



ORANGE CITY COUNCIL

Development Application No **DA 198/2013(1)**

NA13/622

Container PR18572

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application

Applicant Name: Orange City Council
Applicant Address: (Attention Chris Devitt)
PO Box 35
ORANGE NSW 2800
Owner's Name: Orange City Council
Land to Be Developed: Lot 8 DP 1042596, Lot 101 DP 1184776, Lots 3-7 DP 131656, Lot 1 DP 404309, Lots 6 and 7 DP 559537, Lot 1 DP 986711, Lot 1 DP 995797, Lot 384 DP 1045095 and Lot 3577 DP1159641, Lot 2 DP 230430, Lot 5 DP 805597 and Lot 7 DP 1042596 being 136 Aerodrome Road, 793, 864 and 976 Huntley Road, 1 Capps Lane, land in Adrians Lane, land in Aerodrome Road, land in Huntley Road, land in Mason Road and Un-named Roads, Orange
Proposed Development: Roads and Air Transport Facility (expansion of existing)

Building Code of Australia building classification:

Class - N/A

Determination

Made On: 17 September 2013
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: 18 September 2013
Consent to Lapse On: 18 September 2018

Terms of Approval

The reasons for the imposition of conditions are:

- (1) To maintain neighbourhood amenity and character.
- (2) To ensure compliance with relevant statutory requirements.
- (3) To provide adequate public health and safety measures.
- (4) To ensure the utility services are available to the site and adequate for the development.
- (5) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (6) To minimise the impact of development on the environment.

Conditions

- (1) The development must be carried out in accordance with:
 - (a) **Plan entitled 'Detailed concept design proposed scope of works' Rev 1 Dated 4/6/13 and accompanying addendum intersection design Rev A dated 18/5/13 (2 sheets)**
 - (b) the environmental impact statement entitled 'Orange Aerodrome Expansion' dated November 2012 drawn by GHD and the commitments therein, together with any other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

Conditions (cont)

PRESCRIBED CONDITIONS

- (2) 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (3) Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.
- (4) 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.
- (5) Engineering plans, showing details of all proposed road realignment works on Aerodrome Road and Huntley Road are to be submitted to, and approved by, Orange City Council prior to the issue of a Construction Certificate.
- (6) Prior to the issue of a Construction Certificate Council shall prepare a pavement condition assessment along the identified haulage routes on Aerodrome Road, Huntley Road and Phoenix Mine Road Aerodrome Road, Huntley Road and Phoenix Mine Road.

PRIOR TO WORKS COMMENCING

- (7) Soil erosion control measures shall be implemented on the site.
- (8) All Management Plans identified in the Environmental Impact Statement shall be submitted to Council prior to the commencement of works.

DURING CONSTRUCTION/SITEWORKS

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

The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.

Conditions (cont)

During construction/siteworks (cont)

- (11) 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.
- (12) 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. These hours may be extended to between the hours of 6.00 am and 8.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays where it is essential to sustain airport operations and consultation has been carried out with all residential receivers impacted by the additional work hours.
- (13) All deliveries to the site are 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.
- (14) Emitted noise from construction works shall not exceed 10dB(A) above background sound level measured at the nearest residence during 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. Noise from any construction works outside these times shall not exceed 5dB(A) above background sound level measured at the nearest residence. An exception to this restriction is permitted where the proponent enters into a Noise Agreement with the affected resident(s) in accordance with Section 8.3 of the NSW Industrial Noise Policy.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (15) 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 have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions.
- (16) Prior to the issue of a final Occupation Certificate, Orange City Council will conduct a pavement condition assessment along the identified haulage routes on Aerodrome Road, Huntley Road and Phoenix Mine Road. Areas of pavement deterioration shall be reinstated in accordance with the Orange City Council Development and Subdivision Code. The applicant is responsible for costs associated with the reinstatement works.
- (17) The planting of *Eucalyptus viminalis* (and/or *E aggregata*) at the ratio of 5:1 for each tree, including stag trees, that are required to be removed shall be undertaken prior to the issue of a final occupation certificate. The trees shall be planted in the area of identified High Biodiversity Sensitivity under OLEP 2011 on Lot 6 DP 559537.
- (18) Prior to the issue of a final occupation certificate all relevant requirements of Air Services Australia shall be met.
- (19) A Restriction-as-to-User under Section 88B of the NSW Conveyancing Act is to be created on the title of property described as Lot 6 DP 559537 prior to the issue of a final Occupation Certificate requiring the area of trees planted under condition (17) to be maintained in a healthy manner in perpetuity.
- (20) 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.

