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| OrangeCityCouncilNEW#45524E (2) | **ORANGE CITY COUNCIL**  Development Application No **DA 318/2018(1)**  NAXX/XX Container XXXXXX |

**NOTICE OF DETERMINATION**

**OF A DEVELOPMENT APPLICATION**

issued under the *Environmental Planning and Assessment Act 1979*

Section 81(1)

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| **Development Application** |  |
| Applicant Name: | Verde Property (Aust) Pty Ltd |
| Applicant Address: | Attention: Stephen Gosling  GPO Box 5086  Brisbane QLD 4001 |
| Owner’s Name: | Verde Property (Aust) Pty Ltd |
| Land to Be Developed: | Lot 500 in subdivision of Lot 2 (Section 4) DP 758817 – 84 Dalton Street, Orange |
| Proposed Development: | Commercial Premises and Public Administration Building |
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| **Building Code of Australia**  **building classification:** | To be determined by the PCA |
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| **Determination** |  |
| Made On: | XX MONTH 2018 |
| Determination: | **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:** |
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| **Consent to Operate From:** | XX MONTH 2018 |
| **Consent to Lapse On:** | XX MONTH 2023 |

**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.

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**Conditions**

1. The development must be carried out in accordance with:
2. **Architectural plans prepared by Group GSA numbered A1101 (03/09/2018), A1102 (03/09/2018), A2000 (03/09/2018), A2001 (03/09/2018), A2002 (03/09/2018), A2003 (03/09/2018), A2004 (03/09/2018), A2005 (03/09/2018), A2006 (03/09/2018), A2007 (03/09/2018), A2008 (03/09/2018), A2009 (03/09/2018), A3000 (03/09/2018), A3001 (03/09/2018), A3002 (03/09/2018), A3003 (03/09/2018), A3004 (03/09/2018), A3100 (03/09/2018), A3101 (03/09/2018), A3102 (03/09/2018), A3103 (03/09/2018), A5000 (03/09/2018), A6000 (03/09/2018) (23 sheets).**
3. **Civil engineering plans prepared by Henry & Hymas numbered DIO-CV-0000 (Aug 2018), DIO-CV-0100 (Aug 2018), DIO-CV-0200 (Aug 2018), DIO-CV-0201 (Aug 2018), DIO-CV-0250 (Aug 2018), DIO-CV-SE01 (Aug 2018), DIO-CV-SE02 (Aug 2018), DIO-CV-SE03 (Aug 2018) (8 sheets).**
4. **Landscape plans prepared by Group GSA Pty Ltd numbered 1000 (03/09/2018), 1100 (03/09/2018), 2001 (03/09/2018), 2002 (03/09/2018), 2003 (03/09/2018), 2004 (03/09/2018), 2005 (03/09/2018), 2006 (03/09/2018), L-3001 (03/09/2018) (9 sheets).**

(b) Statements of Environmental Effects or other similar associated documents that form part of the approval.

**as amended in accordance with any conditions of this consent.**

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| **PRESCRIBED CONDITIONS** |

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
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.

1. 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 this condition not applying.

**CONSTRUCTION OF COMMERCIAL PREMISES AND PUBLIC ADMINISTRATION BUILDING**

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| **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** |

1. Engineering plans providing complete details of all proposed driveways and car parking areas are to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. These plans are to provide details of levels, cross falls of all pavements, proposed sealing materials and proposed drainage works and are to be in accordance with Orange City Council Development and Subdivision Code.

The carpark design and construction shall allow for access to, and the future construction of, four (4) spaces located on the former ambulance building site.

1. A 150mm-diameter sewer main and junction shall be constructed from Council’s existing main to serve the proposed development. Prior to a Construction Certificate being issued engineering plans for this sewerage system are to be submitted to and approved by Orange City Council.
2. A dedicated fire main and water supply shall be provided for the development. Engineering plans of the proposed water main connection are to be submitted to and approved by Orange City Council prior to the issue of a Construction Certificate.
3. The development’s stormwater design shall include stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments. Where appropriate, the spillway design capacity is to be determined in accordance with the requirements of the Dam Safety Committee.

The design of the detention storage is to be undertaken using the ILSAX/DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

1. a catchment plan showing sub-catchments under existing and developed conditions;
2. schematic diagram of the catchment model showing sub areas and linkages;
3. tabulation detailing the elevation, storage volume and discharge relationships; and
4. tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions.

The above information and copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council upon application for a Construction Certificate.

