

## DETERMINATION AND STATEMENT OF REASONS

### WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday, 6 December 2018
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Mark Grayson, Ruth Fagan, Allan Renike
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Russell Turner declared a non-pecuniary conflict of interest as the matter involves the proposed DPI development on land purchased from Orange City Council. Councillor Turner did not participate in the meeting.

Public meeting held at Orange City Council, Civic Centre, Byng Street, Orange on 6 December 2018, opened at 11.30am and closed at 1:15pm.

#### MATTER DETERMINED

2018WES017 – Orange – DA318/2018(1) at 84 Dalton Street, Orange (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

- The proposed development is consistent with the aims of *Orange Local Environmental Plan 2011* (Orange LEP 2011)
- The proposed development was permissible with consent in the B4 Mixed Use zone under Orange LEP 2011 and meet the zone objectives
- The proposed development complies with the height and FSR controls that apply to the site under Orange LEP 2011.
- The proposed development is generally consistent with the objectives and controls of *Orange Development Control Plan 2004* including built form and design and car parking provision.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with a number of amendments.

The following amendments were requested by Council in a letter to the Panel dated 28 November 2018, and clarified further at the meeting. The amendments were agreed to by the Panel:

- Amend Condition 20 to:

*Payment of contributions for water, sewer and drainage works is required to be made at the contribution rate applicable at the time 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 34 ETs for water supply headworks and 51 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.*

- Amend Condition 22 to read:

*The applicant shall prepare a plan(s) detailing the location and design of a 600mm wide concrete median to be constructed in Anson Street. The new concrete median shall be constructed to restrict traffic movements to and from the Anson Street access driveway to left-in and left-out only.*

- Amend Condition 42 to read:

*The existing variable width concrete footpath in Dalton Street shall be removed for the full length of the Dalton Street frontage. A Council standard 1.2m wide concrete footpath shall be constructed for the full frontage of the site in Dalton Street. Any damaged grassed kerbside shall be turfed with an appropriate cool climate grass.*

- Amend Condition 43 to read:

*The existing concrete and bitumen footpaths in Anson and Prince Street shall be removed for the full length of the Anson and Prince Street frontages to the traffic light blisters. A full width concrete footpath shall be constructed for the Prince Street frontage and Anson Street to the driveway entrance. North of the Anson Street driveway entrance a Council standard 1.2m wide concrete footpath shall be constructed for the remainder of the frontage.*

- Amend Condition 46 to read:

*The applicant shall upgrade the existing Prince Street lighting to the cantilevering style as per the design vision illustration.*

- Amend Condition 47 to read:

*The road pavement in Anson Street shall be rehabilitated using heavy patching methods shown in Austroads Guide to Pavement Technology: Part 5 Paving 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.*

- Amend Condition 52 to read:

*Where existing street trees are to be removed the applicant will replace these, on the basis of two new plantings for one removed, to Orange City Council's specification and to the satisfaction of Council's Manager, City Presentations.*

The following amendments to conditions were agreed to by the Panel:

- Insert a new Condition (During construction/site works) to specify permitted hours of Construction:

*All construction work on site is to be carried out between the hours of 7:00am and 5:00pm Monday to Friday inclusive, 8:00am to 2:00pm Saturdays with no work on Sundays or public holidays. Works may be undertaken outside these hours where:*

- the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;*

- ii) *it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;*
- iii) *a variation is approved in advance in writing by the General Manager of Council.*

- Amend Condition 51 to include the following works at the end of the condition:





*Where the Post Construction Dilapidation Report identifies damage to adjoining buildings or infrastructure as a result of the construction works, the applicant shall pay the full cost of "make good" repairs to the satisfaction of the Director, Technical Services.*

- Insert a new Condition (Matters for ongoing performance and operation of the development) to include requirements for rooftop solar panels:

*Solar panels to be installed on the building rooftop shall be designed and installed so as to be setback or screened such that they are not visible from eye level at the perimeter of the site.*

The Panel recommends that prior to occupation of the development, Orange City Council undertake a review of:

1. the on-street car parking arrangements on Anson Street between Prince Street and the car park entry/egress with particular attention to the safety of vehicles exiting the car park;
2. the phasing of the traffic lights at the corner of Anson and Prince Streets to ensure that an optimal level of service is attained during peak periods.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Mark Grayson
 Ruth Fagan	 Allan Renike

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WES017 – Orange – DA3018/2018(1)
2	PROPOSED DEVELOPMENT	Public Administration Building and Commercial Premises
3	STREET ADDRESS	84 Dalton Street, Orange NSW 2800
4	APPLICANT/OWNER	Verde Orange Pty Ltd as Trustee for Verde Orange Trust
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ Orange Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Orange Development Control Plan 2004</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 22 November 2018</li> <li>• Written submissions during public exhibition: 5</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>◦ Support – Nil</li> <li>◦ Object – John Andrews</li> <li>◦ Object – Lee Andrews</li> <li>◦ Concerns – Nick King (Environmentally Concerned Citizens of Orange)</li> <li>◦ Concerns – Cyril Smith</li> <li>◦ Object – Nicole Ash</li> <li>◦ Council's independent assessment officer – Dan Keary</li> <li>◦ Council's Director Technical Services – Ian Greenham</li> <li>◦ On behalf of the applicant – Stephen Gosling, Brad McCarthy, Ellis Lammonde, Gary Prattley</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection 6 December 2018</li> <li>• Final briefing to discuss council's recommendation, 6 December 2018, 10am. Attendees: <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Gordon Kirkby (Chair), Mark Grayson, Ruth Fagan, Allan Renike</li> <li>◦ <u>Council's independent assessment consultant</u>: Dan Keary</li> <li>◦ <u>Council's Director Technical Services</u> – Ian Greenham</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report