage conservation area and/or any heritage item.

Heritage matters have been assessed in detail below under the heading "*Consideration of Orange Development Control Plan 2004 – 13 Heritage*".

**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 work. 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 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. Attached is a recommended condition of consent which requires the applicant to submit a detailed engineering plan for the proposed development.

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 may be 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.

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### **7.3 - Stormwater Management**

This clause applies to all industrial, commercial and residential zones and requires that the consent authority 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 on-site infiltration of water,*
- (b) *includes, where practical, on-site 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.*

Whilst the majority of the site is currently covered with impermeable surfaces, the proposed development will marginally increase stormwater runoff from the site. Stormwater from the site will be connected to Council's urban stormwater drainage system in accordance with normal requirements. Council's Technical Services Division advises of no objections to the proposed stormwater management arrangements.

### **7.4 - Terrestrial Biodiversity**

This clause differs from the Section 5A assessment listed under the Act in that it applies to all native flora, not just the threatened/endangered/EEC categories mentioned in the Act. It only applies in areas appropriately marked in the LEP Mapping. The subject property is not located on land affected by that classification.

### **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 the consent authority consider:

- (a) *whether or not the development (including any on-site 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 the consent authority 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.*



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**7.6 - Groundwater Vulnerability (cont)**

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.

**Orange Local Environmental Plan 2000**

As discussed above given the savings and transitional provision contained with Orange LEP 2011 (see comments made above under the heading Clause 1.8A) the consent authority will be required to determine the application pursuant to the provisions of Orange Local Environmental Plan 2000.

The subject land is zoned 3(a) Regional Centre under the provisions of Orange LEP 2000.

The proposed works associated with the redevelopment of the club are defined as a *registered club, shop and motel* According to the LEP definitions contained within Clause 86 the proposed development is defined as follows:

*Registered club* means a building or place which is used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes and which is, or is intended to be, registered under the Registered Clubs Act 1976."

The applicants submit that the proposed motel/serviced apartment component of the development is defined as development for the purposes of a *motel* which is listed as a permissible use in the 3(a) zone even though this development is referred to in the application as serviced apartments. According to the LEP definitions, a *motel* is defined as:

*a building or buildings used for overnight or short term accommodation of travellers and their vehicles whether or not meals are also provided to those travellers or the general public but excludes a building or place elsewhere specifically defined in this plan.*

Serviced apartments are separately defined under Orange LEP 2000 and may only be undertaken within a dwelling house. Serviced apartments in the manner as proposed is therefore prohibited development under the provisions of Orange LEP 2000. This aspect of the development may only be defined and considered as a motel at this time. Serviced apartments are specifically defined in Orange LEP 2011 in a configuration proposed by the developers and are listed as being a permissible land use subject to receiving development consent. The applicant may wish to seek further development consent for use of this building as serviced apartments pursuant to the requirements of Orange LEP 2011 at a later date. Therefore, a reference in this report to the serviced apartments should be read as being a motel.

The proposed small retail space at the south-eastern corner of the site represents development for the purposes of a *shop* which is listed as a permissible use in the 3(a) zone.

Registered clubs, motels and shops are purposes for which development may be carried out subject to receiving the development consent of Council pursuant to clause 50(2)(b) of the LEP.

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**Orange Local Environmental Plan 2000 (cont)**

The objective of the 3(a) zone is: *to promote development which contributes to the role of the Orange central business district as the primary retail and business centre in the City and region. Redevelopment of public car parking areas is essential to ensure the long term viability of the CBD.*

The applicant submits that the proposal is consistent with the zone objective due to the following:

- The Orange Ex-Services' Club is a key business and focal point of the CBD. The proposed redevelopment will strengthen the contribution that it makes to the Orange CBD.
- It will increase the supply and diversity of short term accommodation for the City.
- It will provide sufficient on-site parking resources.

It is considered that the proposed development is consistent with the objectives of the zone. The proposal has the potential to reinforce the role of the CBD as the primary business centre within the City as well as enhance Orange as a major regional business centre in the region. The development will provide additional supply and diversity of short term accommodation within the City and provide improved recreational facilities for Orange. The development will also result in improved employment opportunities in the future.

**Clause 2 - Aims of Plan**

Clause 2 of the LEP requires the consent authority to assess whether or not the proposal meets the relevant general aims, objectives, strategies and policies of Orange LEP 2000. The general aims of the LEP are as follows:

- (a) *encourage development which complements and enhances the character of the City;*
- (b) *provide for a range of development opportunities which contribute to the social, economic and environmental resources of the City in a manner that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development;*
- (c) *conserve and enhance the water resources on which the City depends, particularly water supply catchments;*
- (d) *manage rural land as an environmental resource that provides economic and social benefits for the City;*
- (e) *provide a range of housing choices in planned urban and rural locations to meet population demands;*
- (f) *recognise and manage valued environmental heritage, landscape and scenic features of the City;*
- (g) *manage development in the vicinity of major industry and utilities for the benefit of the community;*
- (h) *improve accessibility within and around the urban area of Orange by providing for traffic relief routes.*

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**Clause 2 - Aims of Plan (cont)**

In relation to aim (a), the applicant has suitably demonstrated that the proposal will complement and enhance the character of the City. Whilst the scale and intensity of development proposed is considerable it is not unreasonable in this case for a centrally located commercial parcel of land.

In relation to aim (b), the proposal represents a development opportunity that contributes to the social, economic and environmental resources of the City. The proposed development will generate an additional demand on energy resources. The applicants will be required to comply with the requirements of Section J of the Building Code of Australia. Section J seeks to reduce greenhouse emissions through effective use of energy efficient design features within the building.

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

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

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

In relation to aim (f), the proposal will have an impact upon the value of heritage, landscape and scenic features of the City. A detailed assessment of heritage/streetscape matters has been addressed below in detail under the heading "*Consideration of Orange Development Control Plan 2004 – 13 Heritage*".

In relation to aim (g), the proposal does not encroach on major industry or utilities.

In relation to aim (h), a traffic assessment has been undertaken and demonstrates that the proposed development would not adversely affect traffic accessibility within and around the Orange urban area. A detailed assessment of traffic issues is provided below under the heading "Traffic Impacts".

**Clause 8 - General Considerations for Development**

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

(a) *the potential of that development to impact on:*

- (i) *water quality of waterbodies, and*
- (ii) *groundwater resources, and*
- (iii) *the ability of rural land to be used for primary production, and*
- (iv) *soil resources, and*
- (v) *mineral resources, mines and extractive industries, and*
- (vi) *existing vegetation, native flora and fauna, and*

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**Clause 8 - General Considerations for Development (cont)**

- (b) *the cumulative impact on the environment of:*
  - (i) *the development, and*
  - (ii) *other development in the vicinity of the proposed development, and*
- (c) *the impact of the scenic landscape or urban character of the area, and*
- (d) *the impact of development on energy conservation, and*
- (e) *the impact of the development on waste generation, and*
- (f) *any measures necessary to mitigate any of these impacts.*

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

In relation to consideration (b)(i)(ii), the proposed development would not generate unreasonable cumulative impact, particularly as it involves redevelopment of a key CBD site within a precinct that is well serviced in terms of roads and urban utilities.

In relation to consideration (c), it is considered that the proposal is not adverse to the urban character of the area. Whilst the height of the proposed development is considerable when compared with surrounding development, the visual impact of the development is reduced to a degree by virtue of the large setbacks for the upper levels of the development. A detailed assessment of issues pertaining to the impact of the development on the scenic landscape or urban character of the area is discussed below under the heading "*Consideration of Orange Development Control Plan 2004 – 13 Heritage*" and "*Visual Amenity/Streetscape Impacts*".

In relation to consideration (d), in terms of energy conservation, the development must meet the requirements of Section J of the Building Code of Australia. Attached is a condition of consent addressing this issue.

In relation to consideration (e), demolition, construction and operational waste management will be subject to an approved waste management plan. Attached is a condition of consent in relation to this matter.

In relation to consideration (f), the potential impacts of the proposal are considered and addressed in this report. It is submitted that potential adverse impacts may be addressed by appropriate design, responsible management practices and relevant Conditions of Consent.

**Clause 12 - Objectives of the Special Environmental Considerations**

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

- (a) *to protect the City's water resources, and*
- (b) *to minimise the impact of development on the continued operation of existing major industry, utilities and infrastructure on which the City depends, and*

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**Clause 12 - Objectives of the Special Environmental Considerations (cont)**

- (c) *to ensure that land is adequately serviced prior to use, and*
- (d) *to minimise the impact of development on the environment, and*
- (e) *to minimise the impact of development on the operation of existing and proposed major roads.*

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

In relation to objective (b), the proposal does not adversely affect the continued operation of existing major industry, utilities or infrastructure upon which the City depends.

In relation to objective (c), the further augmentation of utility services will be met as part of the development without unreasonable burden to the community. Attached is a condition of consent addressing issues in relation to utility services.

In relation to objective (d), an assessment of likely impacts associated with the development have been addressed below under the heading "The Likely Impacts of the Development". It is submitted that potential adverse impacts may be addressed by appropriate design, responsible management practices and relevant conditions of consent.

In relation to objective (e), a traffic impact assessment has been undertaken to assess the potential impact on the road network. A detailed assessment of traffic impacts has been provided below under the heading "Likely Impacts of the Development".

**Clause 53 – Development within Zone 3(a) in the Orange CBD**

Clause 53 of the LEP requires Council to consider the following matters in regard to development in the 3(a) zone:

- (a) *it encourages continuity in streetscape character through consistent building alignments and heights, façade treatment, and provision of verandas, awnings or similar means of protection for pedestrians within and adjacent to the land, and*
- (b) *it can accommodate the demand for car parking, whether by onsite provision or contribution towards public parking facilities, or both.*

A detailed assessment of the requirements of clause 53 of Orange LEP 2000 has been provided below under the headings "Orange Development Control Plan 2004 – Part 13 - Heritage and Part 15 - Car Parking". However, as can be seen below the development is not consistent with 53(a) with respect to the Byng and Sale Street streetscapes.

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**Part 12 – Heritage**

The subject land is located within a Heritage Conservation Area (as is the majority of the Orange CBD).

Clause 75(1)(f) requires development consent to be obtained for demolishing or moving a building, work or relic within a heritage conservation area.

Clause 75(1)(h) requires development consent to be obtained for erecting a building on land, or subdividing land which is within a heritage conservation area.

Clause 76(1) requires Council to take into account the extent to which the proposed work would have an impact on the heritage significance of heritage items or heritage conservation areas.

Clause 76(3) requires Council to consider a plan or description of any building which is proposed to take the place of any building to be demolished.

Clause 77 requires Council to consider the impact that the development would have on the heritage significance, curtilage and setting of the item or heritage conservation area as well as the impact of the development on any significant views to or from the heritage item or conservation area.

Clause 78 requires the application to be advertised as it comprises demolition within a heritage conservation area.

Detailed assessment of heritage related matters is addressed in detail below under the heading "*Consideration of Orange Development Control Plan 2004 – 13 Heritage*".

**STATE ENVIRONMENTAL PLANNING POLICIES**

**State Environmental Planning Policy Infrastructure 2007**

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

The RMS has since responded and advised that it does not object to the proposed development.

**State Environmental Planning Policy (Major Development) 2005**

The capital investment value of the proposal is over \$20m and in accordance with Section 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005 is deemed to be regional development. Accordingly, the Joint Regional Planning Panel for the Western Region is the consent authority responsible for determining the application.

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

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

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

**Development Control Plan 2004**

Orange Development Control Plan 2004 is applicable to the subject development.

Part 8 - Development in Business Zones

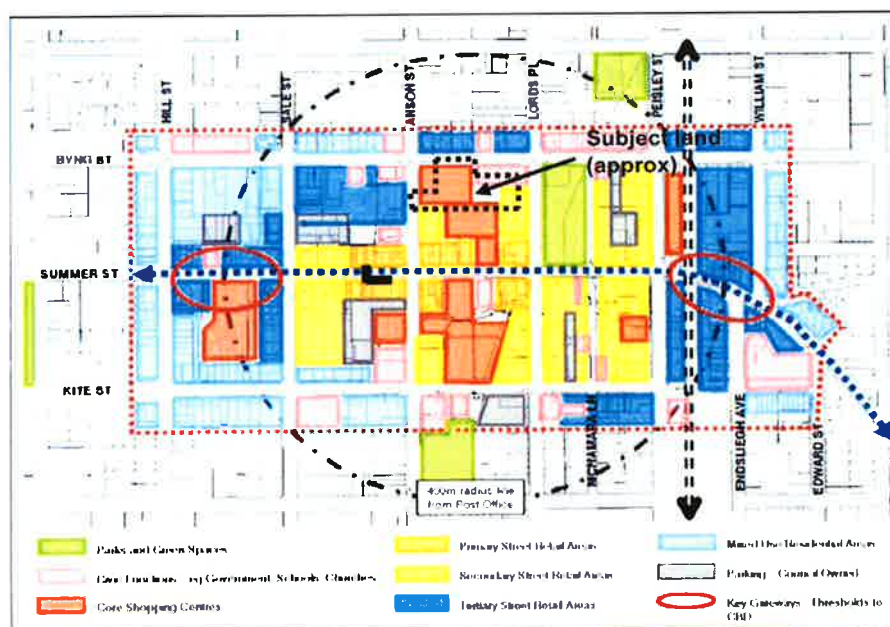
The DCP sets the following Planning Outcomes for the CBD:

- *Buildings have a high level of urban design to contribute to the regional status of the City's Central Business District with attention given to façade features, external materials, colour and advertising.*

Matters pertaining to urban design have been addressed below under the headings "Consideration of Orange Development Control Plan 2004 – 13 Heritage" and "Visual Amenity/Streetscape Impacts".

- *Urban design demonstrates a clear reference to the CBD Strategic Action Plan.*

With reference to the CBD Structure Plan (below) the subject land forms part of the CBD core.



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Part 8 - Development in Business Zones (cont)

The CBD Strategic Action Plan (SAP) identifies the following principles for development in the CBD:

- (a) *Development addresses the street through use of façade treatments, with unifying elements consistent with the heritage traditions of Orange the image of each building positively reflects on the traditional character of the City.*
- (b) *Active frontages that encourage pedestrian amenity, including regular pedestrian entries to buildings, limited vehicle driveways across footpaths.*
- (c) *Variation in facades, including windows and pedestrian entries instead of blank facades to public areas.*
- (d) *The applicant has suitably demonstrated that the subject development can satisfy the above described principles for development within the CBD.*

The proposed building design is not considered to be consistent with the above described principles contained within the CBD Strategic Action Plan for development within the CBD. A detailed assessment of matters pertaining to building design and presentation of development to Sale, Byng and Anson Streets has been provided below under the headings "Orange Development Control Plan 2004 – Part 13 – Heritage.

- *Provision of adequate fire safety measures and facilities for disabled persons (according to the BCA) is addressed at the application stage.*

In terms of fire protection measures, where it is not practical for the building to meet the Deemed-to-Satisfy provisions of the BCA, an Alternative Solution may be sought. Council's Environmental Health and Building staff advise that detailed assessment of fire protection measures will be required to be undertaken as part of the Construction Certificate process. Disabled access and toilet facilities will also be required to be provided.

Attached is a recommended condition of consent addressing matters in relation to fire safety and disabled access.

- *Land use complements the role of the CBD as a regional centre for commerce and services.*

The proposed redevelopment of the club and motel will contribute positively to the role of the CBD as a centre for commerce and services. The proposed development seeks to enhance facilities on the site.

- *The reinstatement of verandahs on posts over footpaths is encouraged.*

This Planning Outcome is not relevant to this development.



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Part 8 - Development in Business Zones (cont)

- *Car parking is provided to meet demand either as onsite parking areas or through contributions towards public parking in and adjacent to the CBD.*

A detailed assessment of parking requirements for the proposed is provided below under the heading "Orange Development Control Plan 2004 – 15 Car Parking".

- *Advertising comprises business identification signs in accordance with SEPP 64.*

There is no advertising signage proposed by this application.

- *Loading areas are provided for developments requiring access by large trucks in a manner that does not reduce active frontages for important pedestrian pathways.*

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

- *Where possible, new buildings or external alterations in the CBD include an element of landscaping.*

A detailed landscape plan has been submitted in support of the proposed development. The proposed landscaping provides visual relief to the building particularly along the Sale and Byng Street frontages of the development. The proposed plantings assist in softening the development at the pedestrian scale. There are no objections to the proposed landscaping. Attached is a draft condition of consent requiring landscaping to be carried out in accordance with the stamped approved plans.

Part 15 – Car Parking

According to the DCP, the minimum parking requirement is applicable to the net increase in parking demand generated by the development. Part 15 of the DPC specifies the following minimum parking requirements for the proposed development:

- one space per room plus one space per two employees for motels
- 7.5 spaces per 100m<sup>2</sup> for gymnasias and
- one space per 25m<sup>2</sup> bar/restaurant, entertainment or function room areas for clubs, and subject to a reasonable assessment of cumulative peak parking demand for each activity.

The submitted plans show that the development will include an additional 106 motel rooms/serviced apartments. The applicant advises that this aspect of the development would employ up to six persons, and based on the above parking requirements would generate an additional parking requirement of 109 spaces.

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Part 15 – Car Parking (cont)

The submitted plans show that the proposed gymnasium will comprise an area of 1,830m<sup>2</sup>. Based on gross floor area (GFA) calculations the proposed gymnasium would require some 137 spaces. The traffic consultants report notes that the RTA's "Guide to Traffic Generating Developments" suggests a parking provision for gymnasiums of three spaces per

The applicant submits that the proposed gymnasium is likely to be busiest during the mornings and during the day when the club is less busy. On Friday and Saturday nights, the gym is unlikely to generate significant parking demands.

The submitted plans show that the club extension would comprise an area of approximately 4,000m<sup>2</sup>. Based on the DCP rate of one space per 25m<sup>2</sup> of bar/restaurant, entertainment or function room areas, the development would generate an additional 162 spaces. However, the applicant advises that based on actual surveyed rates of one space per 15.3m<sup>2</sup> which is representative for a complex of this type, the proposed extension would require some 265 spaces.

The traffic consultant's report concludes that parking requirements for the proposed development should be based on the following:

- existing club demand: 303 spaces
- proposed club extension: some 265 spaces
- existing motel: 26 spaces (at time of peak club demand)
- proposed motel extension: 55 – 60 spaces (based on motel parking being shared with the club)
- gymnasium: nominal use of 10 spaces on Friday and Saturday evenings when club is busy to 55 spaces (based on RTA rate and shared parking with the other facilities).

The traffic consultant's report further concludes that the total parking requirements at the busiest times would be in the order of 659 to 664 spaces on Friday and Saturday evenings. The submitted plans show the provision of 750 spaces, which satisfies this requirement. It is considered that the proposed parking arrangements for the proposed development are acceptable.

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

The City of Orange Traffic Committee requested the applicant to consider what opportunity there was to provide allocated parking for the motel component of the development. In response to Council's requests the applicant has advised that the provision of dedicated parking for the apartments/motel is an operational matter. The applicant did, however, indicate that there was potential for exclusive parking to be provided for the motel. This is considered to be an issue that best managed by the applicant.

The proposed development will require alteration to the existing configuration of on-street parking within Anson and Byng Streets. An assessment of the impact on the parking reserves for both streets is outlined below:

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Part 15 – Car Parking (cont)

***Byng Street***

- reinstatement of two car parking spaces directly in front of the proposed motel rooms within the driveway area on the eastern side of the existing motel
- reinstatement of three spaces directly in front of the existing access/exit from the Templers Mill motel complex
- loss of two car parking spaces to facilitate new access off Byng Street adjacent to 100 Byng Street.

***Anson Street***

- reinstatement of two on-street car parking spaces directly in front of the overpass which currently connects the Memorial Hall and Ex- Service's Club
- removal of two off-street car-parking spaces to the immediate south of the entrance to the proposed service delivery area so as to accommodate the swept path of vehicles anticipated to access the delivery area
- removal of three off-street car-parking spaces to the immediate north of the proposed entrance to the service delivery area so as to accommodate the swept path of vehicles anticipated to egress from the delivery area.

In summary, the proposed development will result in the provision of three additional car parking spaces within Byng Street and the loss of three car parking spaces in Anson Street once kerb and gutter is suitably reinstated within both streets. The net change in on-street parking within the precinct bounded by Anson and Byng Streets will therefore be neutral. Opportunity would exist to facilitate additional parking within Anson Street by reviewing the area that is currently set aside for pickup and drop off of patrons which is located immediately in front of the front entrance door. The submitted plans show that a dedicated undercover pick-up and drop-off area will be provided as a component of the overall development. In light of the physical loss of parking within Anson Street and the changed focus for the main entrance, it is recommended that the City of Orange Traffic Committee investigate what opportunity there is to provide additional parking along the western side of Anson Street.