1. 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. No plumbing and drainage is to commence until approval is granted.
2. Prior to the issue of a Construction Certificate, the applicant is to obtain an approval under Section 68 of the *Local Government Act* for the temporary closure of any footpath or roadway.

A pedestrian/vehicle management plan is to accompany the application. Details are to be provided of the protective hoardings, fences and lighting that are to be used during demolition, excavation and building works in accordance with the requirements of the *Occupational Health & Safety Act 2000*, Australian Standard AS3798-1996 (Guidelines on Earthworks for Commercial and Residential Developments) and the WorkCover Authority.

Note: On corner properties particular attention is to be given to the provision of adequate sight distances.

1. Detailed plans and specifications are to be provided specifying the proposed fitout of the food preparation and storage areas in accordance with the requirements of Australian Standard 4674-2004 "Design and construction and fitout of food premises" and Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code.
2. The applicant is to submit a waste management plan to Orange City Council that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the construction phase of this project are to be deposited at a licensed or approved waste disposal site.
3. The applicant shall provide the Principal Certifying Authority and Council with a report from a qualified Acoustic Consultant that identifies all mechanical equipment and attenuation solutions (such as acoustic shielding) to be installed within the development. The Report shall confirm that the operation of such plant will comply with the NSW State Industrial Noise Policy. Plans must be amended to include any recommendations and design requirements of the Acoustic Consultant prior to the issue of a Construction Certificate.
4. 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.
5. 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.
6. All stormwater from the site shall be piped to the existing underground stormwater drainage pipes in Prince Street and Anson Street. Prior to a Construction Certificate being issued engineering plans for this stormwater system shall be submitted to and approved by Orange City Council.
7. Stormwater runoff from the site shall be directed to a stormwater treatment system. The design of the stormwater treatment system shall ensure that the quality of stormwater leaving the developed site shall be equal to or better than predevelopment outflows. The criteria for assessment shall include the following key indicators: Total Phosphorus (μg.L-1), Total Nitrogen (μg.L-1), pH (lower and upper limits), Salinity (μS.cm-1), and Turbidity (NTU).

The stormwater treatment system design shall be submitted to Orange City Council for approval by Councils Director – Technical Services prior to the issue of a Construction Certificate. The design shall be undertaken using an accredited assessment tool (Music™ or other approved assessment tool) and shall include the abovementioned key indicators and copies of the electronic data files.

1. A Road Opening Permit (ROP) in accordance with Section 138 of the Roads Act 1993 shall be approved by Orange City Council prior to **a Construction Certificate being issued or any intrusive works** being carried out within the public road or footpath reserve. Works covered by a ROP include:
2. Installation, maintenance, repairs/replacement or upgrading of utilities (water, gas, electricity or telecommunications).
3. Any type of stormwater or sewer connection works and repairs.
4. Construction of any temporary/permanent driveway access to a property for residential or construction vehicle access. Replacement of redundant driveways with new footpaths.
5. Upgrading the road, kerb & gutter associated with a development site approved by the Orange City Council.

A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation/ Final Certificate being issued for the development.

Subject to Council’s approval of a Road Opening Permit, a Development Security Bond is required to be lodged in accordance with Orange City Council Development Security Bond Policy. A bond amount as per Council’s Fees and Charges is to be provided to Council prior to the issuing of any Construction Certificate for the development.

1. 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.

1. Payment of contributions for water, sewer and drainage works is required to be made at the contribution rate applicable at the time that the payment is made. The payment of contributions is required to be paid prior to the issue of a Construction Certificate for the building structure. The contributions are based on 84.5 ETs for water supply headworks and 84.5 ETs for sewerage headworks. A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, will be issued upon payment of the contributions.

This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

1. Backflow Prevention Devices are to be installed to AS3500 and in accordance with Orange City Council Backflow Protection Guidelines. Details of the Backflow Prevention Devices are to be submitted to Orange City Council prior to the issuing of a Construction Certificate.
2. The applicant shall prepare a plan(s) detailing the location and design of a 600mm wide concrete median to be constructed the full length of Anson Street between Dalton and Prince Street. The new concrete median shall restrict traffic movements to and from the Anson Street access driveway to left-in and left-out only. The infrastructure shall be located and designed to tie in with the existing concrete mediums located at the nearby traffic lights and roundabout to the satisfaction of Orange City Council.
3. The applicant shall prepare a plan(s) detailing the location and design of a 900mm high masonry separation barrier between the turning bay (shown on plan A2000, dated 03/09/2018) and public footpath along Prince Street. The separation barrier shall be located and designed to the satisfaction of Orange City Council.
4. The applicant shall provide revised landscape plans showing additional landscaping treatment along the Dalton Street elevation in order to provide screening of the multi-storey car park. The plans are to identify the number and type of species to provided. The revised landscape plans shall be prepared to the satisfaction of Orange City Council.

