

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application

Applicant Name: Lives Lived Well Limited
Applicant Address: PO Box 332
SPRING HILL QLD 4004
Owner's Name: Lives Lived Well Limited
Land to Be Developed: Lot 177 DP 775277 - 6 Lysterfield Road, Orange
Proposed Development: Health Services Facility

Building Code of Australia building classification:

To be determined by Certifier

Determination made under Section 4.16

Made On: TBC
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: TBC
Consent to Lapse On: TBC

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 provide adequate public health and safety measures.
- (4) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (5) To ensure the utility services are available to the site and adequate for the development.
- (6) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (7) To minimise the impact of development on the environment.

Conditions

- (1) The development must be carried out in accordance with:

(a) **Architectural plans prepared by pdt architects:**

Drawing	Rev	Date
A 00-01	1	28.07.20
A 01-02	1	28.07.20
A 01-03		
A 01-04	7	07.10.20
A 01-51	6	28.07.20
A 01-52	6	28.07.20
A 01-53	7	07.10.20
A 01-54	1	28.07.20
A 01-55	1	28.07.20
A 01-56	2	07.10.20
A 06-01	1	28.07.20
A 06-02	1	28.07.20
A 06-03	1	28.07.20
A 06-04	1	28.07.20
A 06-05	2	07.10.20
A 06-06	2	07.10.20
A 07-01	1	07.10.20

Landscape Plan by sala4D, numbered L-01, and dated 15/10/2020

- (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) 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.

Conditions (cont)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (5) An amended landscaping plan shall be submitted to, and approved by, Council's Manager Development Assessments prior to the issuing of a Construction Certificate. The amended plan shall be in accordance with the *Shiralee Development Control Plan 2015* tree strategy, and include the following amendments:
 - (i) Details of all trees to be removed (number, location, species, etc.)
 - (ii) Additional/substituted native species (trees and shrubs) which provide foraging habitat for local bird species. At least 2 replacement native species shall be provided for every native tree/shrub to be removed.
 - (iii) Additional plantings in the car parking area to ensure shade is evenly distributed across the paved areas
- (6) Prior to the issuing of a Constructing Certificate, plans shall be amended increasing the size of the north facing windows to the TV/Sunrooms and Common Rooms on each of the new buildings.
- (7) In accordance with the *NSW Road Noise Policy 2011*, architectural features providing noise attenuation shall be designed within Rehabilitation Units 1 and 2 to ensure that internal traffic noise levels from the future Southern Feeder Road and Pinnacle Road will not exceed 35dB(A). Traffic noise level predictions are to be in accordance with the *Stage 1 Preliminary Site Investigation Southern Feeder Road, Stage 4 Review of Environmental Factors*, dated September 2020, by Premises, and the *Southern Feeder Road Stage 4: Road Traffic Noise Assessment* dated 37/03/2020 by Assured Environmental. Noise attenuation measures shall be confirmed as appropriate by a suitably qualified acoustic consultant, having regard to the requirement to achieve a maximum internal noise level of 35dB(A). Plans shall be amended to detail the required noise attenuation measures prior to the issuing of a Construction Certificate.
- (8) Plans shall be amended prior to the issuing of a Construction Certificate to provide a solid 2.0m high lapped and capped timber fence acting as a sound barrier on the perimeter of the outdoor sitting area of Rehabilitation Units 1. The barrier shall be positioned on the sides of the sitting area that fronts the Southern Feeder Road and Pinnacle Road so as to protect users from road and traffic noise in accordance with the *NSW Road Noise Policy 2011*.
- (9) Prior to the issuing of a Construction Certificate for any of the works on the site, the applicant shall seek all necessary permits/approvals under the *Water Management Act 2000*, and provide copies of such approvals to Council and/or the PCA. Alternatively, in the event that such approvals are not required, the applicant shall provide written confirmation from New South Wales Office of Water (Department of Planning, Industries and Environment) to that effect.
- (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) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.
- (12) 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.
- (13) 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.

Conditions (cont)

Prior to the issue of a construction certificate (cont)
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- (14) Prior to the issue of a Construction Certificate plans of the carpark shall be submitted to the Principal Certifying Authority for approval. The carpark plans shall 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. Parking spaces shall be line marked in accordance with AS 2890.1 (Off-street car parking).
- (15) Stormwater from the site is to be piped to the adjacent watercourse, where it is to be discharged through a standard headwall with appropriate energy dissipater and scour protection. Engineering plans of this required drainage system are to be approved by Orange City Council or by an Accredited Certifier (Categories B1, C3, C4, C6) and a licence from the Department of Planning Infrastructure and Natural Resources for work within 40 metres of the watercourse is to be submitted prior to the issuing of a Construction Certificate.
- (16) A 150mm-diameter sewer main shall be constructed from Council's existing gravity sewer network in Park Road 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.
- (17) A water main shall be extended to the proposed development from Council's existing reticulated network. A water reticulation analysis is to be carried out by Orange City Council on any proposed water reticulation system for the development. Engineering plans are to be submitted to and approved by Orange City Council prior to the issue of a Construction Certificate.