On a separate but related matter, it should be noted that Council entered into a 5 year agreement with the Orange Ex-Services' Club on the 16 October 2011 to lease part of the subject land along Sale Street in order to provide public car parking, which is a continuation of similar arrangements that Council has had with the Club for quite a number of years. The area in question currently includes 63 public car parking spaces. In accordance with Clause 6.1 of the lease agreement Council has opted to not renew the subject lease. Condition 5 of the lease specifies in circumstances where Council remains in occupation of the leased land following the expiry of the lease the Council may with the consent of the club proceed to continue to lease the subject land on a monthly tenancy. This arrangement currently remains in place. The subject lease may be terminated by either party on one month's written notice. Whilst the overall development provides for a net increase in parking in this locality the development would result in the removal of 63 publicly available car parking spaces in this precinct.

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Part 13 - Heritage

The following planning outcomes apply to development within the vicinity of a heritage item or within a heritage conservation area.

- *Development relates to the significant features of heritage buildings on or near the site, as reflected in inventory sheets.*
- *Development conforms with recognised conservation principles*
- *Conservation management plans are prepared for development having significant effect on heritage items.*

The subject land is located within the Central Orange Heritage Conservation Area (the HCA). The existing buildings within the site are not identified as heritage items, however, there are several buildings along Sale and Byng streets which are defined as contributory items and several heritage items in the vicinity of the subject land (ie within the same city block), including:

- the former town hall to the north at 247-249 Anson Street
- the Wesley Uniting Church to the south at 223 Anson Street
- the Union Bank building on the south eastern corner of the Sale Street and Byng Street intersection.
- Holy Trinity Church
- The Memorial Hall is a contributory item



**View of the Wesley Uniting Church looking north along Anson Street.**

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Part 13 – Heritage (cont)



**View of Town Hall and Memorial Hall looking south along Anson Street**



**Proposed Anson Street perspective**

(photo excerpt from plan number DA-113 A3 by Curtin Bathgate & Somers Pty Ltd)

A Heritage Impact Statement, prepared by Urbis, has been submitted with the development application

In assessing streetscape character, consideration should be given to the potential impacts of the development upon the HCA and heritage items in the vicinity of the subject land. The heritage impacts of the proposal are addressed in the attached advice received from Council's former Heritage Advisor, (copy attached).

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Part 13 – Heritage (cont)

It is considered that the proposal represents a substantial change to the heritage conservation area as it proposes demolition of buildings and the erection of new car parking structures and new club facilities visible from a public place. The proposal represents a major redevelopment of an existing building in Anson Street but also now extends onto the Byng and Sale Street frontages. Whilst no heritage items or buildings that contribute to the heritage character of the conservation area are proposed to be demolished, the subject proposal is one which has the potential to affect three streetscapes, namely Anson, Byng and Sale Streets. An assessment of the impact on each street is addressed below:

**Sale Street**

The key heritage and streetscape issues along Sale Street relate to the visual impact and design of the multi-storey car park on Sale Street. The existing streetscape in Sale Street between Summer and Byng Streets is somewhat fragmented due to the Council operated ground level car parks that are located on the subject site and the Council owned land adjacent to the south. The 2 storey Union Bank building on the corner of Byng and Sale Street and the 2 storey Realty Building on the corner of Summer and Sale Streets bookend this streetscape. A prominent characteristic of the streetscape are the 3 former cottages at 46-50 Sale Street which are occupied by the Loli Redini restaurant, Hawkes General Store and Doctors Surgery (respectively). The first mentioned 2 buildings are used for well established businesses that capitalise on the character of those buildings and it is likely that there will be a continuation of the operation of those businesses from those premises. Development on the opposite side of Sale Street is characterised by unsympathetic commercial development, being the service station and dry cleaners at the southern end of the street, the Baptist Church and former cottages for the remainder of the block that are used for business purposes. The scale of development on this side of the street is predominantly single storey. It is considered that the proposed car park does not respond to the existing built character in this location. Street trees on both sides of the street form an important characteristic of this streetscape.

The proposal for Sale Street is to erect a new four level car park (with three levels of parking above ground and two levels of gym space further above) on the site of the existing ground level car park. The proposed new car park, due to a change in level, will have a face brick balustrade to Sale Street and a perforated ventilating metal mesh screen over the three levels of parking, with powder coated aluminium louvers across the windows of the two levels of the gym. The proposed screen and car park are set back 15m from the street alignment. The gym levels are set back 32.050m and 43.050m respectively for levels 5 and 6. This will have a height of about 16.5m

Council staff requested the applicant to consider the redesign of the multi storey car park on the Sale Street frontage of the land to better address streetscape and heritage issues. Council's DCP 2004 promotes the creation of *"active street frontages that encourage pedestrian amenity"*. It was recommended that consideration be given to providing a shopfront presentation to Sale Street by possibly relocating the gymnasium to this location or introducing a commercial element.



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Part 13 – Heritage (cont)

**Sale Street (cont)**

In response to the concerns raised by Council staff regarding the presentation of the multi storey car park to Sale Street, the applicant advised as follows:

- (a) *The master plan and sequencing for this project is such that the gymnasium will be provided only in the final stages of the development. To provide the gymnasium at street level with an active frontage to Sale Street would represent a major practical and economic divergence from the applicant's master plan and staging plan.*
- (b) *As maintained in the Statement of Environmental Effects, the visual impact of the proposed car park and gymnasium building has been addressed in the architectural design by a reliance on generous setbacks which increase as the building height rises. The design and finish of the building is largely influenced by its principal function as a car park. The balance of design and functionality in terms of an acceptable outcome in this central area of Orange has been considered in the Heritage Impact Statement.*
- (c) *The revised architectural drawing set provides perspectives that depict the proposed car park in relation to the Sale Street streetscape.*

The applicants further submit the following in justifying the design of the proposed car park:

- *The gym levels setbacks provide for the car park to read as an appropriate infill development and relate to the height of the shops on the corner of Summer and Sale Streets. The Council car park could be in-filled at a later date and provide a more solid streetscape in this sensitive location.*
- *The change in scale from the proposed car park and the cottages to the north has been considered in the design as the 15m setback from Sale Street provides a relationship to the front setback of the cottages and there is a 3.180 setback on the northern boundary, with landscaping. The setbacks from the second level provides for the opening of the front of the site and the respect for the setting of the cottages. In inner areas where cottages meet commercial premises they are often subject to differences in scale, for example where shop fronts meet single dwellings. These sorts of relationships are not unusual in city centres and conservation areas where high boundary walls of shops or terraces meet single dwellings. In this case the building is similar in ways to a civic building where it is expected that the scale of the building will be different from the surrounding dwellings. This occurs in the relationship of churches, town halls and other community buildings and is acceptable whereas in this case, the building has been modulated to have regard to the location and has been treated to diminish the presence of the appearance of the cars.*

Notwithstanding the above, it is considered that this element of the proposed design represents a lost opportunity to extend retail or commercial development southwards on Sale Street providing built form on the street frontage and to provide active shop fronts. The proposed car park will not provide an active street frontage at this critical location. Having said this, Council staff note the efforts made in setting back the car park when compared with the initial design, which is considered to be a reasonable improvement.

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Part 13 – Heritage (cont)

**Sale Street (cont)**

It is staff opinion that it is reasonable for the consent authority to consider requiring the developers to redesign the development so that buildings are of a height, scale and design that are complimentary to the built form anticipated in the CBD by the height provisions of OLEP 2011 and to provide active shop fronts, as encouraged by the DCP and is desirable from an urban design perspective, as a condition of consent. However this matter is left to the JRPP to decide.

At present due to the undeveloped nature of the 2 existing car parks and due to the space between the buildings at 46-50 Sale Street, reasonable sight lines exist from the Sale Street area to the skyline to the east, particularly to the steeples of the iconic Wesley Uniting and Holy Trinity Churches. The reconstruction of the Club building and Serviced Apartment building will, due to their considerable height and bulk, provide a visual barrier along the north/south axis that will dominate the eastern horizon and result in the loss of those view corridors to those iconic buildings mentioned above and visual relief that can be a positive contribution to developed urban environments. A further option that may have been explored was locating the bulky auditorium at a lower level where it could have been more easily absorbed within the development rather than at roof level where its bulk and scale will have a much wider visual impact.

**Byng Street**

The Byng Street streetscape is characterised by the unsympathetic recent development of the former PCYC building and the Templars Mill Motel. Significant features of the streetscape are the bookending of this block by the 2 storey former Town Hall Building at the Anson Street corner and the two storey Union Bank Building at the Sale Street corner. Both these buildings are heritage items. The remaining development in this block is of a modest scale brought about by the business use of the former cottages. Development on the Northern side of Byng Street is characterised by the former cottages which are all used for business purposes. The majority of these buildings retain their former residential characteristics. The predominant feature of this precinct is the presence of the Holy Trinity Church located on the corner of Anson Street. This is a heritage item. Other predominant themes for this area are consistent building/space characteristic and the rows of mature street trees on both sides of the street.

The proposal to demolish the PCYC is considered acceptable in this case as the building is unsympathetic within the existing streetscape. The existing PCYC building has a maximum height at the Byng Street parapet of about 9m. The proposed Serviced Apartment building will have a height at the Byng Street parapet of about 11m, bearing in mind the 4m setback) and a maximum height of about 15m above the street level. From the North elevation (Byng Street) plans it is clear that this building will be significantly higher and be of greater bulk and scale to development that exists in this area. It is also intended to increase the height of the current motel building.



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Part 13 – Heritage (cont)

**Byng Street (cont)**

In order to respect the existing streetscape and reduce the visual impact of the development when viewed from Byng Street, Council staff requested the applicant to consider what opportunity there was to alter the design to further set back the third floor of the proposed motel. Further, the applicant was requested to review the setback of the westernmost motel units adjoining the property at 94 Byng Street to ensure that the setbacks provided for a transition from the existing motel building and the adjoining cottages in Byng Street.

The applicant in response to the matters raised by Council advised as follows:

- (a) *The northern wall of the third floor of the motel apartment building is already set back 7.5 metres from the Byng Street boundary and is also recessed in relation to the northern walls of the first and second floors.*
- (b) *The westernmost motel units have now been provided with a street setback of 4 metres. It is submitted that this increased setback improves the transition between the motel apartment building and the cottage scale buildings to the west.*

The proposed building will be visually dominant in height and scale when compared to other development in the surrounding area particularly the two cottages to the east and former cottages to the north. The proposed building will be visually dominant when viewed from the Town Hall building, Holy Trinity Church and the Union Bank particularly when the street trees lose their leaves in Winter.

The proposed new apartment building will be set back off the boundary from the first floor by almost 4m and has a landscaped buffer at ground level. This design element will ameliorate to a degree the height relationship between the single storey cottages to the east of the site and the new building. It is considered that with the building set back at the third floor and with the use of recessed balconies, setbacks and landscaping areas, the development will appear less dominant.

It is considered that the current motel has little or no heritage value. The proposed development seeks to infill the current entry area with new units. It is considered that this design element will improve the aesthetic appearance of the motel. The proposal to add to the western area of the site for new accommodation provides an improvement in the streetscape by filling the gap, removing the long entrance drive to the east of the motel. The increased setback of development at this location will provide for a reasonable transition between the existing motel building and the adjoining former cottages and the Union Bank building in Byng Street.

The redevelopment of the main club building and construction of the serviced apartment building, at their proposed height and bulk will introduce a central element in both the north/south and east/west axis to the City block that will be visually dominant from the north, east and west. As can be seen from the elevation plans the proposed development will visually enclose the grouping of buildings including the Town Hall and Memorial Hall and buildings 100-104 Byng Street. The setback of the main club building will assist in reducing the impact of this structure. However, it is considered that the vertical fly wall of the auditorium near the north/east corner of the building will be visually dominant in this area adjacent to the Memorial Hall and Town Hall buildings. It is considered unfortunate that this feature could not have been located more central to the site. It is also considered that special consideration will need to be given to the proposed colours of this feature so as to reduce its impact on the streetscape.

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Part 13 – Heritage (cont)

**Anson Street**

This area of Anson Street is more reflective of the commercial nature of the precinct with a variety of built form in terms of building design and heights. The predominant features of this precinct are the Wesley Uniting Church, the Ex-Services' Club, the Memorial Hall and the Town Hall. The Wesley Uniting Church building is set back about 5.2m whilst other buildings on this site are set back about 27m. The open space of the church property is a significant feature of the streetscape. The steeple of the church is about 27m high. The Memorial Hall building enjoys a setback of about 6m whilst the Town Hall building is setback about 3m. These buildings are 2 storey and about 12m high.

The proposed development involves the construction of a new auditorium and conference facility above the existing main section of the club fronting Anson Street. It is considered that this element of the building will be visually dominant when viewed from surrounding streets. The existing Club building has more of a horizontal focus due to the height to width ratio. The proposal raises the height and visual bulk of the existing building substantially, mainly from the new roof structure. As can be seen from the elevations it is proposed to introduce a vertical façade on the east elevation of the upper level auditorium/convention facility roof structure. This element is considered to add quite significantly to the visual dominance of the building from the east and south.

Whilst the proposed redevelopment will introduce a much higher building element of about 18.5m it is considered that the form and detailing of the auditorium extension is restrained to a degree by the relatively large setbacks proposed, (16m to the façade referred to above) the use of a variety of building materials and incorporation of different building elements/forms.

Whilst the proposed redevelopment will be visually dominant in the field of view of the Wesley Uniting Church, particularly from the corner of Summer and Anson Streets the separation of the Church from the subject building the recessive nature and articulation of the subject alterations (which reflect the form of the Church building) do tend to reduce this impact.

As indicated previously it is considered that the proposed club redevelopment and the Serviced Apartment building will tend to enclose those buildings in the area including the Memorial Hall and Town Hall buildings and considerably alter the skyline behind those buildings such that it is likely to dominate the field of vision. The fly tower is expected to impact upon the field of view in the vicinity of these two buildings.

The proposal also includes two storey alterations to the Anson Street façade in the north/eastern corner of the building and is to be in a similar style as the existing building. At present the two buildings are joined by an access corridor at the first floor level. It is considered that this element of the development will have a significant impact upon the adjoining Memorial Hall building by enclosing the space that currently exists. This will be particularly so when viewed from a south easterly direction. The current Club building provides a respectful separation from the Memorial Hall and it is recommended that this should be retained. No objection is raised to the infill of the ground floor section under the abovementioned link.

Attached is a condition of consent requiring the applicant submit amended plans prior to the issue of a Construction Certificate which show this part of the building being recessed to the existing setback so as to not adversely affect the adjoining heritage listed building.

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Part 13 – Heritage (cont)

**Anson Street (cont)**



**Anson Street**

**Existing view showing relationship between the Memorial Hall and the Ex-Service's Club**

The extension to the south replaces the existing shop on the site and provides for a new shop with street canopy. This extension is of narrower width at ground level than the existing shop so as to provide for increased access to the proposed service delivery area. The proposed extension will align with the existing club and improve the streetscape due to the design of this component of the building being consistent with the remainder of the Anson Street frontage.

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

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

**Demolition of a Building (clause 92)**

Clause 92 of the Regulations is applicable to the proposed development. Demolition works are to be undertaken in accordance with *Australian Standard AS 2601-1991: The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

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**Fire Safety Considerations (clause 93)**

This clause applies only to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building and is therefore not applicable.

**Buildings to be Upgraded (clause 94)**

Clause 94 of the Regulations is applicable to the proposed development. This clause applies to a development application comprising the rebuilding, alteration, enlargement or extension of an existing building. In determining the application, the consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia. Council's Environmental Health and Building staff advise that it will be necessary to require the building to be upgraded to meet BCA requirements in regard to fire protection and disabled access.

Council's Environmental Health and Building staff further advise that it will be necessary to require the subject land be consolidated into a single title to ensure compliance with the BCA. Consolidation of land is also required to ensure legal and practical access is facilitated through the car park without the need for a legal right of carriageway. It is recommended that consolidation of the land be undertaken prior to the issue of a Construction Certificate. Attached is a draft condition of consent to this effect.

In terms of fire protection measures, where it is not practical for the buildings to meet the Deemed-to-Satisfy provisions of the BCA, an Alternative Solution may be sought.

Disabled access and facilities will be required to be provided in accordance with the requirements of the BCA and the relevant Australian Standards.

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

**Traffic Impacts**

A Traffic Report has been prepared by Colston Budd Hunt & Kafes Pty Ltd to examine the traffic implications of the proposal. The report provides an assessment of the proposal in terms of public transport; parking provision; access arrangements; internal layout and servicing; and traffic effects. An assessment of each of these elements is provided below:

Public Transport

The Traffic Report concludes that the proposal is satisfactory in terms of public transport due to the following:

- *The site is located within the Orange town centre, close to existing bus services which operate along Summer Street, south of the site.*
- *The existing bus services provide links to surrounding areas including Glenroi, East Orange, North Orange, Warrendine and Bel-Air/Westlea as well as surrounding regional areas.*

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Public Transport (cont)

- *The travel surveys conducted as part of the traffic assessment indicate that a proportion of people currently use taxis to travel to and from the site.*
- *The proposed development will increase employment and development densities close to transport services, strengthening the demand for these services.*
- *The proposed development is assessed as being consistent with government objectives and the planning principles of:*
  - (a) *improving accessibility to employment and services by walking, cycling, and public transport;*
  - (b) *improving the choice of transport and reducing dependence solely on cars for travel purposes;*
  - (c) *moderating growth in the demand for travel and the distances travelled, especially by car; and*
  - (d) *supporting the efficient and viable operation of public transport services.*

It is considered that the proposed development is well serviced by public transport. The development is located in close proximity to the taxi rank in Anson Street and the bus stops provided in Summer Street. No facilities have been provided to encourage cyclists. Attached is a condition of consent requiring bicycle racks to be provided within the car parking area.

Access, Servicing and Internal Layout

The Traffic Report concludes that the development is satisfactory in terms of access, servicing and internal layout due to the following:

- *Vehicular access to the club would continue to be provided from Sale Street and Byng Street. The existing western driveway on Byng Street, exiting the multistorey car park, would be removed. The other two driveways on Byng Street would be retained for entry (eastern driveway) and exit (western driveway).*
- *The existing driveway to the at-grade parking on Sale Street would be retained for entry/exit to the new multi-storey car park on the western part of the site. The existing access road along the southern side of the site would also be retained for access to club parking, as well as to the existing Council car park.*
- *Loading facilities would be consolidated on the south-eastern corner of the site, where the majority of loading currently occurs. The dock will provide for 10.7 metre rigid trucks to enter the site from Anson Street, reverse into the dock and exit to Anson Street in a forward direction.*
- *Within new parking areas, spaces will be a minimum of 5.4 metres long by 2.5 metres wide. Spaces with adjacent obstructions will be 0.3 metres wider to appropriately provide for doors to open. Aisle widths will be a minimum of 5.8 metres with an additional 0.3 metres width provided where structure is located on one side of a parking aisle. Disabled parking spaces will be 2.4 metres wide, with an additional 2.4 metre wide adjacent area for loading and unloading wheelchairs. Height clearance above disabled spaces will be 2.5 metres and 2.2 metres elsewhere. Columns will be set back 750 mm from the front of spaces. Ramps will be a maximum grade of 1:6, with appropriate transitions. These dimensions are considered appropriate, being in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking), AS 2890.1:2004.*

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Access, Servicing and Internal Layout (cont)

An assessment of the proposed access, servicing and internal layout of the proposed development has been carried out. This aspect of the development is considered to be acceptable.

Council staff initially raised concerns during the assessment regarding the potential traffic impacts associated with vehicles entering and exiting the site in Sale Street at peak times both during daytime and night time operation, particularly with the operation of the auditorium. The traffic assessment was silent on traffic merging on the public road system, particularly in Sale Street. This matter was discussed at the City of Orange Traffic Committee. Following the meeting of the City of Orange Traffic Committee, Council staff requested that the applicant further investigate the provision of traffic turning/merging controls such as a painted median turning/merging lane.

The applicant's traffic consultant in response to Council's request for further assessment provided the following response:

- *As noted in our report submitted with the development application, our traffic surveys found two-way traffic flows on Sale Street, between Byng Street and Summer Street, of some 300 to 600 vehicles per hour on Friday and Saturday evenings.*
- *Including the additional traffic from the proposed extensions, two-way traffic flows through the access points on Sale Street would be some 80 to 105 vehicles per hour two-way.*
- *We have assessed the operation of the site access driveways on Sale Street using SIDRA. The analysis found that with the additional development traffic, the driveways would operate with average delays of less than 15 seconds per vehicle during peak times. This represents level of service A/B, a good level of service.*
- *Therefore, there is not considered to be a need for a separate turning lane on Sale Street to cater for right turns into the site.*
- *If considered appropriate, and as noted in Council's letter, a condition of consent could be included requiring the driveway to be two-way for a trial period of 12 months. During this time, surveys could be undertaken to examine the operation of the driveway. These surveys would be used as a basis for whether the driveway becomes entry only or remains as two-way.*

Council's Technical Services Division advises that they concur with the additional detail provided by applicant's traffic consultant and agree that there is no requirement for a painted median at this time.