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| **PRIOR TO WORKS COMMENCING** |

1. Prior to works commencing, the applicant shall prepare a structural Dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters, footpaths, sewer manholes, water main valves and hydrants etc.) in Prince Street, Anson Street and Dalton Street. The existing structural condition of the historic former Ambulance Station building located at the corner of Prince Street and Anson Street shall also be documented. A copy of the Dilapidation Report shall be submitted to the principal certifying authority and Orange City Council.
2. Prior to works commencing, a Traffic Management Plan shall be prepared for the construction phase of the project.
3. 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 onsite.
4. A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council’s requirements is available onsite.
5. Soil erosion control measures shall be implemented on the site.

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| **DURING CONSTRUCTION/SITEWORKS** |

1. Prior to the commencement of construction works, a Construction Environmental Management Plan (CEMP) must be submitted to the satisfaction of the principal certifying authority. The CEMP must address, but not be limited to, the following matters where relevant:

a) Details of:

i) hours of work;

ii) 24 hour contact details of site manager;

iii) traffic management

iv) construction noise and vibration management, prepared by a suitable qualified person;

v) management of dust and odour to protect the amenity of the neighbourhood;

vi) erosion and sediment control measures;

vii) stormwater control and discharge;

viii) measures to ensure that sediment and other materials are not tracked onto the

roadway by vehicles leaving the site;

ix) procedures for encountering groundwater during construction works;

x) external lighting in compliance with *AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*;

xi) waste classification (for materials to be removed) and validation (for materials to

remain) be undertaken to confirm the contamination status in these areas of the

site; and

xii) waste storage, recycling and litter control.

* 1. The CEMP must not include works that have not been explicitly approved in this development consent.
  2. In the event of any inconsistency between the consent and the CEMP, the consent prevails.
  3. The Applicant must submit a copy of the CEMP to Orange City Council prior to commencement of work.
  4. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

1. In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Orange City Council the appropriate process that should be followed therein. Works on site must not resume unless the express permission of the Director Development Services is obtained in writing.
2. In the event that surface disturbance identifies an unexpected Aboriginal objects, relics or other historical items, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The Applicant must consult with the Aboriginal community representatives, the archaeologists, the Office of Environment and Heritage (OEH) and Orange City Council to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of OEH.
3. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
4. All construction/demolition work on the site is to be carried out in accordance with the EPA’s *Interim Construction Noise Guideline 2009*.
5. A Registered Surveyor’s certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority prior to the pouring of the slab or footings.
6. All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
7. All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
8. 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.

1. 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 and AS 2890.1 – Parking Facilities.
2. Heavy-duty concrete kerb and gutter laybacks and footpath crossings are to be constructed for the entrances to the proposed development in Anson Street and Prince Street. The location and construction of the laybacks and footpath crossings are to be as required by the Orange City Council Development and Subdivision Code.
3. The applicant shall remove all redundant access driveways located in Prince Street, Anson Street and Dalton Street and reinstate the road pavement. Removal of the redundant access driveways shall be undertaken to the satisfaction of Orange City Council.
4. The existing variable width concrete footpath in Dalton Street shall be removed for the full length of the Dalton Street frontage. A 2 metre wide concrete footpath shall be constructed for the full frontage of the site in Dalton Street. The grassed kerbside areas shall be turfed with an appropriate cool climate grass.
5. The existing concrete and bitumen footpaths in Anson Street and Prince Street shall be removed for the full length of the Anson Street and Prince Street frontages to the traffic light blisters. A full width concrete footpath shall be constructed for the frontage of the site to Anson Street and Prince Street as per the design vision illustration.
6. The existing kerbside barrier island and fence located on the Prince Street frontage shall be removed and the road pavement reinstated with road base and AC surfacing and be in accordance with the Orange City Council Development and Subdivision Code.

The existing driveways in Prince Street, Anson Street and Dalton Street that are not proposed to be used are to be replaced with concrete and/or bluestone kerb, and the footpath reinstated to the requirements of the Orange City Council Development and Subdivision Code.