Conditions (cont)

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (21) The applicant shall undertake noise verification testing and confirm the ANEF System for the airport within five (5) years of the issue of an Occupation Certificate relating to the airport extension. The applicant shall provide Council with a copy of the Verification Report.
- (22) The proponent shall prepare and implement a fly neighbourly advice for the Orange Aerodrome. The fly neighbourly advice policy document shall be prepared in a manner consistent with advice from CASA. The fly neighbourly advice shall be prepared and implemented within five (5) years of the issue of an Occupation Certificate relating to the airport extension and coincide with the first 5 yearly review of the ANEF contour.

GENERAL TERMS OF APPROVAL FROM THE NEW SOUTH WALES EPA

GENERAL TERMS OF APPROVAL- SITE SPECIFIC

ADMINISTRATIVE CONDITIONS

Information supplied to the EPA

- (1) Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the Proposal as outlined in:
- the Development Application Da No. 198/2013 (1) for the Orange Aerodrome Expansion Project as submitted to Orange City Council;
 - the Environmental Impact Statement prepared by GHD Pty Ltd titled "Orange Aerodrome Expansion" and dated November 2012; and
 - all additional documents supplied to the EPA in relation to the Proposal, including the Environmental Impact Statement Addendum prepared by GHD Pty Ltd and dated 14 June 2013.

Fit and Proper Person

- (2) The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

LIMIT CONDITIONS

Noise limits - construction

- (3) Construction hours
Construction activities at the premises (i.e. Helicopter Related Activities) must only be conducted during the following construction hours:
- (a) 7am to 6pm, Monday to Friday;
 - (b) 7am to 5pm, Saturdays; and
 - (c) 8am to 5pm, Sundays and Public Holidays.

Note: the EPA reserves the right to further restrict the construction hours in light of identified noise impacts.

Conditions (cont)

General terms of approval- site specific - Noise limits - construction (cont)

- (4) Construction limits
Construction activities at the premises (i.e. Helicopter Related Activities) must comply with the following noise limits:

Location	Day (LAeq 15 min)	At any time (LA Max)
1 Cullen Road, Huntley	41 dB (A)	75 dB (A)
42 Carcoar Street, Spring Hill	42 dB (A)	75 dB (A)
Any other residential receiver	42 dB (A)	75 dB (A)
Pre-schools and schools	55 dB (A)	75 dB (A)
Parks/Recreation Areas	65 dB (A)	75 dB (A)
Commercial Properties	70 dB (A)	75 dB (A)

- (5) To determine compliance with the abovementioned noise limits, noise from the premises (Helicopter Related Activities) is to be measured at the most affected point within the sensitive receiver boundary, or at the most affected point within 30 metres of the most affected sensitive receiver boundary where the residence/building is more than 30 metres from the sensitive receiver boundary.
- (6) To determine compliance with the abovementioned noise limits, the modification factors identified in Section 4 of the NSW Industrial Noise Policy (EPA, 2000/2001) must be applied, as appropriate, to the noise levels measured by any noise monitoring equipment.
- (7) The noise limits stipulated above apply under all meteorological conditions except for the following:
- (a) wind speeds greater than 3 metres per second at ground level; and
 - (b) temperature inversions as outlined in Section 5 of the NSW Industrial Noise Policy (EPA, 2000/2001).

Operating hours (non-flight related)

- (8) Operating activities at the premises (i.e. Helicopter Related Activities), being maintenance, testing or other non-flight related activities, must only be conducted during the following operating hours:
- (a) 7am to 6pm, Monday to Friday;
 - (b) 7am to 5pm, Saturdays; and
 - (c) 8am to 5pm, Sundays and Public Holidays.

Note: the EPA reserves the right to further restrict the operating hours in light of identified noise impacts.