Council's Technical Services Division has recommended that a condition of consent be attached to the Notice of Approval which requires the applicant in consultation with Council staff to review the traffic management facilities in place along Anson Street, Byng Street and Sale Street within 12 months from the date of issue of an Occupation Certificate for the Auditorium. Should additional traffic management facilities be required, they are to be provided by the Orange Ex-Services' Club within six months from written notification as provided by Council. Attached is a condition of consent to this effect.

In view of the Traffic Committee concerns regarding the ingress only for the northernmost driveway (which is supported by Council staff) it is suggested that consideration be given to making that access ingress only following a trial period of 12 months. Attached is a condition of consent in relation to this matter.

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Access, Servicing and Internal Layout (cont)

Further assessment of issues pertaining to access and egress from the complex during peak demand, together with an assessment of the impact of service delivery vehicles on the parking reserves within Anson Street, will be discussed below under the sub heading "Traffic Effects".

Council staff requested that the applicant confirm whether or not the proposed access/egress arrangements would affect existing street trees in Sale and Byng Streets. The applicants have since advised that the driveways to the proposed car park have been modified to ensure clearance of the existing street trees. They have further indicated that removal of street trees would not be required for this development.

Traffic Effects

The Traffic Report indicates that the road network will accommodate traffic increases as a result of the development based on the following information:

- *Traffic generated by the proposed development will have its greatest effects during Friday and Saturday evenings, which are busy periods at the club.*
- *Generally, as a development increases in size it generates a less than proportional increase in traffic. To be conservative, a proportional increase has been assessed.*
- *The RTA Guide to Traffic Generating Developments indicates peak period traffic generation rates for motels of 0.4 vehicles per hour per room during afternoon/evening peak hours.*
- *There is likely to be a proportion of club visitors who will be guests of the motel/serviced apartments. The estimate of additional traffic generation for this component is therefore likely to be conservatively high.*
- *A nominal allowance is made for gymnasium traffic.*
- *The additional traffic has been assigned to the road network. Existing traffic volumes plus the additional traffic from the proposed development are shown in Figures 2 and 3, and summarised in Table 3.1 of the Traffic Report.*
- *The intersection analysis found that the signalised intersections of Summer Street with Anson Street and Sale Street would continue to operate with average delays of less than 20 seconds per vehicle during the Friday and Saturday evening peak periods. This represents level of service B, a good level of service.*
- *The intersections of Byng Street with Sale Street and Anson Street would operate with average delays of less than 15 seconds per vehicle during peak periods. This represents level of service A/B, a good level of service.*

The City of Orange Traffic Committee favoured separate ingress and egress on Sale Street and recommended that the southern most driveway onto Sale Street should be an "exit only" driveway for this development. The ability to provide an exit only arrangement along the southernmost driveway is limited by an existing right-of-way which favours adjoining properties including Lot 8 DP 312845, Lot 1 DP 312995, Lot 10 DP 12353 and Lots A and C DP 89704. Further, the City of Orange Traffic Committee raised concerns regarding the ingress only for the northernmost driveway, which is supported by Council staff. It is recommended that a condition be attached making that access ingress only following a trial period of 12 months.

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Traffic Effects (cont)

The City of Orange Traffic Committee also recommended with reference to the Byng Street entrance/egress that:

- the exit be left turn only
- the existing right turn lane be relocated to align with the proposed entrance
- the pedestrian refuge be relocated to suit the new configuration.

Amended plans were requested from the applicant. The amended plans have suitably addressed the issues in relation to access/egress from Byng Street which were raised by the City of Orange Traffic Committee. Attached is a condition of consent which requires the applicant to submit a detailed engineering plan showing the proposed traffic facilities within the street system.

**Visual Amenity/Streetscape Impacts**

As has been discussed in the Heritage assessment, the subject proposal will significantly increase building height, bulk and scale over that which exists in the locality at present. Whilst these 3 elements are considerable, it is considered that there are certain aspects of the proposal that assist to limit its visual impact. The architectural design adopts an approach whereby the taller elements of the development are recessed from the street frontages with a gradual stepping back that coincides with the rise in height. Such treatment should assist to render the development less prominent when viewed from pedestrian and traffic level in the surrounding road network. This is particularly so in the case of the proposed auditorium addressing Anson Street and the multi level car park and gymnasium addressing Sale Street although the design of this structure is of concern.

In relation to Byng Street, the proposed extension to the main club building would form a taller backdrop to the existing group of buildings located at 100 to 106 Byng Street. The building when viewed from the adjacent Wesley Uniting Church to the south at 223 Anson Street and surrounding areas along Byng Street will appear dominate in the streetscape. The existing group of buildings along Byng Street may to a degree provide some relief to the visual bulk when viewed from same. However it could be equally argued that the existing buildings in this length of street would exacerbate the height difference of the proposed building.

The development includes the demolition of the former PCYC building to accommodate the proposed apartment building. The proposed apartment building will be of a height, bulk and scale that are inconsistent with the existing streetscape. The height of buildings at this height have not been envisaged by the height controls contained within Orange LEP 2011. The submitted plans show that the proposed building will be 6m higher than that of the existing PCYC building. It is considered that the impacts of the building are somewhat reduced by the façade being broken by articulation; vertical elements; varied finishes; balconies; glazing; and a recessed upper level. The use of face brick, vertical window fenestration, and awnings is also supported.



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**Visual Amenity/Streetscape Impacts (cont)**



**Existing Byng Street perspective when viewed from Holy Trinity Church**  
(photo excerpt from plan number DA-101a by Curtin Bathgate & Somers Pty Ltd)



**Proposed Byng Street perspective when viewed from Holy Trinity Church**  
(photo excerpt from plan number DA-101a by Curtin Bathgate & Somers Pty Ltd)

The proposed apartment building to the west of the existing motel comprises three stories. This building is 2.6m higher than the existing motel to the immediate east and some 5m higher than the Union Bank building to the west. Ideally this element of the development should comprise only two stories at the street frontage with the three story element being recessed further within the site. The Union bank building and the Town Hall building in terms of their height and significance should form the anchor points within the Byng Street streetscape. This aspect of the development was discussed with the applicant's consultants who expressed a preference to further setback the development at this point rather than alter this aspect of the development to comprise only two stories. A 4m setback of development at this point is now proposed which is considered to be a reasonable compromise so as to ensure that a suitable transition exists between the proposed development and the two existing bungalow cottages that adjoin to the immediate west and Union Bank further west of the subject site in Byng Street.

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**Visual Amenity/Streetscape Impacts (cont)**

In relation to Sale Street, the visual impact of the proposed car park and gymnasium building is considerable. Council staff requested that the applicant consider what opportunity there was to further redesign the multi storey car park on the Sale Street frontage of the land to better address streetscape and heritage issues. As discussed above, Council's Development Control Plan 2004 promotes the creation of *"active street frontages that encourage pedestrian amenity"*. It was recommended that consideration be given to providing a shopfront presentation to Sale Street by possibly relocating the gymnasium to this location. A further option that may have been explored was locating the high and bulky auditorium at a lower level where it could have been more easily absorbed within the development rather than at roof level where its bulk and scale will have a much wider visual impact. Council's Heritage Advisor has indicated that this element of the proposed design represents a lost opportunity to extend retail or commercial development southwards on Sale Street, thus closing the gap to Summer Street.

It is considered that the proposed car park will not provide an active street frontage at this critical location. Having said this, Council staff note the efforts made in setting back the car park when compared with the initial design, which is considered to be a reasonable improvement on the original proposal. The architectural design of the building has a heavy reliance on generous setbacks which increase as the building height rises. The design and finish of the building are largely influenced by its principal function as a car park.



**Existing Sale Street perspective**

(photo excerpt from plan number DA-101b by Curtin Bathgate & Somers Pty Ltd)



**Proposed Sale Street perspective**

(photo excerpt from plan number DA-101b by Curtin Bathgate & Somers Pty Ltd)

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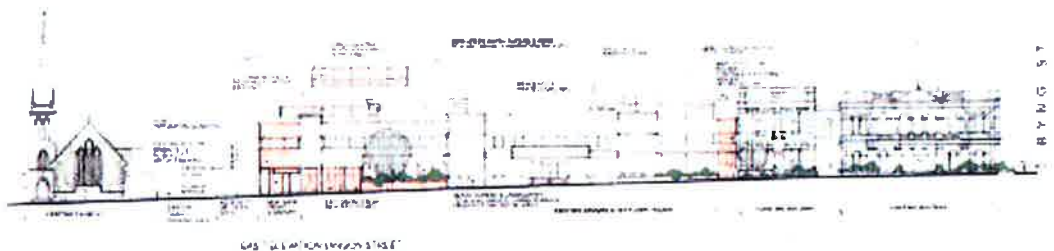
**Visual Amenity/Streetscape Impacts (cont)**

The applicant submits that the difference in height between the new building (car park and gymnasium component of the development) and the immediate neighbour to the north will be addressed as follows:

- *Provision of a 3.16 metre wide landscaped setback along the northern boundary.*
- *The two upper levels of the building (the gymnasium) are recessed so that they do not commence until they are behind the rear building line of the neighbouring building.*

Council has not received a written submission regarding the proposed development from the adjoining neighbour to the north. Whilst the development will be large in dimension and have little or no relationship to the scale and presentation of development in Sale Street, the proposed recessed setbacks of development to Sale Street will limit the visual impacts on those properties to the immediate north of the subject development. As discussed above, it would be preferable that the design be amended to introduce shopfront presentation to Sale Street by possibly relocating the gymnasium to this location.

With regards to Anson Street the proposed development involves the construction of a new auditorium and conference facility above the existing main section of the club. The proposal raises the height of the existing building from RL 880.44 to RL 888.20. The increased height of the proposed building will undoubtedly dominate this length of Anson Street. The existing club building is currently lower than the Town Hall Memorial Hall to the immediate north and the existing Uniting Church to the south of the subject land. The proposed height of this building whilst recessed to reduce visual bulk will change the focal point within this precinct to the club rather than the historic buildings that flank the development site. The fly tower will tend to dominate this area. It is worth noting that there are several design solutions available to lessen the visual dominance of this building. In order to significantly reduce visual bulk at Anson Street it may have been more appropriate to relocate the bulky auditorium at a lower level where it could have been more easily absorbed within the development rather than at roof level where its bulk and scale will have a much wider visual impact.



**Proposed Anson Street perspective**

(photo excerpt from plan number DA-113 A3 by Curtin Bathgate & Somers Pty Ltd)

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**Visual Amenity/Streetscape Impacts (cont)**

However, it is considered that the height, scale and visual bulk is restrained to a degree by the relatively large setbacks and use of a mix selected face brickwork behind the cottages with rendered coursed blockwork above. The extensions above the façade are set back sufficiently and modulated so as to lessen the impact on the presentation and appreciation of the Uniting Church to the south of the site and the Town Hall and Memorial Hall to the North. The use of relatively large setbacks and a new overall range of materials and finishes will assist in ensuring that the building will not dominate the pedestrian appreciation of the scale of the streets around the club and within the conservation area. Whilst the height of the building is greater than that anticipated in the current LEP, it is not necessarily unexpected within a modern central business district.

As discussed above, the proposal also includes alterations at street level to the Anson street façade. The narrow extension to the north in a similar style as the existing club is of some concern. It is considered that this element of the development will have a significant impact upon the adjoining Memorial Hall building. It is recommended that the existing setback of development at this point be retained and that the JRPP not support the proposal to bring forward this part the building to the front boundary. Attached is a condition of consent requiring the applicant submit amended plans prior to the issue of a Construction Certificate which show this part of the building being recessed to the existing setback so as to not adversely affect the adjoining building.

There is no objection to proposed extension to the south which seeks to replace the existing shop on the site and provide for a new shop with street canopy. This extension is smaller than the existing shop on the ground floor so as to provide for a widened access to the proposed service delivery area. The proposed extension will align with the existing club and improve the streetscape due to the design of this component of the building being consistent with the remainder of the Anson Street frontage.

**External Finishes**

Council's Heritage Advisor with respect to this matter has indicated that gauging the character of the proposed external finishes for this large development has been difficult given the lack of a comprehensive external finishes schedule, material sample board or colour scheme addressing all external finishes. The architectural elevations have been annotated but not all material colours have been included in the annotations.

The proposed external finishes for the existing club building appear to largely retain the existing painted masonry finishes for the existing building and to extend this to the new club building work. The new roofs for the club building are noted on the drawings to match existing. However, the existing roof sheeting is not readily visible from the street. Council's Heritage advisor has indicated that the proposed new roof and auditorium roof on Anson Street will be highly visible, and therefore the colour of the roof sheeting will be more important than is presently the case.

The principal new external finish proposed for use on most other external walls is a combination of bricks from *Boral's Escura Range* (smooth face finish) with a horizontal banded arrangement. The proposed brick colours are generally similar to the typical Orange brick, apart from the Boral *Escura* Cream. The face brickwork will also be applied to the new gymnasium but not the parapet walls of the upper levels of the new car park in Sale Street.

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**External Finishes (cont)**

The dominant finishes in the locality are painted masonry but there are limited numbers of buildings with elements of a traditional Orange brick, (particularly the Wesley Uniting Church and the Holy Trinity Church) which is generally an earthy coloured tan brick with some iron content. Council's Heritage Advisor has indicated that there are many examples in Orange and it would have been preferable for the dominant external finishes of these buildings to have been either a painted masonry or a traditional Orange coloured brick so as to reinforce the character of the conservation area. There are also examples of an interesting combination of painted masonry and traditional brick, such as the cottages on Byng Street. A similar approach for the external finishes for the proposed new buildings would then sit more comfortably in the local context.

The proposed new car park on Sale Street is a reinforced concrete building with concrete parapet walls. It appears that the parapet walls are painted concrete. The colour of the parapet walls or the perforated mesh panels have not been included in the annotated architectural drawings. However, the perspective drawings are useful in generally illustrating the proposed tones and character. The darker earthy tone for the parapet walls is a good choice as it will tend to visually recede, particularly so behind the grey mesh screen, rather than the white painted car park parapet walls of the northern elevation.

The four storey apartment block on Byng Street is proposed to have a slate roof tile but the colour is not noted on the annotated architectural drawings.

It is recommended that a condition of consent be attached the Notice of Approval which requires the submission of a sample board of all finishes and colours for Council approval. Attached is a condition of consent to this effect.

Council's Heritage Advisor has recommended that the extent of painted masonry finishes should preferably be increased and the extent of the currently proposed Boral bricks, particularly the modern looking brick banding, should be reduced - alternatively, a more traditional coloured Orange brick introduced into the range of bricks proposed. A painted approach for the external finishes would allow more scope for picking out local colour and detail.

Council's Heritage Advisor has indicated that the proposed low, brick walls at pavement level on Sale Street and Byng Street are a positive use of quality materials but, as noted above, they should preferably use a more traditional Orange brick to relate to the colours and textures of the adjacent cottages.

**Overshadowing**

Shadow diagrams for 21 June at 9am, 12pm and 3pm have been submitted in support of the proposed development. The diagrams show that the properties in Sale Street and Byng Street, west of the motel component would be subject to overshadowing caused by the new motel during the morning period. These buildings are used for commercial purposes. The impact is considered reasonable. The extent of shadow will gradually reduce in the morning period as the sun moves across the northern sky so that by midday the shadow impact of the new motel upon the affected land is gone. The extent of shadow cast by the new motel does not appear to impact upon solar collectors within the affected properties.

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**Overshadowing (cont)**

Council is in receipt of a written submission from the Wesley Uniting Church who raise concerns about the overshadowing impact of the proposed development. In particular the church was concerned that the proposed development would adversely affect the recently approved and erected roof mounted solar panels. In order to address the concerns raised, Council staff requested that the applicant suitably demonstrate the overshadowing impact generated by the proposed development. The applicants responded as follows:

*In response to concerns raised in regard to overshadowing, we advise that shadow diagrams have been prepared (refer architectural drawings DA 123 and 123). The diagrams show shadow effect for 21 June (winter solstice); 21 January (summer solstice); and 21 March (autumn equinox). It should be noted that the sun angle for the autumn equinox is the same for the spring equinox on 21 September. The shadow diagrams show pre and post development shadow effect and demonstrate the following:*

- (a) *The proposed development has a negligible shadow effect on the church property on the summer solstice.*
- (b) *In winter:*
  - *The proposed development casts broader ground shadows upon the church property.*
  - *The shadow effect on the majority of the church windows is minimal until 2pm, after which the only the windows near the north western corner become subject to increased shadow effect. By 3pm all windows are subject to increased shadow effect.*
- (c) *The proposed development has a negligible shadow effect on the church property on the autumn and spring equinox.*
- (d) *The proposed development has no shadow effect on the church's roof mounted solar panels. At the specific request of the church, a shadow diagram was also prepared for 4pm on 21 June.*

The overshadowing impact on the property to the immediate south is considered reasonable. The affected area is predominantly car park and is less sensitive to shadow impacts. Generally, a CBD area is considered less sensitive in terms of shadow impact due to the nature of the land use and the closer development pattern attributed to such precincts. The applicant has suitably demonstrated that the proposed development has no shadow effect on the church's recently constructed roof mounted solar panels.

**Privacy**

Generally the area is considered less sensitive in terms of privacy impact. The precinct is zoned for business and is predominantly used for that purpose. Residential land use is only occasional and confined to above-shop locations. By their very nature, the residential amenity afforded to these units in terms of privacy is less than would be expected in a typical residential neighbourhood.



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### **Noise**

The ambient noise levels of the locality are expected to be typical of a regional CBD. The dominant source of noise would be attributed to mechanical plant and traffic movement along the road network.

It is considered that the potential for unreasonable noise disturbance as a result of the proposal would be minimal. The entry and exit of vehicles associated with the site would not generate unreasonable noise and would not be out of character with other activities in the neighbourhood. Attached is a standard condition of consent addressing issues in relation to noise. Emitted noise should not be permitted to exceed 5dB(A) above background sound level measured at the nearest affected residence.

### **Lighting**

To ensure that lighting from the development does not cause adverse impacts upon neighbours, the applicant has indicated that a lux plan will be prepared. The plan will need to specify lighting systems that provide effective illumination of the development without causing light scatter or disturbance. Attached is a condition of consent in relation to this matter.

### **Waste Management**

The proposed development will generate certain building wastes. Management of demolition and construction wastes will be subject to a waste management plan. Attached is a condition of consent addressing issues in relation to waste management.

The applicants advise that management of waste when the building is functioning will include:

- garbage enclosures.
- recycling of other suitable wastes.

The submitted plans show that all waste handling and service vehicles will be confined to the proposed service area at the south-eastern corner of the main club building. There are no objections to the proposed waste management arrangements for the proposed development.

### **Water Quality**

Prior to any earthworks or development, an erosion and sediment control plan is to be prepared. The plan will cover all aspects of erosion and sediment control during the construction phase and include sediment traps, bunds, banks and drains in suitable locations during all stages of the development to ensure that sediment laden runoff does not enter the City's stormwater drainage system. Attached is a condition of consent in relation to this matter.

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**Air Quality**

The proposed development does not involve any processes or activities that would affect the neighbourhood in terms of dust, odour or other atmospheric discharges in the long term.

The potential for impacts upon air quality relates to raised dust as a result of works during the construction phase. In this regard it is recommended that construction hoarding be established as required and responsible site management (during windy periods) be implemented. Attached is a condition of consent to this effect.

**Crime Prevention**

It is recognised that effective design can assist to reduce crime opportunities. A copy of the application was forwarded to the Orange Local Area Command for comment. The Orange Local Area Command have since advised of no objections to the planned development.

According to the NSW Department of Planning publication, *Crime Prevention and the Assessment of Development Applications* (2001), crime prevention through environmental design (CPTED) seeks to influence the design of buildings and places by:

- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture
- increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended
- reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits.
- removing conditions that create confusion about required norms of behaviour.

The guidelines state that good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance. From a design perspective, 'deterrence' can be achieved by:

- clear sightlines between public and private places
- effective lighting of public places
- landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims.