1. The applicant shall relocate the existing bus shelter in Dalton Street to the Anson Street frontage on the northern side of the proposed carpark access. The bus shelter shall be located and constructed to the satisfaction of Orange City Council.
2. The applicant shall upgrade the existing street lighting to the counter leaving style as per the design vision illustration.
3. The road pavement in Anson street and Prince Street shall be rehabilitated using heavy patching methods shown in Austroads guide to Pavement Technology: Part 5 Pavement Evaluation and Treatment design and to Orange City Council’s satisfaction then sealed with 50mm thick AC14 asphalt from kerb to kerb on top of a 10mm PMB SAMI seal.

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| **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE** |

1. A total of 393 car parking spaces are to be provided as part of the development, in accordance with the plans listed at Condition 1.
2. A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin and stormwater treatment system complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
3. 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, works on public roads, 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, and that Council will take ownership of the infrastructure assets.
4. Prior to an Occupation Certificate being issued, the applicant must engage a suitably qualified person to prepare a Post-Construction Dilapidation Report at the completion of construction. This report is required to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.

This report is to be submitted to the principal certifying authority who shall compare the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by these conditions and obtain written confirmation from the relevant authority and/or land owners that there is no adverse structural damage to their buildings, infrastructure and/or roads.

A copy of the Post-Construction Dilapidation Report is to be provided to Orange City Council.

1. Street trees are to be supplied and installed along all street frontages, to Orange City Council’s specification and to the satisfaction of Council’s Manager, City Presentation.
2. Garbage collection is to be fully contained within the site. Bins must not to be located on the footpath or roadway on collection days. Prior to a Occupation Certificate being issued plans and/or details of the operation of the garbage collection are to be submitted to and approved by Orange City Council, including details of a private service agreement with Council’s waste contractor. The private service agreement must be to the satisfaction of Council's Waste Services Manager.
3. External lighting is to be provided to ensure adequate lighting of the proposed car park to ensure the safety of employees and visitors outside of daylight hours. The lighting must be installed on the external façade of the existing / proposed building and be orientated in such a manner that it does not cause light spill from the subject property. Outdoor lighting must be in accordance with *Australian Standard Control of the obtrusive effects of outdoor lighting* *– AS 4282-1997.*
4. 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.
5. 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.
6. 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.
7. The applicant shall provide Council with an Operational Management Plan. The Plan shall include measures to appropriately mitigate operational noise from the development including noise from plant; patrons/pedestrians entering/leaving the site; noise from private areas; waste collection times; delivery times, general access and security gate operations.
8. 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, works on public roads, 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, and that Council will take ownership of the infrastructure assets.
9. Certificates for testable Backflow Prevention Devices are to be submitted to Orange City Council by a plumber with backflow qualifications prior to the issue of a final Occupation Certificate.
10. All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.
11. A 6.0m wide right of way aligning with the Anson Street carpark entrance and providing access to the 4 car parking spaces on the former ambulance building site shall be registered on the title of Lot 500 prior to the issue of an Occupation Certificate.

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| **MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT** |

1. Service vehicles may only access the site via Prince Street. All service vehicles are restricted to a maximum length of 9.6 metres and must enter and exit the site in a forward direction only to ensure full sight distance of oncoming traffic and pedestrians.
2. Operating hours of the ground floor retail tenancy (restaurant or café) is restricted to between 6am - 6pm Monday to Friday, inclusive.
3. 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*.
4. An assessment of noise emissions from the premises is to be provided to Council **within 3 months from the issue of any Occupation Certificate**. This commissioning report is to indicate noise levels through the monitoring of noise emanating from the normal peak use of the premises and determine if any, necessary noise mitigation measures. Any identified mitigation works shall be carried out within 1 month of the commissioning report, and the operation of the premises shall be carried out in accordance with any recommendations set out in the report.
5. Emitted noise shall not exceed 5dB(A) above background sound level measured at the nearest affected residence.
6. Waste collection bins shall be contained within the site and not located on public footpaths or roadways.
7. Copies of maintenance records for servicing of the stormwater treatment system and stormwater detention basin shall be forwarded to Council on 1 December annually.

**ADVISORY NOTES**

1. Any signage incorporated as part of the development that does not satisfy the exempt and complying development provisions under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* require separate development approval.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.

Essential Energy’s records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Prior to carrying out any works, a “Dial Before You Dig” enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines and Underground Assets*.

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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 8.7 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 8.7 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. |
| **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 **WESTERN REGIONAL PLANNING PANEL** |
| **Signature:** |  |
| **Name:** | GORDON KIRKBY – WESTERN REGIONAL PLANNING PANEL (CHAIR) |
| **Date:** | **XX MONTH 2018** |