The reticulation system is to be designed to supply a peak instantaneous demand by gravity of 0.15 L/s/tenement at a minimum residual head of 200kPa.
- (18) 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.
- (19) 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.
- (20) **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 26.5 ETs for water supply headworks and 36.25 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.
- (21) The existing septic tank(s) shall be removed and absorption trenches / disposal area rehabilitated. The existing septic tank(s) and absorption trenches / disposal area shall be accurately located and indicated on the submitted engineering plans.
- (22) Details of the location of the waste storage area for the development shall be submitted to and be approved by Council's Manager of Development Assessments prior to the issue of a construction Certificate. The waste storage bin area shall be concealed so that bins are not visible from the street or adjacent land to the south or east (i.e. future parks/public open space areas), in accordance with the Shiralee Development Control Plan 2015.

Conditions (cont)

Prior to the issue of a construction certificate (cont)
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- (23) All services and access shall be wholly within the land to be developed. If services and access is to be provided over adjoining properties then, prior to the issue of a Construction Certificate, evidence of the registration of any required easements and rights of way over adjoining properties for the provision of services and access shall be provided to the Principal Certifier.

PRIOR TO WORKS COMMENCING

- (24) 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.
- (25) 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.
- (26) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (27) If Aboriginal objects, relics, or other historical items or the likes are located during development works, all works in the area of the identified object, relic, or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.
- (28) All native tree felling works shall be carried out by a suitably qualified arborist. Felling of trees with hollows shall be undertaken in stages with non-hollow bearing branches removed first. Felling shall be undertaken carefully using equipment that allows the branches and tree to be lowered to the ground with minimal impact. The felled logs shall be retained on-site for a minimum of one (1) week to allow fauna to move out of the hollows and into the adjacent woodland.
- (29) 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.
- (30) 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.
- (31) 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 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.
- (32) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

Conditions (cont)

During construction/siteworks (cont)

- (33) 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.
- (34) The existing vehicle entrance and 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.
- (35) Water and sewer services, including mains construction, pumping station construction, easements and all associated materials and works, are to be provided for the development at the cost of the developer.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (36) Prior to the issuing of any Occupation Certificate a **total of 20 off-street car parking spaces** (including 2 x accessible/disabled parking spaces) shall be provided upon the site in accordance with the approved plans and the provisions of *Development Control Plan 2004*, and shall be constructed in accordance with the requirements of Council's Development and Subdivision Code. The accessible spaces shall be placed in **high convenience** locations, driveways are to be clearly **lane marked** within the parking area, and **directional arrows** are to be provided internally and at the entrance/exit points, in accordance with the *Shiralee Development Control Plan 2015*.
- (37) Prior to the issuing of any Occupational Certificate, landscaping shall be installed in accordance with the approved amended plans, and shall be permanently maintained thereafter, to the satisfaction of Council's Manager Development Assessments.
- (38) Prior to the issuing of any Occupational Certificate bicycle parking shall be provided on the site in accordance with the *Shiralee Development Control Plan 2015* controls as follows:
- (i) Bicycle parking to be provided at a ratio of 1 bicycle space for every 15 car parking spaces
 - (ii) All bicycle spaces to be provided with a fixed rack or other feature to facilitate chain locking the bicycle
 - (iii) Bicycle spaces are to be positioned so as to avoid conflict with car and service vehicle circulation
 - (iv) Bicycle spaces are to be clearly delineated from other parking areas by means of lane marking and/or signage.
- (39) The approved CCTV arrangements shall be installed to cover public areas and communal areas. Lighting shall be installed to support CCTV in periods of darkness.
- (40) 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.
- (41) 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.
- (42) 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.

Conditions (cont)

Prior to the issue of an occupation certificate (cont)

- (43) An easement, to drain sewage and to provide Council access for maintenance of sewerage works, a minimum of 2.0 metres wide is to be created over the proposed sewerage works. Evidence that the easement has been registered is to be submitted to the Principal Certifying Authority prior to issuing of an Occupation Certificate.
- (44) The contents of the existing septic tank(s) shall be removed by a licensed contractor for disposal into Council's sewer system. The septic tanks shall be excavated and disposed of at a licensed landfill and any absorption trenches shall be drained and the voids limed and backfilled with clean compacted material. The existing private sewer drainage lines shall be connected to Council's sewer by a licensed plumber.

Evidence of such work is to be provided to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- (45) 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 an Occupation Certificate.
- (46) 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.
- (47) 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.
- (48) 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

- (49) Truck movements, including deliveries, waste collection etc, are to occur only between the hours of 7.00am and 6.00pm, Monday to Friday.
- (50) Outdoor lighting shall be installed in the car park and outdoor areas to facilitate safe pedestrian movements around the site and for CCTV outside of daylighting hours. The lighting shall be in accordance with the *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting*.
- (51) A private service agreement for the collection of garbage, recycling, organic, and medical waste associated with the development shall be implemented on the site at all times. Waste collection shall be carried out wholly within the site, collection vehicles shall enter and leave the site in a forward gear, and collection shall only be carried out between the hours of 7:00am and 6:00pm Monday to Friday.
- (52) Waste storage bins shall be concealed within a storage area so they are not visible from the street or adjacent land to the south or east (i.e. future parks/public open space areas), in accordance with the Shiralee Development Control Plan 2015. Any medical waste shall be stored and collected in an appropriate manner in accordance with any relevant standards.
- (53) CCTV shall be recorded digitally, accessible on site, and recordings kept for a minimum of 28 days.

Conditions (cont)

Matters for the ongoing performance and operation of the development (cont)
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- (54) 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*.

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 **ORANGE CITY COUNCIL** for a determination made by the Western Regional Planning Panel.

Signature:

Name: PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

Date: TBC