The applicant submits that the proposed development is satisfactory in this regard due to the following:

- *Reasonable sections of the site would be visible from public areas including Anson, Byng and Sale Streets*
- *Car park areas, pathways, loading areas and entrances will be illuminated*
- *CCTV will be installed around the site at strategic locations*
- *The landscape widths are not expansive and plantings will be selected to minimise the potential for concealment.*

It is considered that the proposed development incorporates good surveillance.



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**Crime Prevention (cont)**

With regards to *access control*, the guidelines state that physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

The applicants submit that the proposed development provides for suitable access control due to the following;

- *The design provides for clear routes to the car parks and to the frontages and key entrances to the buildings.*
- *The back of house and non-public areas are well defined.*
- *The proposed entrances and service area are expected to be reasonably active and may discourage loitering and facilitate easy detection of potential offenders.*

It is considered that the development provides for reasonable access control.

With regards to *territorial reinforcement*, the guidelines state that community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals. Territorial reinforcement can be achieved through:

- design that encourages people to gather in public space and to feel some responsibility for its use and condition
- design with clear transitions and boundaries between public and private space
- clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

The applicant submits that the proposed development is satisfactory in this regard due to the following:

- *The design generally encourages the public to the car parks and frontages and entrances of the building.*
- *Back of house and non-public areas are clearly defined by discrete building design and site layout.*

It is considered that the development incorporates good territorial reinforcement. The premises will be managed and maintained so as to contribute to the notion of territorial reinforcement.

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### **Social and Economic Impacts**

The applicant submits that the development as proposed has the potential to generate the following socio-economic benefits:

- *Enhance the current offerings of the OESC and thus increase the potential for more patronage of a local organisation.*
- *Increase accommodation and conference/function facilities and thus support tourism which is a key industry for the City.*
- *Reduce the number of visitors that may leave Orange due to a lack of available accommodation during peak times.*
- *Increased expenditure in Orange due to operational spending associated with the OESC and motel guests.*
- *Increased expenditure in Orange due to construction spending.*
- *The creation of additional employment that will result from the project, both during the construction period and, more importantly, once the development is operational.*

It is considered that the proposed development will have a positive social and economic for the City of Orange. The improved accommodation and conference facilities will provide greater opportunity for additional tourism and business opportunities within the region. The development will provide for additional employment opportunities both during construction and once the development is up and running.

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

#### **Physical Attributes**

It is considered that there are no physical aspects of the site to indicate that it would not be suitable for the proposed development.

#### **Availability of Utility Services**

There appears to be no significant constraint to the delivery of utility services to the development. The implications of subsurface sewer mains in relation to the proposed basement car park will be addressed in the civil engineering design for the development.

### **SECTION 64 WATER AND SEWER CHARGES**

Section 64 water and sewer head works charges are also applicable to the proposal. Such charges will be calculated at the time of release of a Construction Certificate. A Certificate of Compliance from Orange City Council in accordance with the *Water Management Act 2000* will be required to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

The Certificate of Compliance will be issued subject to the payment of contributions for water, sewer and drainage works - at the level of contribution applicable at that time. The contributions are based on 60.8 ETs for water supply headworks and 79.7 ETs for sewerage headworks.

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

The proposed development is defined as "advertised development" under the provisions of the LEP. The application was advertised for the prescribed period of 14 days and at the end of that period one written public submission was received. A further two government agency submissions were also received outside the formal advertised period.

A summary of each of the submissions received is outlined below.

**Uniting Church**

The Uniting Church advised the following concerns:

- Shadow effect on Church property. The church advise that the building and its surrounds are used frequently for weddings and funerals as well as for regular and special religious services. Sunlight is very important to the amenity of this building.
- Express concern that the proposed development would adversely affect the recently approved and erected roof mounted solar panels.
- Access to the club's loading area off Anson Street. Presently the club has access to its existing loading area by utilising land belonging to the church, being Lot 22 DP 622013 over which the club has a right-of-carriageway 3.05m wide. That right-of-way also serves as access to the church gravel car park area. The plan shows that the adjoining shop is to be partially demolished and an additional driveway constructed to serve the loading area that would create separate entry and exit roads to and from the loading area. The plan also shows arrows that indicate the intended traffic flow direction in and out of the club's loading area. The plan as submitted would affect the ability to gain access to the gravel car park area. In order to resolve this issue the submitter has requested that reciprocal rights-of-way between the club and the church may present a solution to this problem.
- Demolition and construction period – the church advises that the car park area and the right-of-way to the club loading area must not be blocked or reduced at any time during the demolition and construction period.

In order to address the concerns raised, Council staff requested that the applicant suitably demonstrate the overshadowing impact generated by the proposed development. The applicant responded as follows:

*In response to concerns raised in regard to overshadowing, we advise that shadow diagrams have been prepared (refer architectural drawings DA 123 and 123). The diagrams show shadow effect for 21 June (winter solstice); 21 January (summer solstice); and 21 March (autumn equinox). It should be noted that the sun angle for the autumn equinox is the same for the spring equinox on 21 September. The shadow diagrams show pre and post development shadow effect and demonstrate the following:*

- (a) *The proposed development has a negligible shadow effect on the church property on the summer solstice.*

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28 August 2012

**Any submissions made in accordance with the Act (cont)**

**Uniting Church (cont)**

(b) *In winter:*

- *The proposed development casts broader ground shadows upon the church property.*
- *The shadow effect on the majority of the church windows is minimal until 2pm, after which the only the windows near the north western corner become subject to increased shadow effect. By 3pm all windows are subject to increased shadow effect.*

(c) *The proposed development has a negligible shadow effect on the church property on the autumn and spring equinox.*

(d) *The proposed development has no shadow effect on the church's roof mounted solar panels. At the specific request of the church, a shadow diagram was also prepared for 4pm on 21 June.*

*In response to the concerns raised regarding the right of way we advise as follows:*

(a) *The driveway will not be divided.*

(b) *As stated by Colston Budd Hunt & Kafes, matters relating to the right of way will be addressed between the respective land owners.*

*The concerns regarding encroachment on church property during the demolition and construction period are acknowledged.*

**Comment**

The overshadowing impacts on the property to the immediate south are unlikely to impact upon the operations of the church. The submitted plans show that the affected area is predominantly car park and is less sensitive to shadow impacts. Generally a CBD area is considered less sensitive in terms of shadow impact due to the nature of the land use and the closer development pattern attributed to such precincts. The applicant has suitably demonstrated that the proposed development has no shadow effect on the church's recently constructed roof mounted solar panels.

With regards to the proposed access to the clubs loading area off Anson Street and the potential conflict with vehicles entering and exiting the church, it is recommended that a reciprocal right-of-way be established between the club and the church. The plan shows that the adjoining shop will be partially demolished and an additional driveway constructed to serve the loading area with separate entry and exit roads to and from the loading area. The plan also shows arrows that indicate the intended traffic flow direction in and out of the club's loading area. The plan as submitted would affect the legal ability for church users to gain access to the gravel car park area consistent with the proposed traffic arrangements. The requirement for reciprocal rights-of-carriageway over the proposed driveway system would ensure that traffic conflicts are minimised. Attached is a recommended condition of consent addressing this issue.

The applicant will be required to ensure that the church access is maintained at all times during the construction period. The concerns regarding encroachment on church property during the demolition and construction period have been acknowledged by the applicant in their response to Council dated 6 July 2012.

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28 August 2012

**Any submissions made in accordance with the Act (cont)**

**Canobolas Local Area Command**

The Canobolas local Area command has indicated that they have no objections to the proposed development however urge consideration be given to widening the Council CCTV coverage to Byng Street between Sale and Anson Street upon completion of the Byng Street access point. This matter is considered to be outside the scope of this assessment and would need to be addressed by Council following completion of the proposed development.

**Roads and Maritime Services**

Roads and Maritime Services (RMS) advise that they will not oppose the planned works. The RMS requirements for the development are outlined below:

- The grade of the ramp to the lower ground floor car park should be designed in accordance with AS 2890.1:2004 including a flat stand area at the top and a transition to grade at the bottom of the ramp.
- Minimum clearances for the basement car park, including the ramp, should be in accordance with AS2890.1:2004. The minimum available clearance should be signposted at all entrances. Appropriate warning devices such as flexible striker bars should be provided in conjunction with the signs wherever the clearance shown on the signs is less than 2.3m.
- All activities, including loading and unloading of goods, associated with the development are to be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction
- All works shall be undertaken at no cost to RMS.

The attached notice of approval includes a condition of consent which addresses the above described requirements.

**PUBLIC INTEREST s79C(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal 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. Whilst some concern has been raised with respect to the presentation of development to Sale Street, 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.

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**COMMENTS**

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

A handwritten signature in black ink, appearing to read 'Paul Johnston', is written over a faint, illegible stamp.

Paul Johnston

**TEAM LEADER - DEVELOPMENT ASSESSMENTS**

enc



**JOB No. 6248**



EXISTING BYNG STREET PERSPECTIVE (LOOKING EAST)



PROPOSED BYNG STREET PERSPECTIVE (LOOKING EAST)



EXISTING BYNG STREET PERSPECTIVE (LOOKING SOUTHEAST)



PROPOSED BYNG STREET PERSPECTIVE (LOOKING SOUTHEAST)



EXISTING BYNG STREET PERSPECTIVE (LOOKING SOUTHWEST)



PROPOSED BYNG STREET PERSPECTIVE (LOOKING SOUTHWEST)



PROPOSED INTERNAL COURT PERSPECTIVE (LOOKING NORTHWEST)

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DA-1019  
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EXISTING SALE STREET PERSPECTIVE (LOOKING NORTH)



PROPOSED SALE STREET PERSPECTIVE (LOOKING NORTH)



EXISTING SALE STREET PERSPECTIVE (LOOKING EAST)



PROPOSED SALE STREET PERSPECTIVE (LOOKING EAST)



EXISTING SALE STREET PERSPECTIVE (LOOKING SOUTH)



PROPOSED SALE STREET PERSPECTIVE (LOOKING SOUTH)





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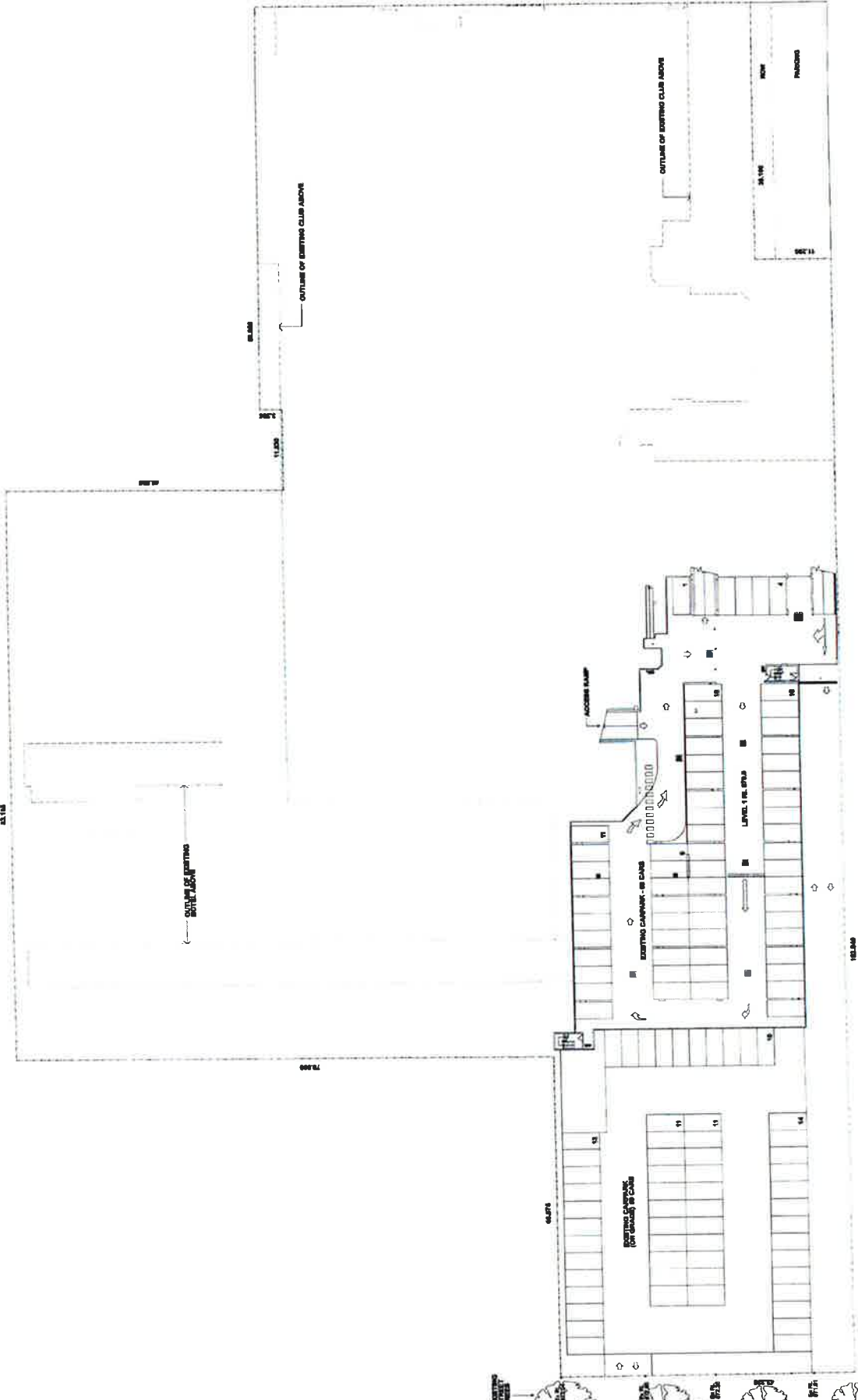
PLANNING AND DEVELOPMENT  
PLANNING & HOTEL REDEVELOPMENT

## UNIQUE BLEND: CHEROKEE

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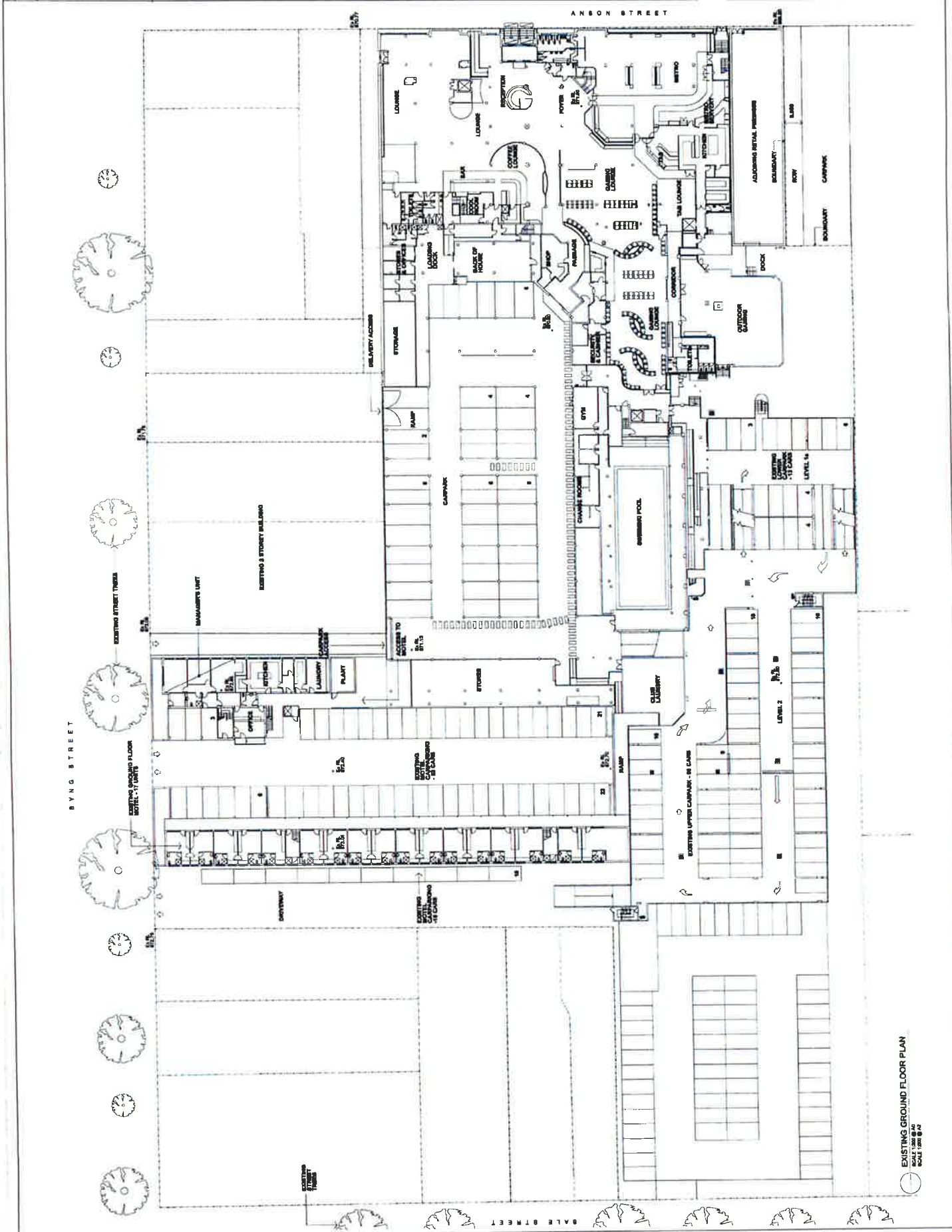
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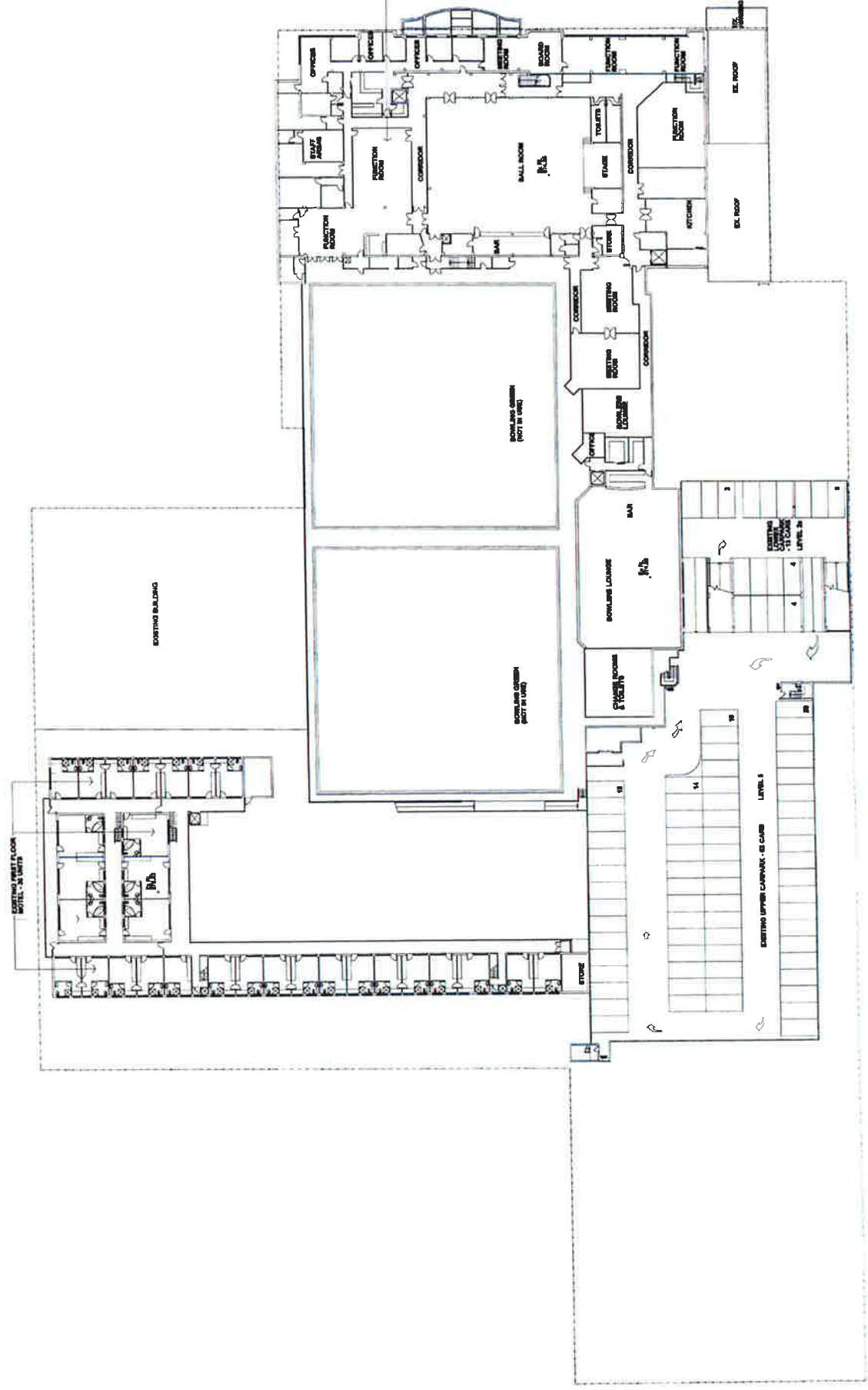
EXISTING LOWER GROUND FLOOR PLAN