Operating limits (non-flight related)

- (9) Operating activities at the premises (i.e. Helicopter Related Activities), being maintenance, testing or other non-flight related activities, must comply with the following noise limits:

Location	Day (LAeq 15 min)	At any time (LA Max)
1 Cullen Road, Huntley	36 dB (A)	41 dB (A)
42 Carcoar Street, Spring Hill	37 dB (A)	42 dB (A)
Any other residential receiver	37 dB (A)	42 dB (A)
Pre-schools and schools (internal room)	36 dB (A)	41 dB (A)
Pre-schools and schools (external to room)	55 dB (A)	60 dB (A)
Parks/Recreation Areas	55 dB (A)	60 dB (A)
Commercial Properties	65 dB (A)	70 dB (A)

Conditions (cont)**General terms of approval- site specific - Operating limits (non-flight related) (cont)**

- (10) To determine compliance with the abovementioned noise limits, noise from the premises (Helicopter Related Activities) is to be measured at the most affected point within the sensitive receiver boundary, or at the most affected point within 30 metres of the most affected sensitive receiver boundary where the residence/building is more than 30 metres from the sensitive receiver boundary.
- (11) To determine compliance with the abovementioned noise limits, the modification factors identified in Section 4 of the NSW Industrial Noise Policy (EPA, 2000/2001) must be applied, as appropriate, to the noise levels measured by any noise monitoring equipment.
- (12) The noise limits stipulated above apply under all meteorological conditions except for the following:
- (a) wind speeds greater than 3 metres per second at ground level; and
 - (b) temperature inversions as outlined in Section 5 of the NSW Industrial Noise Policy (EPA, 2000/2001).

Pollution of waters

- (13) Except as may be expressly provided by a licence issued under the *Protection of the Environment Operations Act 1997*, the Proponent must comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Waste

- (14) The licensee must not cause, permit or allow any waste to be received at the premises, except the waste expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.
- (15) Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.
- (16) Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions.

Code	Waste	Description	Activity	Other Limits
NA	General or Specific Exempted Waste	Waste that meets all the requirements of a resource recovery exemption under Clause 51A of the Protection of the	As specified in each particular resource recovery exemption	NA

OPERATING CONDITIONS**Dust**

- (17) All operations and activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- (18) The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

Conditions (cont)

GENERAL TERMS OF APPROVAL- GENERIC CONDITIONS
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OPERATING CONDITIONS

Activities must be carried out in a competent manner

- (19) Licensed activities must be carried out in a competent manner.

This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- (20) All plant and equipment installed at the premises or used in connection with the licensed activity:

- (a) must be maintained in a proper and efficient condition; and
- (b) must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

- (21) The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- (22) The record must include details of the following:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the licensee, the reasons why no action was taken.

- (23) The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

- (24) The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

- (25) The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

Conditions (cont)

General terms of approval- generic conditions (cont)

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- (26) The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- (a) a Statement of Compliance; and
 - (b) a Monitoring and Complaints Summary.
- (27) A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

- (28) An Annual Return must be prepared in respect of each reporting, except as provided below
- (a) Where this licence is transferred from the licensee to a new licensee,
 - (i) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - (ii) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
 - (b) Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - (i) in relation to the surrender of a licence- the date when notice in writing of approval of the surrender is given; or
 - (ii) in relation to the revocation of the licence- the date from which notice revoking the licence operates.

Deadline for Annual Return

- (29) The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

- (30) The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

- (31) Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- (a) the licence holder; or
 - (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.
- (32) A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Conditions (cont)

General terms of approval- generic conditions (cont)

Notification of environmental harm

- (33) Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

- (34) The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

- (35) Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

- (36) The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- (a) The request may require a report which includes any or all of the following information:

- (i) the cause, time and duration of the event;
- (ii) the type, volume and concentration of every pollutant discharged as a result of the event;
- (iii) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- (iv) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (v) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (vi) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- (vii) any other relevant matters.

- (37) The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

GENERAL CONDITIONS

- (38) Copy of licence kept at the premises or on the vehicle or mobile plant
- (39) A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it.
- (40) The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Other Approvals

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

Right of Appeal

If you are dissatisfied with this decision, section 97 of *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

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

Disability Discrimination Act 1992:

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

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

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

Disclaimer - S88B Restrictions on the Use of Land:

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Signed:

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

Signature:

Name:

ALLAN RENIKE - MANAGER DEVELOPMENT ASSESSMENTS

Date:

18 September 2013