



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA 316/2023(1) PAN-370037
Applicant	Orange Christian School 154 PEISLEY STREET ORANGE 2800
Description of development	SCHOOL (DEMOLITION OF EXISTING BUILDINGS AND NEW BUILDING)
Property	500 CECIL ROAD ORANGE 2800 100/-/DP1165434
Determination	Approved Consent Authority - Council
Date of determination	5/03/24
Date from which the consent operates	23/04/24
Date on which the consent lapses	23/04/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

1. The development will comply with applicable statutory requirements.
2. Utility services are available to the site and adequate for the development.
3. Public health and safety measures are available and suitable.
4. The development will not have a detrimental effect on adjoining land uses.
5. The development will not impact on amenity of the neighbourhood.
6. No public submissions were received.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

PAUL JOHNSTON
MANAGER DEVELOPMENT ASSESSMENTS
Person on behalf of the consent authority

For further information, please contact Summer Commins / Senior Town Planner

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Erection of signs</p> <ol style="list-style-type: none">1. This section applies to a development consent for development involving building work, subdivision work or demolition work.2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—<ol style="list-style-type: none">a. showing the name, address and telephone number of the principal certifier for the work, andb. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, andc. stating that unauthorised entry to the work site is prohibited.3. The sign must be—<ol style="list-style-type: none">a. maintained while the building work, subdivision work or demolition work is being carried out, andb. removed when the work has been completed.4. This section does not apply in relation to—<ol style="list-style-type: none">a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, orb. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
3	<p>Shoring and adequacy of adjoining property</p> <ol style="list-style-type: none">1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—<ol style="list-style-type: none">a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, andb. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

	<p>3. This section does not apply if—</p> <ul style="list-style-type: none"> a. the person having the benefit of the development consent owns the adjoining land, or b. the owner of the adjoining land gives written consent to the condition not applying. <p>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
4	<p>National Construction Code</p> <p>All building work must be carried out in accordance with the provisions of the National Construction Code.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
5	<p>Development and subdivision works requirements</p> <p>All of the following 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 engineering work required by the following conditions is to be completed prior to the issue of an Occupation or Subdivision Certificate, unless stated otherwise.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
6	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <p>Plans by Stanton Dahl Architects, Project No. 2794.22, Drawing Nos. DA00-DA12 Rev 01 dated 11/8/23 (13 sheets).</p> <p>Statement of Environmental Effects by Premise, Report No. 223116_SEE_001B, Rev 001B. dated 30 August 2023.</p> <p>Acoustic Assessment by Rodney Stevens Acoustics, Report R220101R1, Rev 0 dated 5 February 2024.</p> <p>In the event of any inconsistency between the approved plans and documents, the approved Plans / Documents prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>

Building Work

Before issue of a construction certificate

7	<p>Section 68 application - water and sewer</p> <p>An approval under Section 68 of the <i>Local Government Act</i> 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</p>
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	supply and the potable system are to be provided. No plumbing and drainage is to commence until approval is granted.
	Condition reason: To ensure the utility services are available to the site and adequate for the development.
8	<p>Stormwater detention design</p> <p>The development's stormwater design is to include the incorporation of stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to a 1% AEP storm event, 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.</p> <p>The design of the detention storage is to be undertaken using the DRAINS rainfall-runoff hydrologic model (or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates) based on the most recent version of Australian Rainfall and Runoff calculations allowing for applicable climate change factor(s). 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:</p> <ul style="list-style-type: none"> • catchment plan showing sub-catchments under existing and developed conditions; • schematic diagram of the catchment model showing sub areas and linkages; • tabulation detailing the elevation, storage volume and discharge relationships; and • tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions, • together with copies of the data files for the model and engineering design plans of the required drainage system, <p>are to be submitted to Orange City Council upon application for a Construction Certificate.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
9	<p>Construction materials - minimum noise reduction</p> <p>Prior to the issuing of a Construction Certificate, the applicant shall provide Council with confirmation from a suitably qualified person that the building design and construction materials to be used achieve the minimum weighted noise reduction (Rw) levels detailed in Section 5.3 of the report prepared by Rodney Stevens Acoustics (ref: R220101R2), dated 5 February 2024.</p> <p>Condition reason: To ensure noise intrusion from passing trains does not negatively impact upon students.</p>

Before building work commences

10	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the principal certifier or Council (where a principal certifier is not required), must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11	<p>Appoint PC</p> <p>Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall:</p>

	<p>(a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed) and,</p> <p>(b) Notify Council of their intension to commence the erection of the building (at least two (2) day's notice is required)</p> <p>The Principal Certifier shall determine when inspections and compliance certificates are required.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
12	<p>Construction certificate required</p> <p>A construction certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the construction certificate is obtained from an accredited certifier, the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.</p> <p>Condition reason: Required by Section 6.6 (formerly 81A) of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.</p>
13	<p>Sediment control</p> <p>Sediment and erosion control measures shall be implemented on the site.</p> <p>Condition reason: To protect waterways from pollution by sediment-laden runoff.</p>

During building work

14	<p>Hours of work - construction</p> <p>All construction work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
15	<p>Protection of the Environment Operations Act - material delivery</p> <p>All materials onsite or being delivered to the site are to be contained within the site. The requirements of the <i>Protection of the Environment Operations Act 1997</i> 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.</p> <p>Condition reason: To protect waterways from pollution by stockpiled or placed construction materials.</p>
16	<p>Adjustments to utility services</p> <p>Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
17	<p>Unexpected finds - contamination</p> <p>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 onsite must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of Council's Director Development Services is obtained in writing.</p> <p>Condition reason: To ensure any unexpected finds of contamination are notified to Council</p>

and managed appropriately.

Before issue of an occupation certificate

18	Section 68 final - water and sewer
	Where Orange City Council is not the Principal Certifier, 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 an occupation certificate.
	Condition reason: To ensure the utility services are available to the site and adequate for the development.
19	Stormwater detention certification
	A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.

Occupation and ongoing use

20	Annual fire safety statement
	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 <i>Environmental Planning and Assessment Regulation 2000</i> .
	Condition reason: To ensure compliance with relevant statutory requirements.

Demolition Work

Before demolition work commences

21	Demolition management plan
	Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.
	<p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:</p> <ol style="list-style-type: none">1. The proposed demolition methods2. The materials for and location of protective fencing and any hoardings to the perimeter of the site3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicabl (including in accordance with AS 4970-2009 Protection of trees on development sites

	<p>6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways</p> <p>7. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent</p> <p>8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines</p> <p>9. Details of any bulk earthworks to be carried out</p> <p>10. Details of re-use and disposal of demolition waste material in accordance with <Insert council's relevant development control plan></p> <p>11. Location of any reusable demolition waste materials to be stored on-site (pending future use)</p> <p>12. Location and type of temporary toilets onsite</p> <p>13. A garbage container with a tight-fitting lid.</p> <p>Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</p>
22	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, Orange City Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>

During demolition work

23	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>For demolition work from 7am to 6pm on Monday to Friday</p> <p>For demolition work from 7am to 5pm on Saturdays</p> <p>For demolition work from 8am to 5pm on Sundays and Public Holidays</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
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On completion of demolition work

No additional conditions have been applied to this stage of development.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A

Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Western Regional Planning Panel.