TV 60251 37M





EXISTING GROUND FLOOR PLAN  
SCALE 1:500

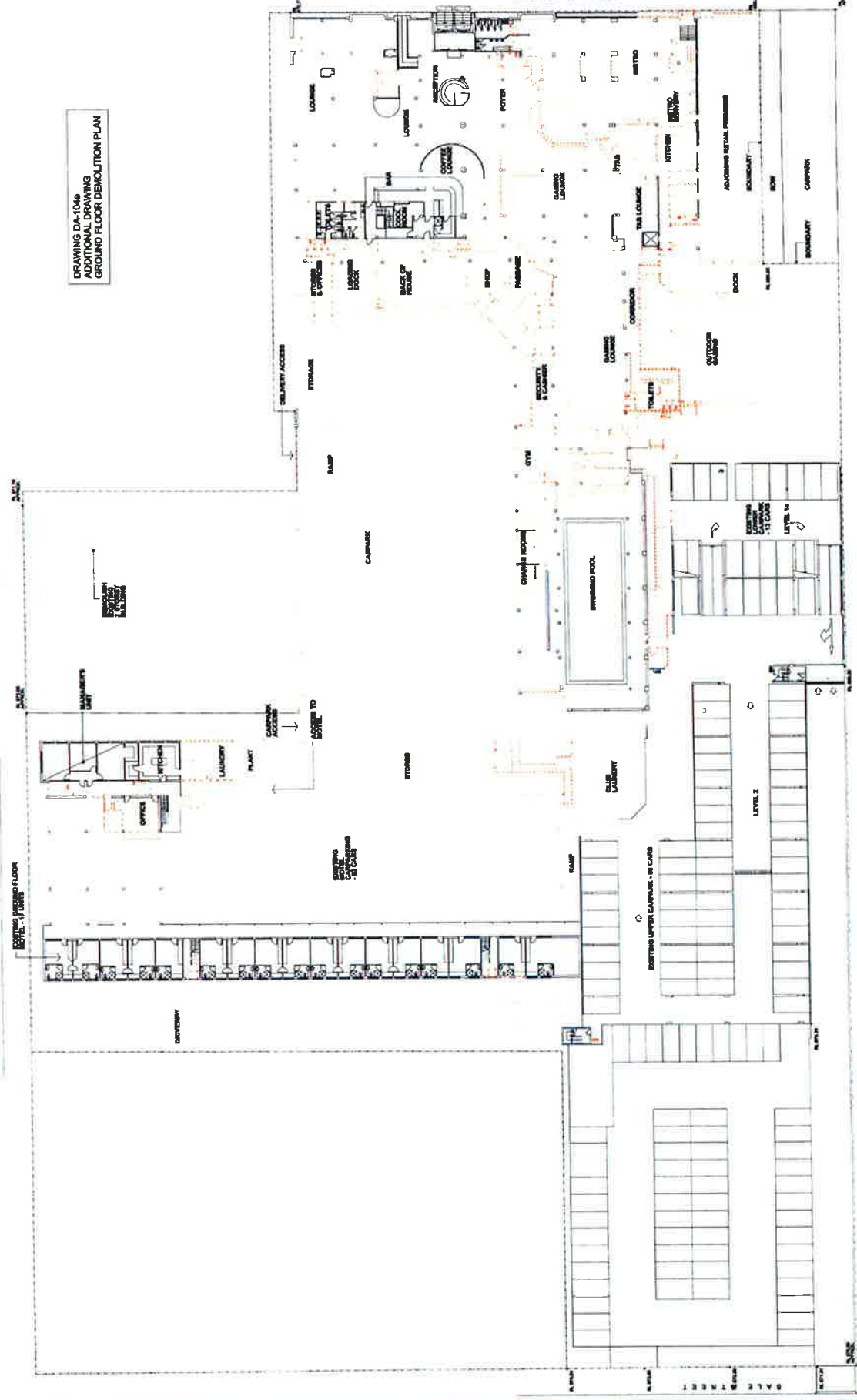


EXISTING FIRST FLOOR PLAN  
SCALE 1:500 @ A2

DRAWING DA-1049  
ADDITIONAL DRAWING  
GROUND FLOOR DEMOLITION PLAN

BYNO STREET

ANSON STREET



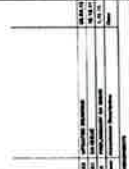
NOTE :  
WALLS TO BE DEMOLISHED SHOWN IN RED.  
STRUCTURE SUBJECT TO REVIEW BY  
STRUCTURAL ENGINEER.

GROUND FLOOR DEMOLITION PLAN  
SCALE 1:500 @ A2  
SCALE 1:500 @ A2

**NOTE:**  
WALLS TO BE DEMOLISHED SHOWN IN RED.  
STRUCTURE SUBJECT TO REVIEW BY  
STRUCTURAL ENGINEER.

### FIRST FLOOR DEMOLITION PLAN





For more information, contact the author at [shirley@shirleydavis.com](mailto:shirley@shirleydavis.com).



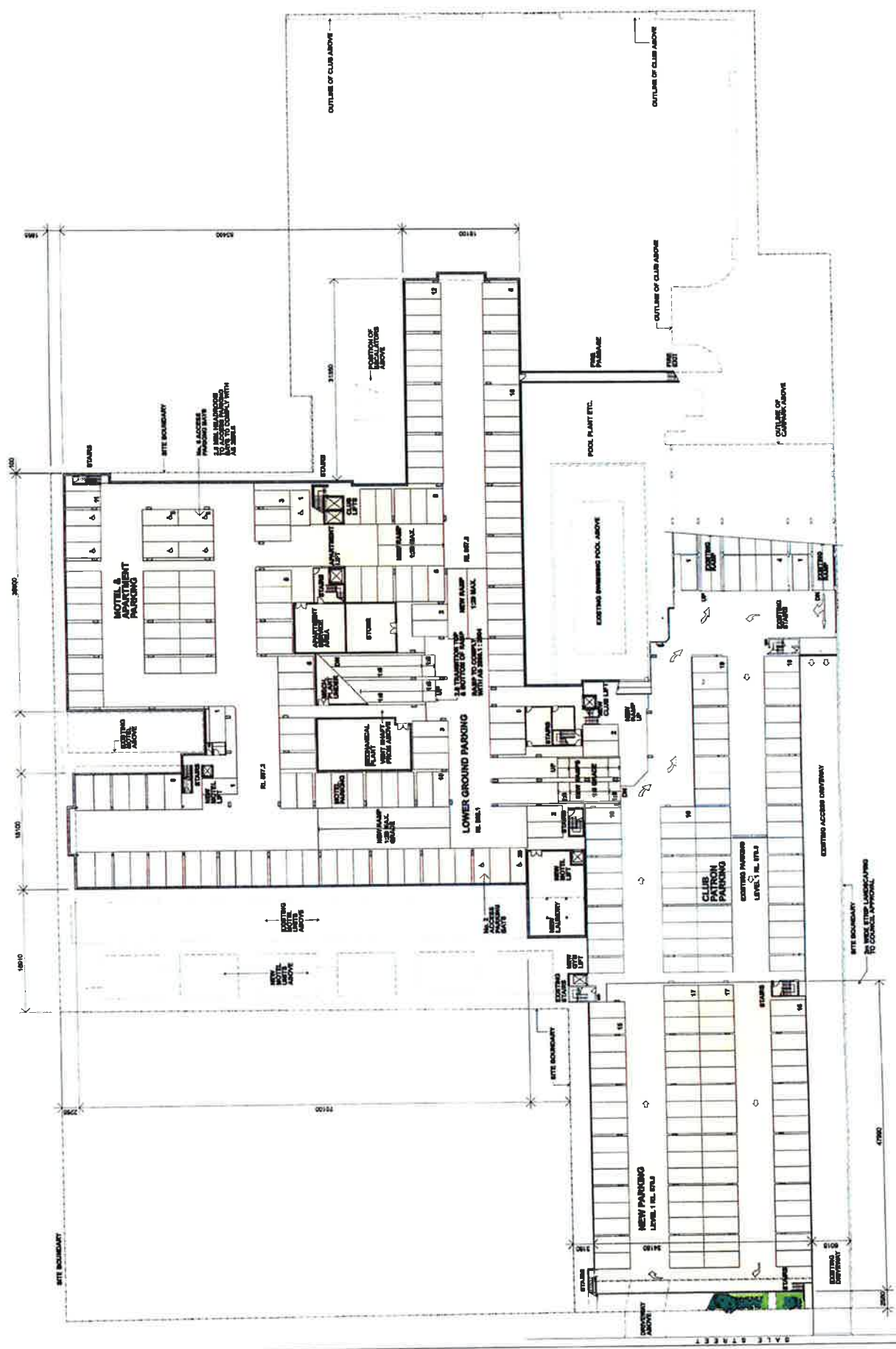
**THE UNIVERSITY OF CHICAGO**

**COMBUSTION**  
  
 The combustion chamber is a cylindrical vessel with a hemispherical head. It is equipped with a fuel inlet at the top and a gas outlet at the bottom. The chamber is surrounded by a cooling jacket. The combustion process is controlled by a gas flow rate and a temperature sensor.

**ORANGE  
EX-SERVICES' CLUB  
CLUB & MOTEL REDEVELOPMENT**

DATE SUBMITTED		NO. OF PAGES	1000-0000 1000-0000
<b>PROPOSED LOWER GROUND FLOOR PLAN</b>			

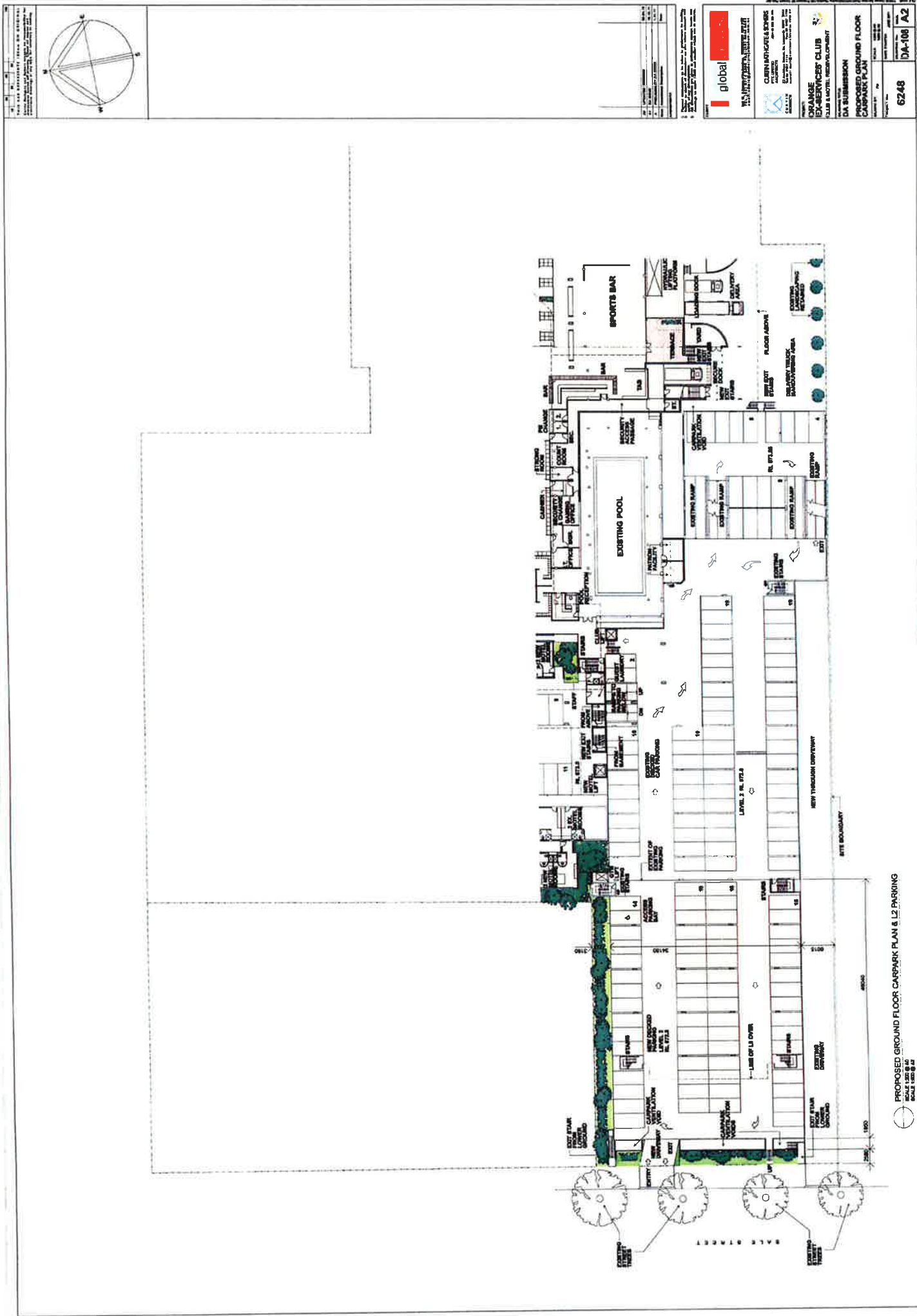
6248	DA-106	A2
	DA-106	A2



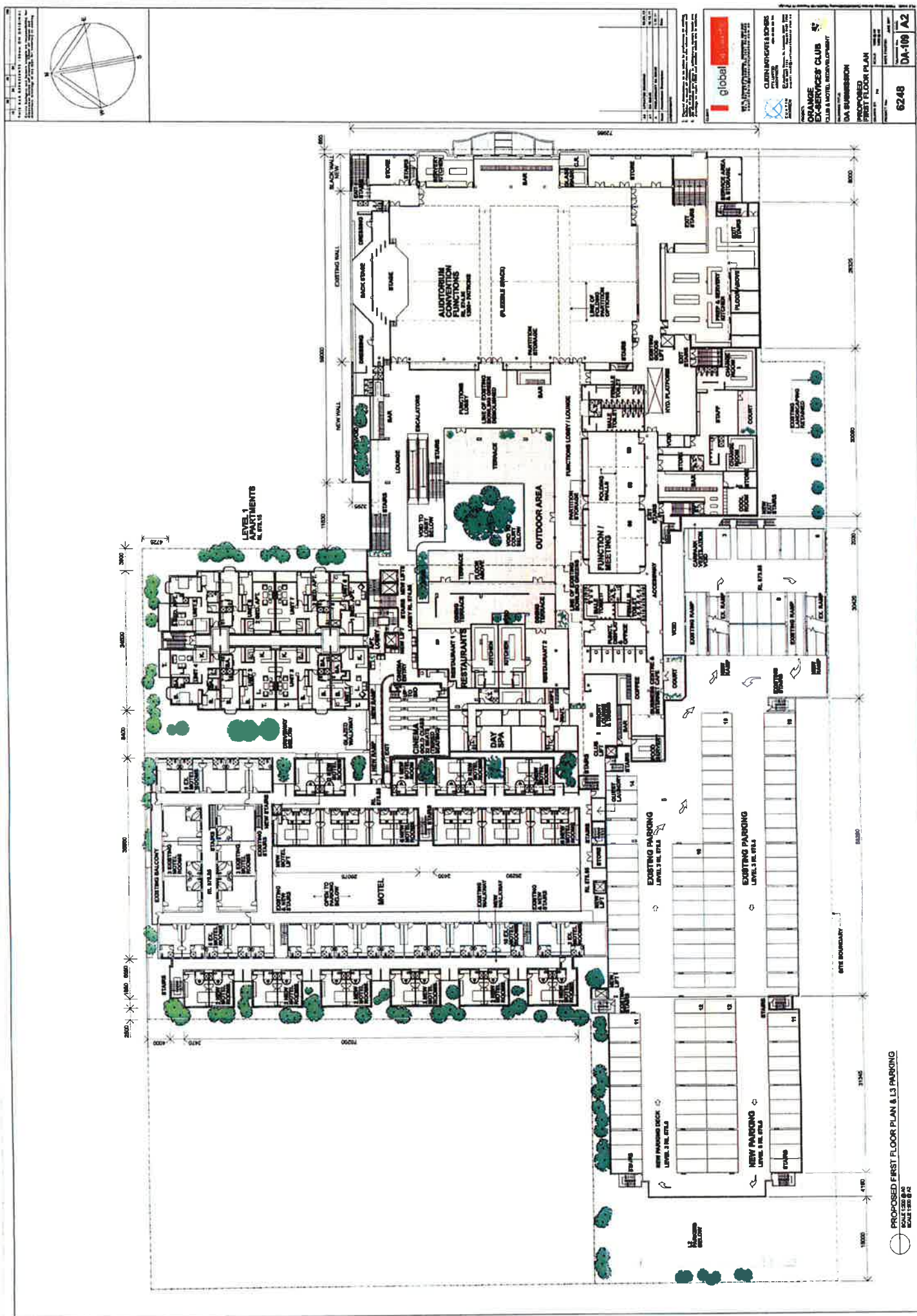
PROPOSED LOWER GROUND FLOOR PLAN & LEVEL L1 PARKING  
SCALE 1:200 @ A2









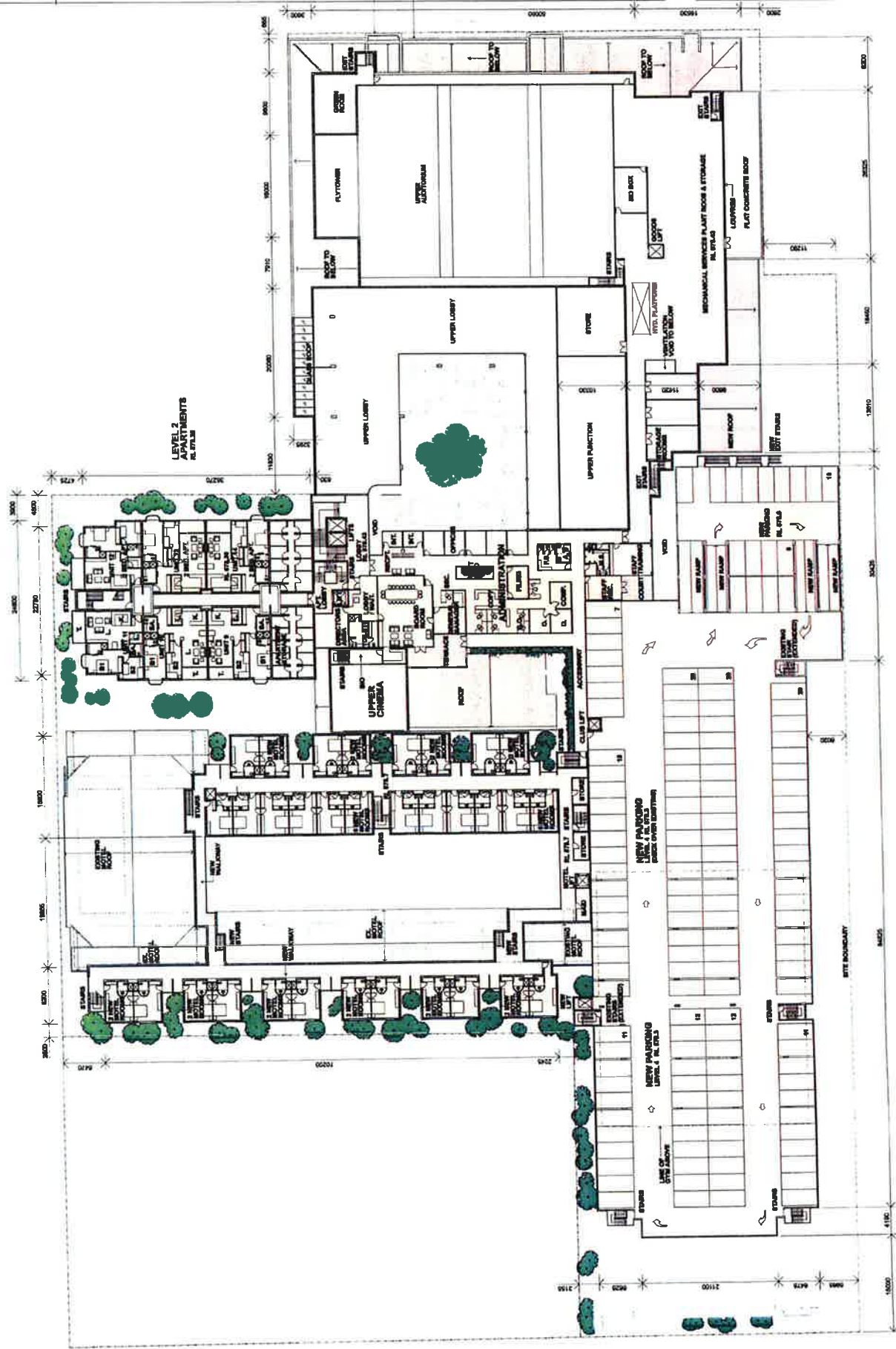


**global**

DA-110 A2

6248

<b>ORANGE EX-SERVICE CLUB</b>	
CLUB & HOTEL DEVELOPMENT	
<b>DA BUILDING</b>	
<b>PROPOSED SECOND FLOOR PLAN</b>	
<p>DATE: 10/10/2018</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO: DA-110</p>	<p>CLUB &amp; HOTEL DEVELOPMENT</p> <p>CLUB &amp; HOTEL DEVELOPMENT</p> <p>CLUB &amp; HOTEL DEVELOPMENT</p> <p>CLUB &amp; HOTEL DEVELOPMENT</p> <p>CLUB &amp; HOTEL DEVELOPMENT</p>

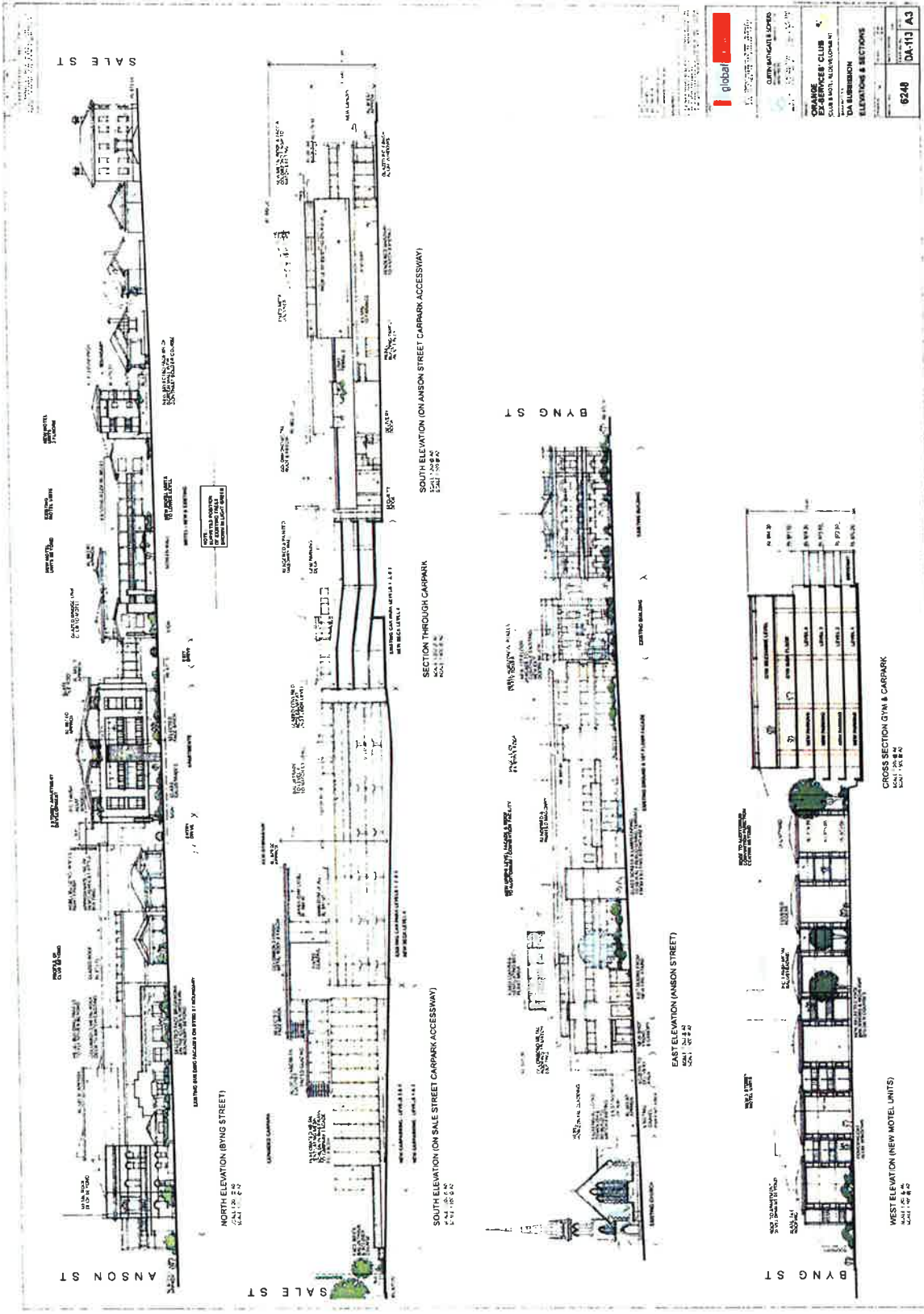


PROPOSED SECOND FLOOR PLAN & LA PARKING

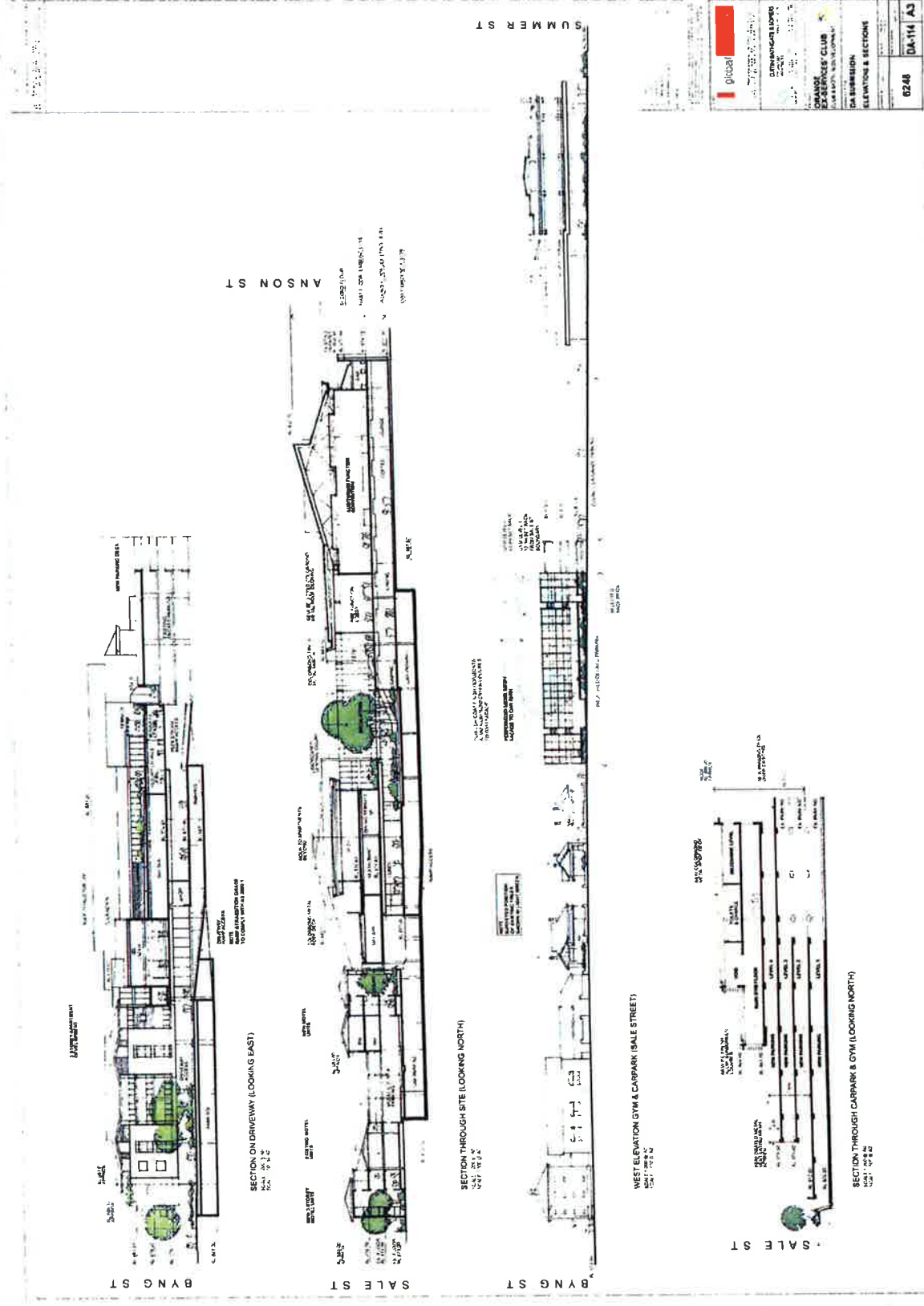




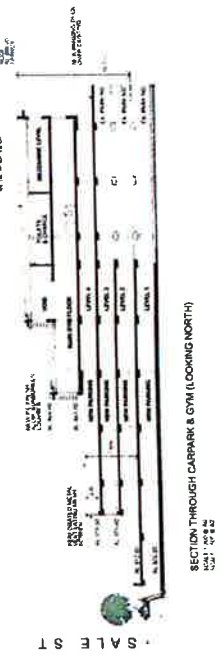




global
ORANGE EX-SERVICES' CLUB
CLUB HOTEL DEVELOPMENT
DA BURRISON
ELEVATIONS & SECTIONS
6248
DA-113 A3



6248		DA-114 A3
ORANGE EXPERIENCE CLUB		
DA SUBMISSION		
ELEVATION & SECTION		
DATE: 10/10/2023		
DRAWN BY: [Redacted]		
CHECKED BY: [Redacted]		
SCALE: 1:100		



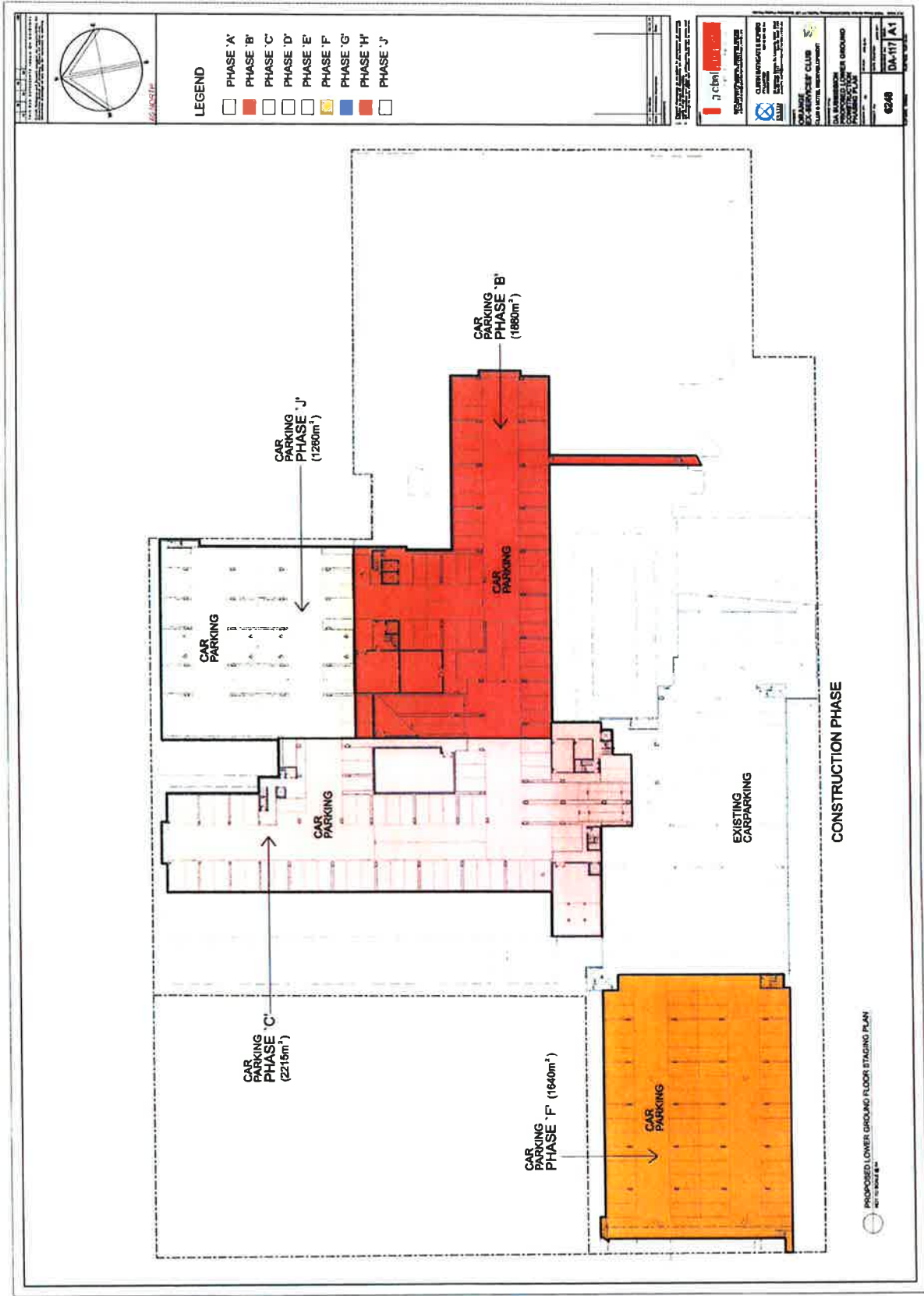
WEST ELEVATION GYM & CARPARK (SALE STREET)

SECTION THROUGH CARPARK & GYM (LOOKING NORTH)



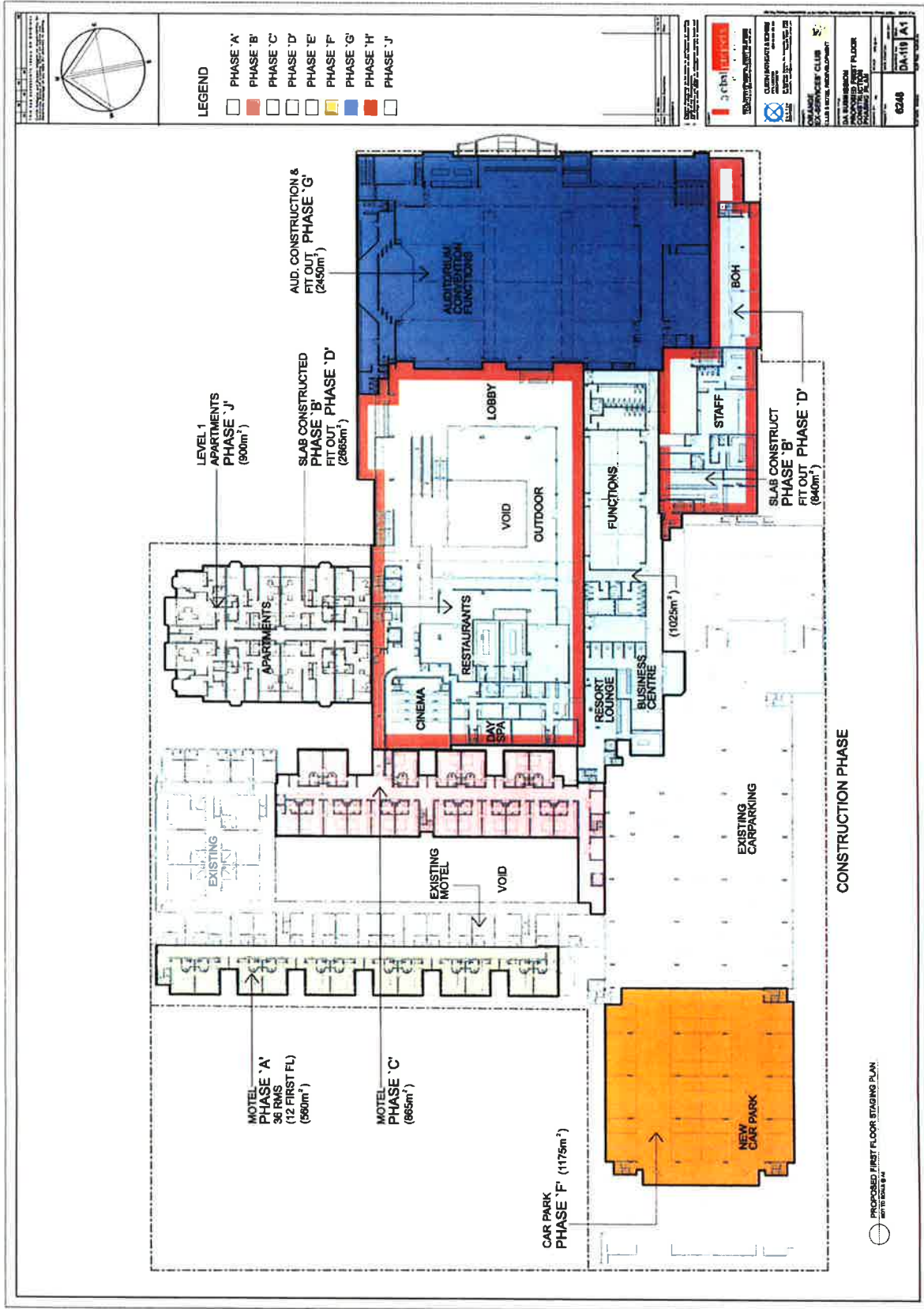


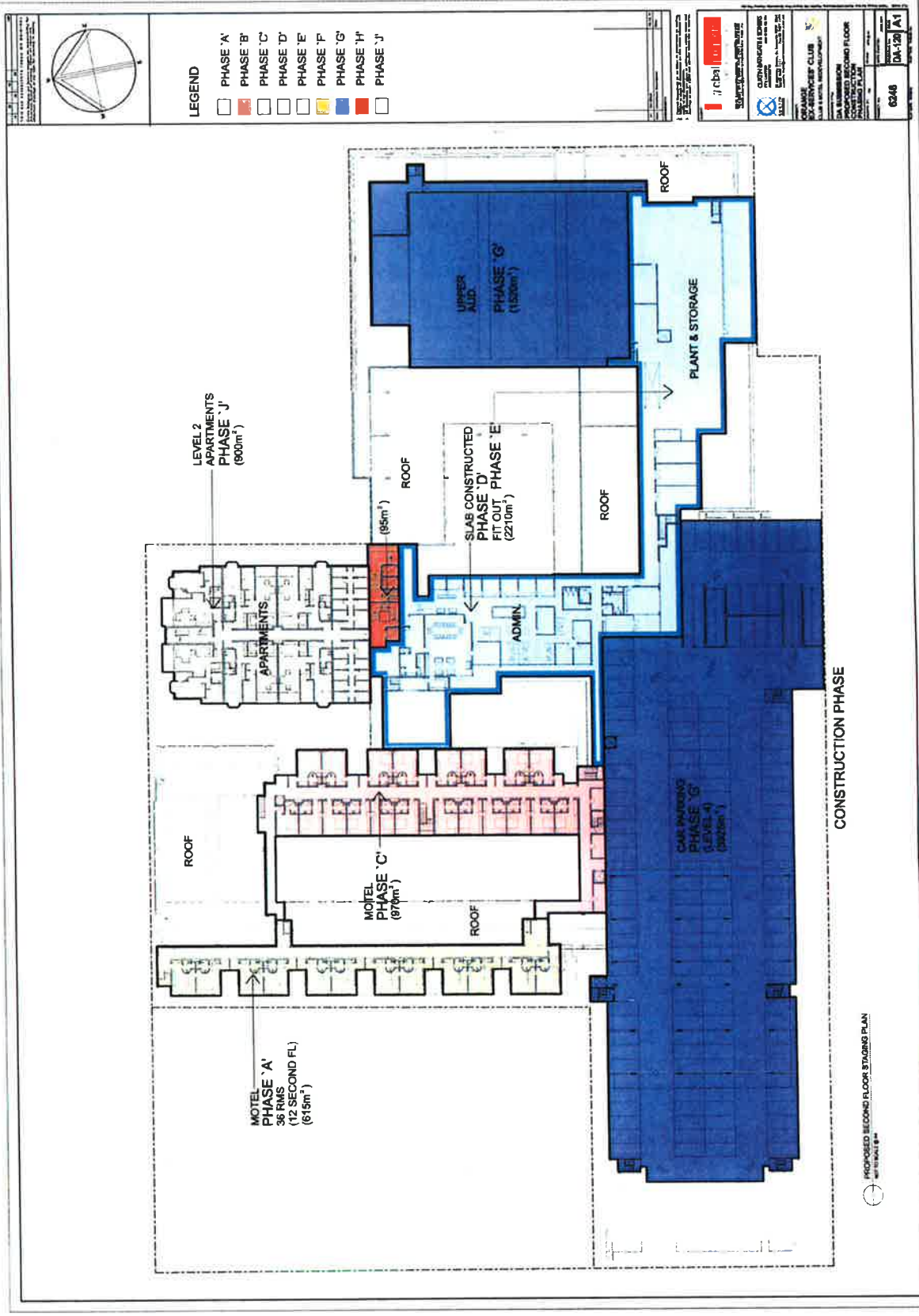




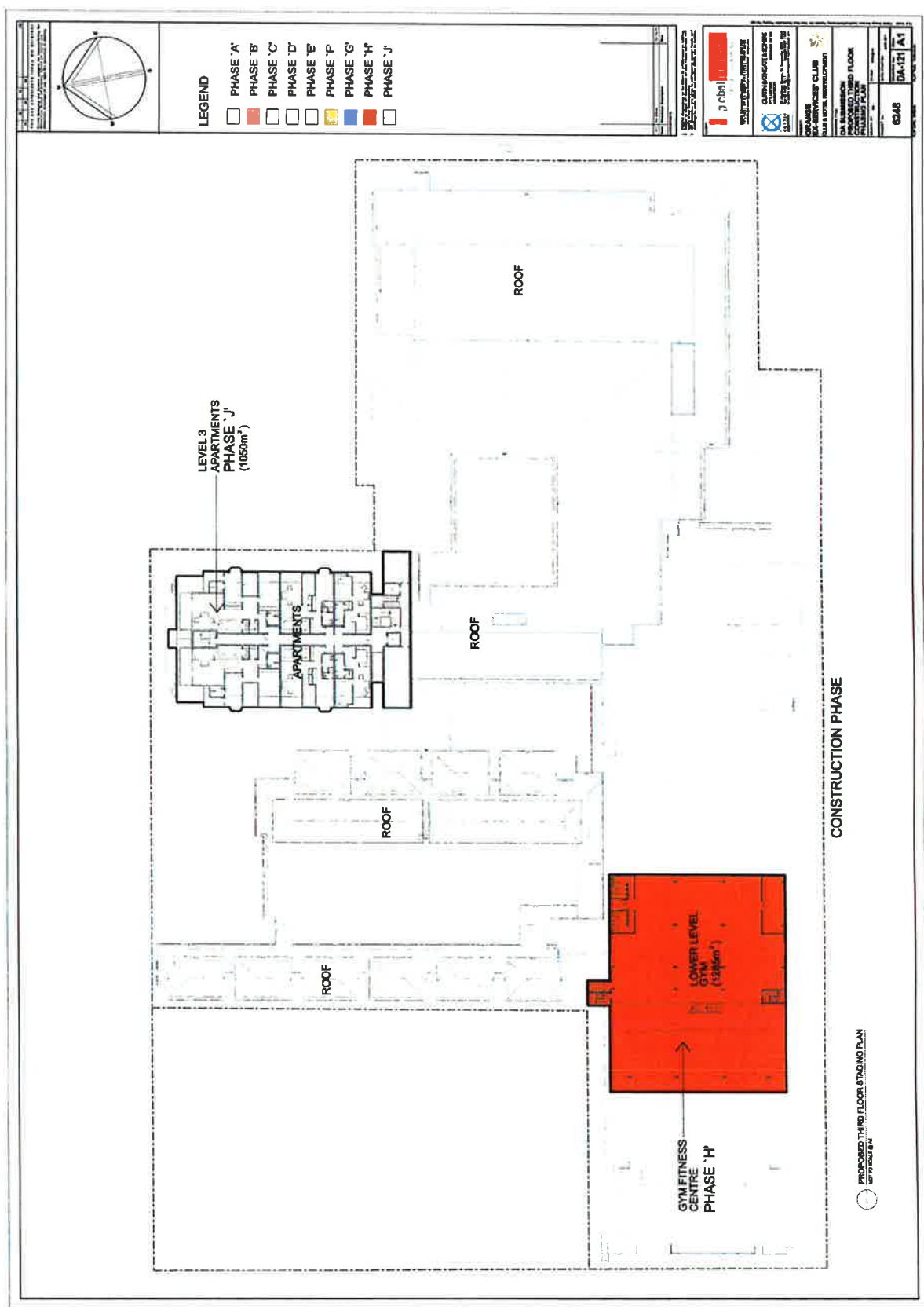


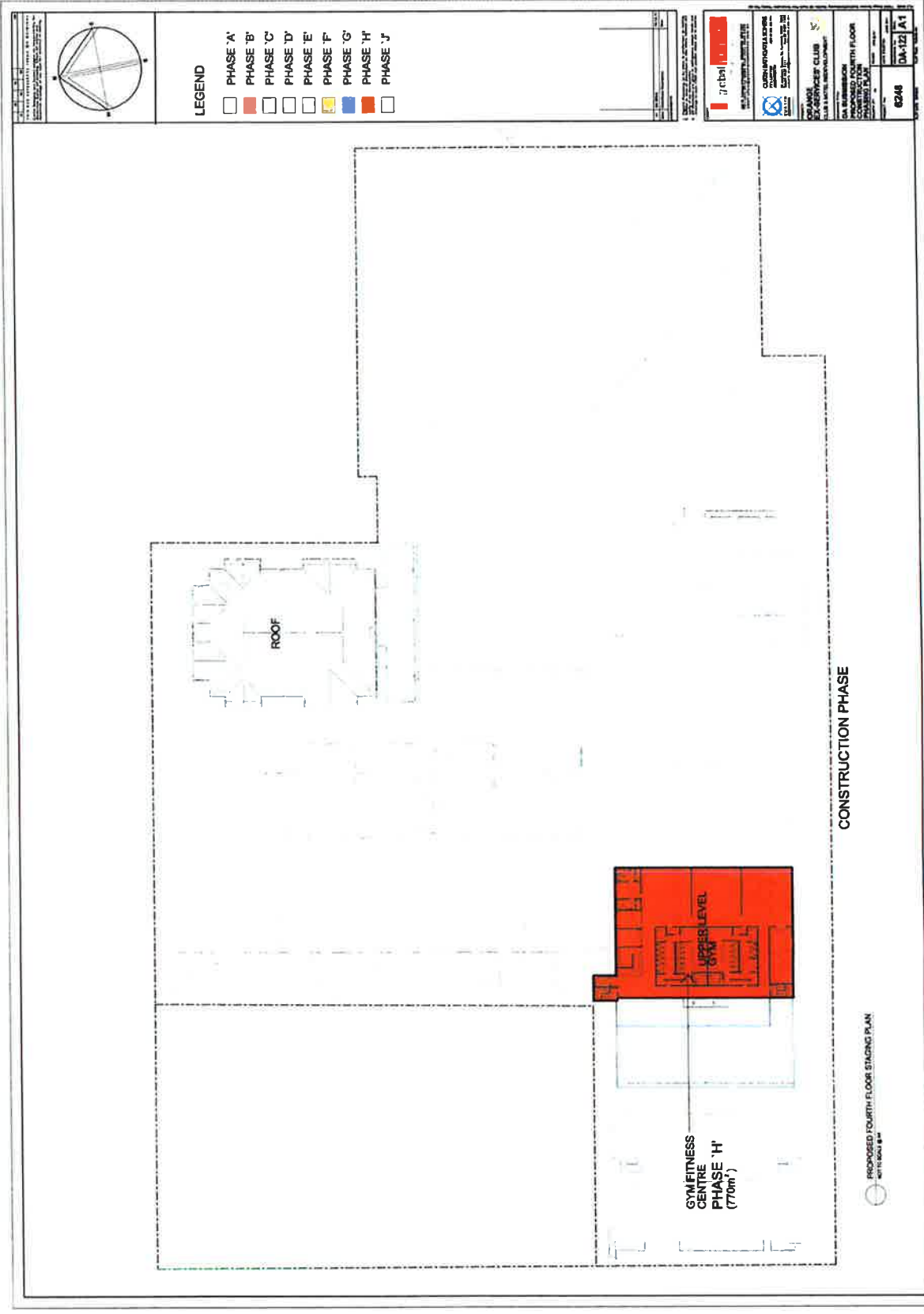














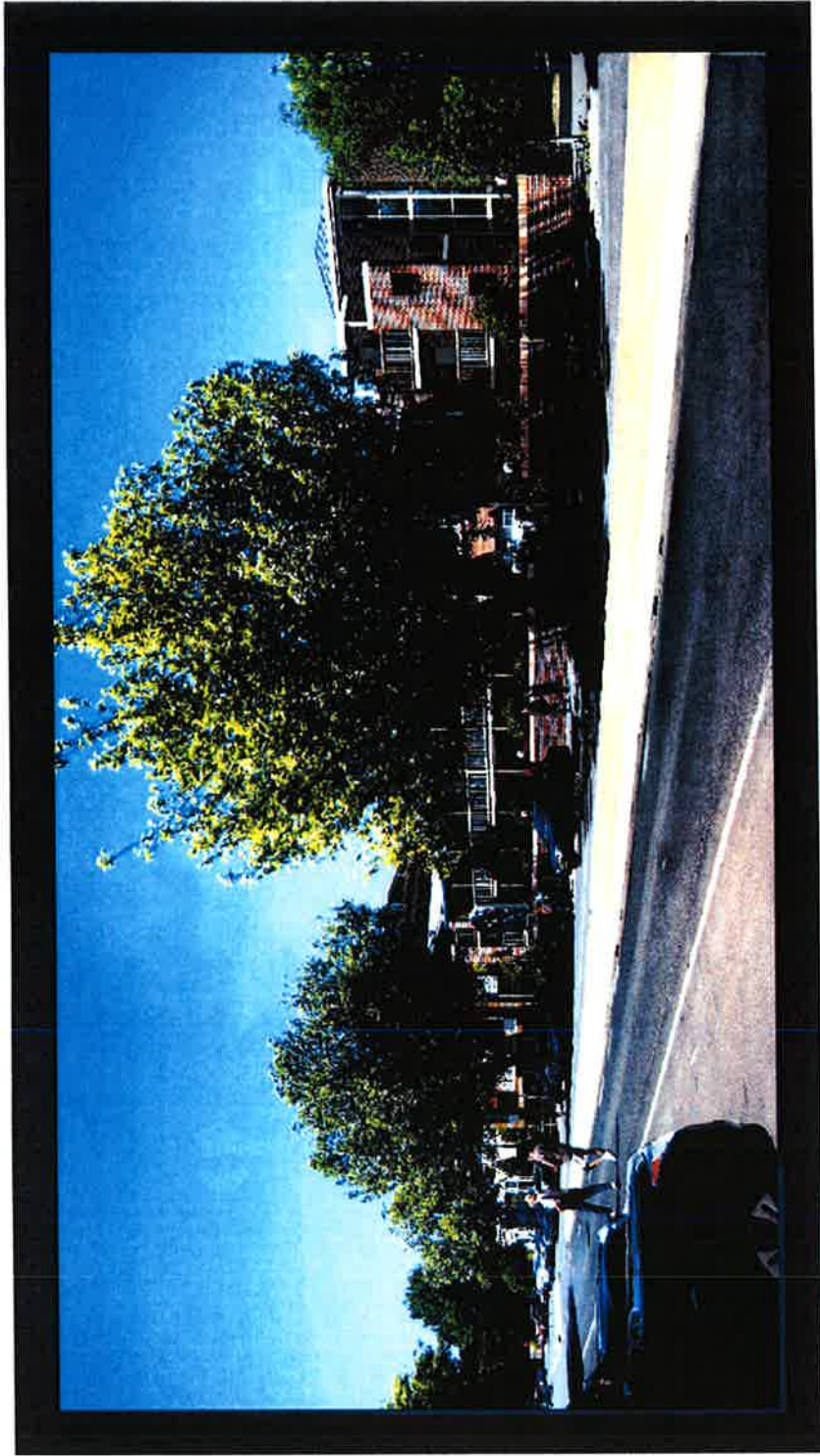


PROPOSED BYNG STREET PERSPECTIVE (LOOKING EAST)

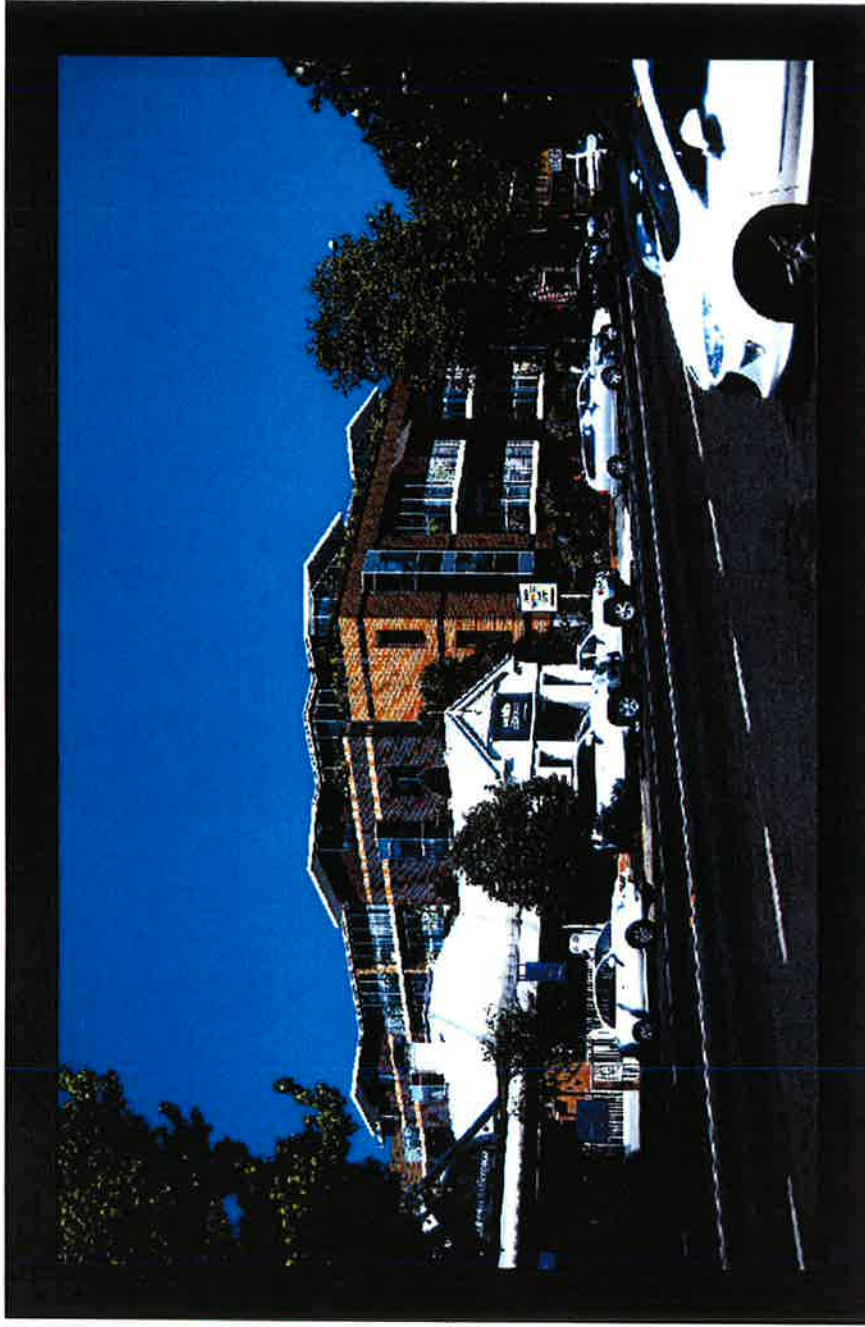
**CLINT BATHGATE & SONS**  
ARCHITECTS  
1000 WEST 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
303.733.1111  
WWW.CBANDS.COM

 **ORANGE EX-SERVICES COUNTRY CLUB  
CLUB & MOTEL REDEVELOPMENT**

 **global projects**  
1000 WEST 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
303.733.1111  
WWW.GLOBALPROJECTS.COM



PROPOSED BYNG STREET PERSPECTIVE (LOOKING SOUTH-EAST)



PROPOSED BYNG STREET PERSPECTIVE (LOOKING SOUTH-WEST)





PROPOSED INTERNAL COURT PERSPECTIVE (LOOKING NORTH-WEST)



PROPOSED SALE STREET PERSPECTIVE (LOOKING EAST)



**CURTIN BATHKATE & DOHERTY**  
ARCHITECTS  
100-1000  
100-1000  
100-1000  
100-1000



**ORANGE EX-SERVICES COUNTRY CLUB  
CLUB & MOTEL REDEVELOPMENT**

**global**  
100-1000  
100-1000  
100-1000

0248





**PROPOSED SALE STREET PERSPECTIVE (LOOKING NORTH)**

**CURTIN BATHGATE & SOMERS**  
PTY LIMITED  
ARCHITECTS  
4000 104 RD 144  
ALBION PARK, NSW 1503  
TEL 02 9437 1177  
FAX 02 9437 1199  
e-mail: [info@curtinbathgate.com.au](mailto:info@curtinbathgate.com.au)



**ORANGE EX-SERVICES COUNTRY CLUB  
CLUB & MOTEL REDEVELOPMENT**



global projects

•  $\mathbb{R}^n$  is a vector space over  $\mathbb{R}$ .

1248

1248



PROPOSED SALE STREET PERSPECTIVE (LOOKING SOUTH)

CLARENCE & SONS  
ARCHITECTS  
1000 10th Ave. N.  
Suite 100  
Minneapolis, MN 55412  
612.338.1111  
www.clarenceandsons.com



# ORANGE EX-SERVICES COUNTRY CLUB CLUB & MOTEL REDEVELOPMENT

global projects  
0240  
10.11.12 10:55:55 AM







## Heritage Advice

Council : Orange City Council  
From : Christo Altken Heritage Advisor  
Attention : Paul Johnston, Team Leader Development Assessment  
Copy : Alan Renike  
Subject : DA 4/2011(1)



Orange City Council  
Scanned

16 AUG 2012

Date : 23/07/12

No of Pages : 1/5

Container No  
PR18528

Dear Paul

**Orange – Ex-Services Club Demolition, Alterations  
and Additions Anson, Byng and Sale Streets**

I refer to the above DA (ref DA 4/2012(1)) and follow-up Heritage Referral for alterations to the above premises in Anson, Byng and Sale Streets. A preliminary heritage report was prepared for Council in January 2012 (ref Heritage Advice dd 26/01/12). This final report is based on the following documents included with the recent Heritage Referral: Revised Architectural dwgs DA100-122a prepared by *Curtin Architects*; a number of additional architects dwgs relating to shadow studies; comments from the Applicant's planning consultant (*Peter Basha Planning & Development*) dated 6<sup>th</sup> July 2012; and comments from the Applicant's heritage consultants (*URBIS*) dated 10<sup>th</sup> April 2012.

### Background

The site is not included on *Schedule 5* of the *OCC LEP 2011* as a heritage item but is located in the *Central Orange Heritage Conservation Area*. The site is prominently located on three significant streets in the heart of Orange. The property is also in the immediate vicinity of two State Heritage listed buildings, a number of LEP listed heritage items and many buildings of contributory streetscape significance. Its central location, proximity to major heritage buildings and the scale and bulk of the proposals means that the development will dominate the streetscapes of Anson, Byng and Sale Streets as well as obviously be visible from Summer Street. The existing c1980s(?) Orange Ex-Services Club building already makes a significant negative impact with its insensitive form fronting onto Anson Street and located immediately adjacent to the fine 19<sup>th</sup> C former Town Hall building (LEP listed) and between the elegant spires of Holy Trinity Anglican Church (SHR listed) and Wesley Uniting Church (LEP listed).

### Current Proposals

The current proposals represent a major redevelopment and extension of the existing building along Anson Street but also now onto Byng and Sale Street frontages. The proposed architecture has extended the existing form, character and detail of the existing building. In broad summary the works involve:

- Extension of the Anson Street façade northward and southward in the same architectural character.
- Construction of four-storey apartments fronting onto Byng Street.
- Construction of a two-storey motel fronting onto Byng Street.
- Construction of a four level carpark with two-storey gymnasium above fronting onto Sale Street.
- Extensive internal alteration and refurbishment of the existing Club building.

