



ORANGE CITY COUNCIL

Development Application No **DA 305/2019(1)**

NA19/

Container PR27858

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*
Section 4.18

Development Application

Applicant Name: Housing Plus
Applicant Address: C/- Premise
PO Box 1963
ORANGE NSW 2800
Owner's Name: Housing Plus
Land to Be Developed: Lot 99 DP 1234441 - Emerald Street, Orange
Proposed Development: Multi Dwelling Housing

Building Code of Australia building classification:

As determined by Certifier

Determination made under Section 4.16

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 Plans by Premise: drawings: A000-A009, A015-A029 Revision F dated 06.09.2019 (25 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.

PRESCRIBED CONDITIONS

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

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

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

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

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (7) The payment of \$184,292.70 is to be made to Council in accordance with Section 7.11 of the Act and the Orange Development Contributions Plan 2017 (Waratah Contributions Area) towards the provision of the following public facilities:

Open Space and Recreation	Seven x 1 bedroom dwellings @ \$1,679.67 plus Twelve x 2 bedrooms dwellings @ \$2,273.36 less One standard lot @ \$3,876.55	\$35,161.46
Community and Cultural	Seven x 1 bedroom dwellings @ \$487.12 plus Twelve x 2 bedrooms dwellings @ \$659.27 less One standard lot @ \$1,124.18	\$10,196.90
Roads and Traffic Management	Seven x 1 bedroom dwellings @ \$2,473.46 plus Twelve x 2 bedrooms dwellings @ \$3,091.82 less One standard lot @ \$5,116.91	\$49,299.15
Local Area Facilities	Seven x 1 bedroom dwellings @ \$4,029.58 plus Twelve x 2 bedrooms dwellings @ \$5,453.79 less One standard lot @ \$9,299.83	\$84,352.71
Plan Preparation & Administration	Seven x 1 bedroom dwellings @ \$252.41 plus Twelve x 2 bedrooms dwellings @ \$341.63 less One standard lot @ \$582.53	\$5282.50
TOTAL:		\$184,292.70

The contribution will be indexed quarterly in accordance with the Orange Development Contributions Plan 2017 (Waratah Contributions Area). This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

- (8) An amended landscape plan shall be submitted to and approved by Council's Manager City Presentation prior to issue of a construction certificate, including the following amendments:
- An additional 6 trees with minimum 70L container size at planting and mature height of 10-15m
 - A low water use turf species
 - Additional and substantial screen plantings including trees adjacent to the shared waste facility
 - Relocation of the shared mail box adjacent to proposed Unit 17
 - Perimeter and internal fencing to comprise hardwood timber palings or a combination of hardwood timber palings and masonry.
- (9) Detailed plans of the shared waste facility shall be provided to Council for approval, prior to issue of a construction certificate. The waste facility shall have a wall height of 1.2m and be enlarged to provide improved bin circulation and access for contractor collection. The floor of the facility shall be painted green, red and yellow to designate bin placement, with yellow bins nearest the eastern site boundary, red bins in the centre, and green bins adjacent the internal road.
- (10) 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 alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.

- (11) 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.
- (12) Engineering plans providing complete details of the proposed driveway 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, and Road Opening Permit.
- The common driveway shall tie in to the existing road pavement in Emerald Street. This work is to include road pavement and pavement surfacing to the existing formation, kerb and gutter construction and earth-formed footpath on the development side of the road.
- The common driveway shall be designed to accommodate the turn paths of the local waste contractors garbage truck. The design shall provide for the vehicle to enter and exit the site in a forward direction.
- (13) All stormwater from the site is to be collected and piped to the existing interlot drainage pit on site. Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6), prior to issuing a Construction Certificate, is to approve engineering plans for this drainage system.
- (14) A 150mm-diameter sewer junction is to be constructed from Council's existing main to serve the proposed multi dwelling development. Prior to a Construction Certificate being issued engineering plans showing the location of the sewer junction are to be submitted to and approved by Orange City Council.
- Internal sewer lines servicing the development from the sewer junction shall be constructed as private sewer mains.
- (15) **Payment of contributions for water, sewer and drainage works** is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 12 x two bedroom dwellings and 7 x one bedroom dwellings (the existing allotment has a credit for a single 3 bedroom dwelling which will be applied at the time of payment). 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.
- (16) Common potable and non-potable water services and meters shall be located in the driveway area. Engineering plans of the location and size of both meters shall be submitted to Orange City Council for approval prior to the issuing of a Construction Certificate.
- Internal water mains servicing the development from the common water meters shall be constructed as private water mains.
- (17) Plans detailing compliance with *Fire and Rescue NSW – Fire Hydrants for Minor Residential Development* and *Fire and Rescue NSW – Access for Fire Brigade Vehicles and Firefighters* is to be submitted to the Principal Certifying Authority for approval prior to the issuing of a Construction Certificate.
- (18) 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.
- (19) A Road Opening Permit in accordance with Section 138 of the *Roads Act 1993* must be approved by Council prior to a **Construction Certificate being issued or any intrusive works** being carried out within the public road or footpath reserve.