Refer Paul Johnston

## Issues

The following heritage / urban design issues arise from the proposals:

### Regarding the Documentation

- The architectural drawings adequately describe the proposals. However, the previous heritage advice in January 2012 suggested a number of drawings that would better describe the proposals. Some of those drawings have been provided as part of the recent updated documents noted above. The following were suggested:
  - Perspectives or photomontages at the important interface points in the streetscape. These interface points included views of the new development including (i) heritage items – such as the former Town Hall, Holy Trinity Anglican Church and the Uniting Church (ii) important Contributory items – such as the 19<sup>th</sup> C and early 20<sup>th</sup> C cottages in Sale and Byng Street and (iii) other key streetscape issues.
  - It was noted in January that the perspectives included in the documentation do not illustrate the sensitive junction points and positioning of trees have further obscured those views.
  - The recently received comments from the Applicant's heritage consultants (URBIS) noted that *"the requirement for photomontages will not assist in most of the situations due to the large number of trees in the area"*. It is agreed that there are a number of street trees on Sale and Byng Street that would obscure a photomontage, however, a perspective drawing could illustrate the architectural relationship without trees...in the same way as an architectural street elevation illustrates that relationship without trees. In reviewing the montages already lodged I have the following comments and recommendations:
    - Sale Street. The revised street elevations, discussed below, now provide greater clarity as to the proposed carpark relative to the existing streetscape. In view of the Applicant's comments regarding street trees I would recommend that a single perspective be prepared looking south on the footpath which would avoid the issue of the street trees and give some understanding of the scale and form of the carpark relative to the existing cottages. The perspective view should include 1-2 cottages in the foreground with the proposed carpark behind.
    - Byng Street. The existing photomontages adequately illustrate the proposed infill buildings relative to the adjacent cottages.
    - Anson Street. There are no photomontages of Anson Street despite the presence of 3 heritage listed buildings adjacent to the proposed development. It was suggested in the request for further information in January 2012 that an Anson Street view with the Town Hall in the foreground would be an appropriate view. Similarly, the view at the northern end of the block with the Uniting Church in the foreground would also be an appropriate view as it would illustrate the scale and bulk of the development.
  - The recently received Sale Street and Anson Street elevation now adequately describes the infill proposals.
  - The recently received demolition drawing now adequately describes the proposals.
- A revised or supplemented Heritage Impact Statement has not been included as part of the revised documentation. My preliminary report in January 2012 suggested a number of issues that should have been included. The recently received comments from the Applicant's heritage consultant refers to the issues but the correspondence concludes that they were "not considered to be an issue". The issues are as follows:
  - Anson Street Shop. I agree with the comment in the recently received comments from the Applicant's heritage consultant that this shop is not significant (from a heritage viewpoint). However, it is significant from a streetscape viewpoint as it breaks up the visual scale and massing of particularly the existing Ex-Services Club building. I

disagree with the comment from the Applicant's heritage consultant that "*it is not considered suitable to add to the Anson Street elevations in a manner which does not complement the existing elevation*". It is not appropriate in a Conservation Area that an insensitively designed façade be extended and permitted to increase its negative streetscape impact.

- Mapping of heritage in the vicinity. The comments from the Applicant's heritage consultant concludes that this would add little to the assessment. I disagree with this conclusion and feel that to ensure that an HIS has considered all the issues then these issues should be noted and referred to in the document.
- Archaeology. The comments from the Applicant's heritage consultant notes that "this is not considered to be an issue as most of the redevelopment is to occur on disturbed land". I agree with this conclusion apart from the issue of the Sale Street building works which is a relatively undisturbed open carpark now. Its history is not referred to in the HIS and it is likely that some archaeological evidence may be uncovered. It would be normal practice to include reference to these sorts of archaeological issues in an HIS.
- Options. My preliminary advice in January 2012 noted that the HIS should also address the issues of 'Options' as recommended by the Heritage Branch guidelines. The most obvious aspect of the proposals that warranted investigation of options was the multi-storey carpark on the Sale Street frontage – where there are other design opportunities that could better address the streetscape issues, the heritage issues and achieve a key objective of the Orange DCP 2004 by creating "*activate frontages that encourage pedestrian amenity*". The comments from the Applicant's heritage consultant concludes that "it was not considered necessary to consider Options in the HIS". The comments then referred only to the proposed setback of the upper levels of the carpark which apparently resulted from their preliminary input into the design. The setback are indeed a success in terms of reducing the visual impact of a high, bulky building onto a relatively historic streetscape, but the comments did not address the other key issue of activation of the frontages at street level. This is a crucial issue in terms of the character of Sale Street and warranted the investigation and presentation of options to substantiate the chosen solution. In my opinion, there is a unique opportunity that is presented by this major urban redevelopment for Council to achieve a major step forward in rehabilitating this section of Sale Street to Summer Street by re-establishing sympathetic urban form, scale and active frontages. The proposed multi-storey carpark, in its design character or its function, does not respond to the urban design needs or opportunities in this section of the street.
- Design in Context. The reference in my preliminary advice in January 2012 to the recent publication 'Design in Context' prepared by the Department of Planning and Australian Institute of Architects, was in response to comments in the SoEE and HIS that stated the 'inevitability of the impact' because the scale and type of use is so different from the surrounding buildings. My reference related particularly to the issue of Sale Street which has a distinct pattern, scale and rhythm defined by the existing cottages. Some of the case studies in the DoP / AIA publication related to two to four storey development in historic areas that would relate particularly well to the two to four storey Sale Street proposals. However, the comments from the Applicant's heritage consultant did not consider the publication relevant apart from the issue of "the resolution of scale and infill"; which perhaps refers to the proposed building setback. The DoP / AIA publication notes that "*infill design requires careful analysis and evaluation of the historic context to identify the important elements of the overall heritage character*". The HIS does not include an analysis of the character of Sale Street and analysis as to how the proposed car park façade treatment responds to the existing character. It is only in the recent comments that noted "the carpark is screened to provide a more solid and urban response to the setting" but, in my opinion, this was not the spirit or intent of the criteria and urban design approach suggested by the publication "Design in Context".

I recommend that an analysis and evaluation of the character of Sale Street be included in the HIS or SoEE and that its findings be used to support the proposals or revised for the carpark in its form, character, rhythm, external finishes and materials.

#### Regarding the External Finishes

- Gauging the character of the proposed external finishes for this large development is quite difficult as there does not appear to be a comprehensive external finishes schedule, material sample board or colour scheme addressing all external finishes. The architectural elevations have been annotated but not all material colours have been included in the annotations.

The proposed external finishes for the existing Club building appears to largely retain the existing painted masonry finishes for the existing building and to extend this to the new Club building work. The new roofs for the Club building are noted on the drawings to match existing. However, the existing roof sheeting is not readily visible from the street. However, the proposed new roof and auditorium roof on Anson Street will be highly visible and therefore the colour of the roof sheeting will be more important than is presently the case.

The principal new external finish proposed for use on most other external walls is a combination of bricks from *Boral's Escura Range* (smooth face finish) with a horizontal banded arrangement. The proposed brick colours are generally similar to the typical Orange brick, apart from the Boral *Escura Cream*. The face brickwork will also be applied to the new gymnasium but not the parapet walls of the upper levels of the new carpark in Sale Street. The dominant finishes in the locality are painted masonry but there are limited numbers of buildings with elements of a traditional Orange brick which is generally an earthy coloured tan brick with some iron content. There are many examples in Orange and it would have been preferable for the dominant external finishes of these buildings to have been either a painted masonry or a traditional Orange coloured brick so as to reinforce the character of the Conservation Area. There are also examples of an interesting combination of painted masonry and traditional brick, such as the cottages on Byng Street. A similar approach for the external finishes for the proposed new buildings would then sit more comfortably in the local context.



*Traditional Orange brick*



*Escura Brown*



*Escura Cinnamon*



*Escura Cream*

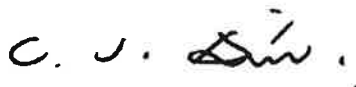
The proposed new carpark on Sale Street is a reinforced concrete building with concrete parapet walls. It appears that the parapet walls are painted concrete. The colour of the parapet walls or the perforated mesh panels have not been included in the annotated architectural drawings. However, the perspective drawings are useful in generally illustrating the proposed tones and character. The darker earthy tone for the parapet walls is a good choice as it will tend to visually recede, particularly so behind the grey(?) mesh screen, rather than the white painted carpark parapet walls of the northern elevation.

The 4 storey apartment block on Byng Street is proposed to have a slate roof tile but the colour is not noted on the annotated architectural drawings.

- Regarding the external finishes:
  - Council request a sample board of all finishes and colours for their review, in view of the location of the proposed development within the Conservation Area. An architectural statement from the architects would also be useful to assess the degree to which the local context guided the selection of finishes and colours.
  - The proposed sheet profile and colour of the proposed roofing should be stated more clearly to clarify the impact on Anson Street in view of the scale and visibility of the rooftop auditorium. It should preferably be a custom orb profile in a neutral light-medium grey tone.
  - The extent of painted masonry finishes should preferably be increased and the extent of the currently proposed Boral bricks, particularly the modern-looking brick banding, should be reduced. Alternatively, a more traditional coloured Orange brick introduced into the range of bricks proposed. A painted approach for the external finishes would allow more scope for picking out local colour and detail.
  - The proposed low, brick walls at pavement level on Sale Street and Byng Street are a positive use of quality materials but, as noted above, they should preferably use a more traditional Orange brick to relate to the colours and textures of the adjacent cottages.
  - The proposed colours for the masonry parapet walls to the carpark and the attached mesh screen facing the more sensitive Sale Street elevations should be clarified.
- Regarding the overall development:
  - Most of my earlier comments and recommendations dating from my January 2012 advice remain unchanged as the development has not markedly been altered. A key issue is still the lost opportunity with this major development, which is capable of addressing major urban design issues. This project has the rare opportunity to re-establish an active frontage to Sale Street with appropriate uses activating the footpath and contributing to the closure of the gap in Sale Street's built form in the direction of Summer Street.

If you have any queries regarding the above please let me know.

Regards



Christo Aitken  
OCC Heritage Advisor



## ORANGE CITY COUNCIL

Development Application No **DA 4/2012(1)**

NA12/588

Container PR18528

### NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

#### Development Application

Applicant Name: Orange Ex Services Club Ltd - Attention Mr S Brown  
Applicant Address: C/- Global Projects, Unit 16  
8 Avenue of the Americas  
NEWINGTON NSW 2127  
Owner's Name: Orange Ex-Services Club Limited  
Land to Be Developed: Lot 103 DP 1037584, Lot 1 DP 517210, Lot 1 DP 710943, Lot 26 DP 531801,  
Lot 104 DP 1037584, Lot 23 DP 531801, Lot 1 DP 797346 – 225-227 and  
231-243 Anson Street, 42 Sale Street, and 94 and 98 Byng Street, Orange  
Proposed Development: Demolition, Shop, Alterations and Additions to Registered Club, Motel and  
Shop

#### Building Code of Australia building classification:

Class 9b and Class 3

#### Determination

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

#### Consent to Operate From: Consent to Lapse On:

#### Terms of Approval

The reasons for the imposition of conditions are:

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

---

**Conditions**

- (1) The development must be carried out in accordance with:

**(a) Plan/s numbered:**

Project no 6248 – plans numbered:

- DA 102 A2 Site Plan
- DA 104a A2 Demolition Ground Floor Plan
- DA 105a A2 Demolition First Floor Plan
- DA 106 A2 Proposed Lower Ground Floor Plan
- DA 107 A2 Proposed Ground Floor Plan
- DA 108 A2 Proposed Ground Floor Car Parking Plan
- DA 109 A2 Proposed First Floor Plan
- DA 110 A2 Proposed Second Floor Plan
- DA 111 A2 Proposed Third Floor Plan
- DA 112 A2 Proposed Fourth Floor Plan
- DA 113 A3 Elevations and Sections
- DA 114 A3 Elevations and Sections
- DA 116 A2 Site Survey Plan
- DA 117 A1 Lower Ground Construction Phasing Plan
- DA 118 A1 Ground Floor Construction Phasing Plan
- DA 119 A1 First Floor Construction Phasing Plan
- DA 120 A1 Second Floor Construction Phasing Plan
- DA 121 A1 Third Floor Construction Phasing Plan
- DA 122 A1 Fourth Floor Construction Phasing Plan
- Landscape Plan - project number 12-05, Issue C, date 25/5/12 - Landscape

- (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.**

<b>PRESCRIBED CONDITIONS</b>
------------------------------

- (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.



**Conditions (cont)**

<b>Prescribed conditions (cont)</b>
-------------------------------------

- (4) 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.

<b>PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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- (5) The section of the proposed building in the north-eastern corner of the Ex-Service's Club between the existing building and the Memorial Hall is not approved. Amended plans shall be submitted indicating the retention of the existing setback of the linking structure between the two buildings prior to the issue of a Construction Certificate. This component of the building shall be designed to compliment the features of the Memorial Hall.

This condition does not restrict the development of that area below the first floor link between those two buildings.

- (6) Full details of external colours and finishes of external materials shall be submitted and approved by Council's General Manager prior to the issue of a Construction Certificate.
- (7) The construction of the proposed development may be carried out in stages. All conditions of consent relative to the proposed staging of construction of the development shall be complied with prior to the issue of an construction certificate.
- (8) A Construction Certificate application is required to be submitted to, and issued by, Council/Accredited Certifier prior to any excavation or building works being carried out on site.
- (9) An approval under Section 68 of the Local Government Act is to be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system is to be provided. No plumbing and drainage is to commence until approval is granted.
- (10) A Fire Safety Schedule specifying the fire-safety measures (both current and/or proposed) to be implemented in the building is to be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
- (11) An approval under Section 68 of the Local Government Act is to be sought from Orange City Council for a Construction Zone/Hoarding. Details concerning the size and position of the area are to be provided. A traffic/pedestrian management plan is to accompany the application.
- (12) Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.
- (13) A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) for approval prior to the issuing of a Construction Certificate. The control plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.

**Conditions (cont)**

<b>Prior to the issue of a construction certificate (cont)</b>
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- (14) A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

- (15) A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, is to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The Certificate of Compliance will be issued subject to the payment of contributions for water, sewer and drainage works - at the level of contribution applicable at that time. The contributions are based on 60.8 ETs for water supply headworks and 79.7 ETs for sewerage headworks.
- (16) The existing 150mm diameter sewer mains that cross the site are to be accurately located. Where any main is positioned under or affected by any proposed building work, measures are to be taken in accordance with Orange City Council Policy - Building over and/or adjacent to sewers ST009.

Engineering plans, showing details of all proposed sewer main works are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.

- (17) The water and sewerage services to the existing buildings, where they are not proposed to be used as part of this development, are to be sealed off at their respective Council mains. The existing water connections are to be combined into one meter to service the entire development.

Engineering plans, showing details of all proposed work, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.

- (18) Prior to the issue of a Construction Certificate, evidence shall be submitted to Council of the lodgement of plans with the Department of Lands and Property Information to consolidate Lot 103 DP 1037584, Lot 1 DP 517210, Lot 1 DP 710943, Lot 26 DP 531801, Lot 104 DP 1037584, Lot 23 DP 531801 and Lot 1 DP 797346 – 225-227 and 231-243 Anson Street, 42 Sale Street, and 94 and 98 Byng Street, Orange into one parcel. The plan of consolidation shall extinguish redundant easements, restrictions, covenants and rights of way.
- (19) The applicant shall construct the required traffic management facilities within Byng Street. Engineering plans for the Byng Street traffic management facilities are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate. The plans are to detail the modification of facilities to provide for a protected right turn lane entry, left turn only exit from the car park and relocated pedestrian refuge island to suit the new entrance/exit on Byng Street.

<b>PRIOR TO WORKS COMMENCING</b>
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- (20) The former Police Citizens Youth Club building at 98 Byng Street shall be photographically recorded and surveyed prior to demolition in accordance with Council's "Guidelines for Photographic Recording of Heritage Buildings and Sites". One set of photographs showing the features and construction methods of the buildings shall be provided to Council for its records along with a detailed site plan.
- (21) Where any existing fencing at the perimeter of the site needs to be removed, or is of a type which does not ensure the occupants of any adjoining residence adequate privacy, new fencing shall be erected prior to any building or construction work being carried out upon this development.
- (22) Soil erosion control measures shall be implemented on the site.

**Conditions (cont)**

<b>DURING CONSTRUCTION/SITEWORKS</b>
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- (23) No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer. The applicant shall take appropriate measures to ensure that all existing street trees are protected during construction of the proposed development.
- (24) 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.
- (25) The development is to be provided with access and facilities for people with disabilities in accordance with Part D3 of the Building Code of Australia, Australian Standard 1428.1:2009 - Design for Access and Mobility: General Requirements for Access - New Building Work.
- (26) Parking facilities for people with disabilities are to comply with clause NSW D3.5 of the Building Code of Australia and the requirements of Australian Standard 2890.6:2009 Parking Facilities - Off-Street Parking".
- (27) Building demolition is to be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the requirements of the NSW WorkCover Authority.
- (28) The fit-out of the food preparation and storage areas are to be installed in accordance with the requirements of Food Safety Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code and Australian Standard 4674-2004 "Design and construction and fit-out of food premises".
- (29) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (30) 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 all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.

- (31) A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
- (32) 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.
- (33) The existing kerb and gutter laybacks in Byng Street that are not proposed to be used shall be replaced with basalt (bluestone) kerb and gutter and the bitumen footpath reinstated to the requirements in the Orange City Council Development and Subdivision Code.

The proposed new and modified driveways in Byng Street and Sale Street are to have the existing bluestone kerb and gutter incorporated into the vehicular layback and the bitumen footpath reinstated to the requirements in the Orange City Council Development and Subdivision Code.

Any kerb stones left over as a result of the works must be returned to Council. Should additional kerbstones be required these can be supplied from Orange City Council by contacting Councils Manager City Presentation.

**Conditions (cont)**

<b>During construction/siteworks (cont)</b>
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- (34) Heavy-duty concrete kerb and gutter laybacks and footpath crossings are to be constructed for the entrances to the proposed development. The location and construction of the laybacks and footpath crossings are to be as required by the Orange City Council Development and Subdivision Code.
- (35) The water and sewerage services to the existing buildings, where they are not proposed to be used as part of this development, are to be sealed off at their respective Council mains.
- (36) The Roads and Maritime Services (RMS) requirements for the development are:
- The grade of the ramp to the lower ground floor car park should be designed in accordance with AS 2890.1:2004 including a flat stand area at the top and a transition to grade at the bottom of the ramp.
  - Minimum clearances for the basement car park, including the ramp, should be in accordance with AS2890.1:2004. The minimum available clearance should be signposted at all entrances. Appropriate warning devices such as flexible striker bars should be provided in conjunction with the signs wherever the clearance shown on the signs is less than 2.3m
  - All activities, including loading and unloading of goods, associated with the development are to be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.
  - All works shall be undertaken at no cost to RMS.

<b>PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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- (37) Off-street car parking spaces shall be provided upon the site in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code prior to the issue of an Occupation Certificate. Provision shall be made for bicycle parking within the proposed car park design. Bicycle parking shall be provided in accordance with the requirements of Section 10 of the Ausroads Guide to Traffic Engineering Practice Part 14 – Bicycles and AS 2890.3. In circumstances where the proposed development is to be constructed in stages, off-street car parking shall be provided on-site commensurate with the extent of development proposed in each stage.
- (38) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's General Manager.
- (39) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (40) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (41) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a compliance certificate issued, prior to the issue of either an interim or a final Occupation Certificate.
- (42) The construction of the proposed development may be carried out in stages. All conditions of consent relative to the proposed staging of construction of the development shall be complied with prior to the issue of an occupation certificate.
- (43) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on Public Land, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions.

**Conditions (cont)**

<b>Prior to the issue of an occupation certificate (cont)</b>
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- (44) Prior to the issue of an Occupation Certificate relating to the 'Back of House' area, reciprocal rights of way shall be established over the shared driveway on Anson Street adjoining the Uniting Church for that section adjacent to the car parking area located on the adjoining Uniting Church property so as to allow legal access in accordance with the access arrangements proposed by this application.
- (45) 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.

<b>MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT</b>
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- (46) Delivery vehicles accessing the loading dock area from Anson Street are to be no larger than 10.7m in length.
- (47) 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*.
- (48) Emitted noise shall not exceed 5dB(A) above background sound level measured at the nearest affected residence.
- (49) Council will determine the need for additional traffic management facilities based on the impact that the subject development has upon Anson Street, Byng Street and Sale Street 12 months from the date of issue of an Occupation Certificate for the Auditorium. Should additional traffic management facilities be required, they are to be provided by Orange Ex-Services Club within six months from written notification as provided by Council.

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**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

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**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.*

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***Disability Discrimination Act 1992:***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

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**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.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:**

**Name:**

ALLAN RENIKE - MANAGER DEVELOPMENT ASSESSMENTS

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**Date:**