PRIOR TO WORKS COMMENCING

- (20) 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.
- (21) 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.
- (22) The location and depth of the sewer junction/connection to Council's sewerage system is to be determined to ensure that adequate fall to the sewer is available.

DURING CONSTRUCTION/SITEWORKS

- (23) 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 Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (24) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.
- (25) 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.
- (26) No portion of the building - including footings, eaves, overhang and service pipes - shall encroach into any easement.
- (27) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (28) 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.
- (29) 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- (30) Landscaping and fencing shall be installed in accordance with the approved and amended landscaping plan, and permanently maintained to the satisfaction of Council's Manager City Presentation.
- (31) A restriction as to User pursuant to Section 88E of the NSW Conveyancing Act 1919 shall be registered on the title of the subject land, requiring for 10 years from the issue of an occupation certificate, the dwellings be used for the purpose of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009, and managed by a registered community housing provider.

- (32) The proponent shall submit to Council for approval a schedule of activities and commitments relating to site management by a registered community housing provider.
- (33) The proponent shall enter into a private service agreement with a waste contractor for the collection of garage, recycling and organic waste associated with the dwellings. Details of the service agreement shall be provided to Council prior to issue of an Occupation Certificate.
- (34) 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.
- (35) Finished ground levels are to be graded away from the buildings and adjoining properties and must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.
- (36) 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 Final Notice of Inspection issued, prior to the issue of either an interim or a final Occupation Certificate.
- (37) 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.
- (38) 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.
- (39) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (40) Outdoor lighting shall be in accordance with *the Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting*.
- (41) The site shall be managed by a registered community housing provider in accordance with the schedule of management commitments required by Condition 33.
- (42) The dwelling shall be occupied by tenants eligible for affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009
- (43) Collection of waste shall be in accordance with the private service agreement with a waste contractor required by Condition 34.
- (44) Waste bins shall be placed in the shared waste facility on the evening prior to collection. Bins shall be returned to the dwellings on the day of collection and stored at the rear of the dwellings. Bins shall not be stored in the shared waste facility at any other time.
Waste bins shall be numbered on the lid according to dwelling number.
Kerbside placement of waste bins on Pearl Street and Emerald Court is not permitted.
- (45) The proponent shall provide a weekly cleaning / maintenance service to the shared waste facility.
- (46) Bulky goods items shall not be stored in the shared waste facility.

- (47) The accumulation of uncontained waste in the shared waste facility is not permitted.
- (48) The dwellings and site shall be maintained by the proponent in a clean and tidy state at all times.

REQUIREMENTS OF THE CENTRAL WEST POLICE DISTRICT

- (49) Lighting and CCTV shall be installed during construction, and maintained over the site in perpetuity.
- (50) Landscaping shall be regularly maintained to ensure good sight line and prevent concealment opportunities.
- (51) Car parking and vehicle areas shall be well lit at night.
- (52) Lighting shall be sufficient to assist identification of intruders.
- (53) External doors, door frames and windows shall be of solid construction and fitted with quality lock sets.
- (54) Peephole door viewers shall be installed.
- (55) External door hinges shall be mounted so they cannot be removed.
- (56) Street numbering shall be clearly visible from the street and at night.
- (57) Dwelling/unit numbers shall be clearly displayed within the complex.
- (58) A map of the complex shall be displayed.
- (59) Appropriate warning signs shall be displayed in relation to CCTV, securing property, locking doors and fire safety.
- (60) Any furniture in communal areas shall be of solid construction and shall not contain items which can be removed from the area or used to gain entry into other parts of the site.

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 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

***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 of the
Conveyancing Act 1919 -
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

Signature:

Name:

Date:
