

**DRAFT NOTICE OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

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

Development Application

Applicant Name: Storco
Applicant Address: C/-Andrew Saunders
2/204-206 Lords Place
ORANGE NSW 2800
Owner's Name: Orange City Council
Land to Be Developed: Lot 1 DP 1085646, 298 Clergate Road, Orange
Proposed Development: General Industry and Business Identification Signage

**Building Code of Australia
building classification:**

Class to be determined by Certifier

**Determination made under
Section 4.16**

Made On: To be advised
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

Consent to Operate From: To be advised
Consent to Lapse On: To be advised

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) 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) **Plans prepared by Mckinnon Design, dated 12 and 22 April 2021, revision B and C (4 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.

Conditions (cont)

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (4) 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.
- (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) The development's stormwater design is to 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:

 - 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 are to be submitted to Orange City Council upon application for a Construction Certificate.
- (7) 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.

Conditions (cont)

Prior to the issue of a construction certificate (cont)
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- (8) 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.
- (9) Prior to the issue of a Construction Certificate, evidence shall be provided to Orange City Council demonstrating that the plan of subdivision to create the allotment has been lodged with NSW Land and Property Information.
- (10) Prior to the issue of a Construction Certificate, a revised landscaping plan shall be submitted to and approved by Council's Manager Development Assessment. The revised plan shall include additional tree plantings in the narrow landscape strip (3 metres wide) in front of the office component of the building. Suitable narrow or columnar species should be used such as the Oakville Crimson Spire (*Prunus* species). The understory of the landscape strip along the entire frontage shall comprise mass planting areas of native shrubs growing to a height of approximately 1 metre such as; *Correa*, *Callistemon*, and mass planted areas of strappy leaved plants such as *Dianella*, *Lomandra*, *Dietes* or similar plants.
- (11) 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.
- (12) 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.

PRIOR TO WORKS COMMENCING

- (13) 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.
- (14) 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.
- (15) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (16) Dust suppression controls shall be implemented during the duration of the project to minimise wind-borne emission from likely sources such as the excavation and stockpiles of materials.
- (17) All vehicles entering and leaving the site in conjunction with the development which are transporting soil, fill material etc., shall be adequately covered to prevent the generation of dust and loss of material.
- (18) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (19) 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.

Conditions (cont)

During construction/siteworks (cont)

- (20) 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.
- (21) Heavy-duty concrete kerb and gutter laybacks and footpath crossings are to be constructed for the entrances / exits to the proposed development. The location and construction of the laybacks and footpath crossings are to be as required by the Orange City Council Development and Subdivision Code and Road Opening Permit.
- (22) Fencing along the primary frontage (Clergate Road) and secondary frontage (new road) shall be black palisade fencing. All other boundaries may be fenced with standard chain-wire fencing.
- (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 on site 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE
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- (26) Prior to the issue of an Occupation Certificate evidence shall be provided to the Principal Certifying Authority that the proposed allotment has been registered with NSW Land and Property Information.
- (27) Prior to the issue of any Occupation Certificate, Landscaping in accordance with the approved stamped Landscaping Plan must be completed.
- (28) 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 issuing of an Occupation Certificate.
- (29) 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.
- (30) 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.
- (31) 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.
- (32) 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.

Conditions (cont)

Prior to the issue of an occupation certificate (cont)

- (33) 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.
- (34) 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.
- (35) The cut and fill is to be retained and/or adequately battered and stabilised (within the allotment) prior to the issue of an Occupation Certificate.
- (36) 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

- (37) Following commencement of occupation, the premises shall operate only between the times stated as follows:

Monday to Friday	6am to 6pm
Weekend	Closed

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs. Any variation to these hours is to be subject to the prior consent of Council.
- (38) Outdoor lighting must be in accordance with Australian Standard AS 4282-1997 - Control of the obtrusive effects of outdoor lighting.
Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties and motorists.
- (39) Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable, non-recyclable and special waste material. Arrangements shall be made for the regular removal and disposal of those waste materials. The garbage and bin storage area shall be positioned in a location that is impervious to moisture, and capable of being easily cleaned.
- (40) Landscaping in accordance with the approved plans must be maintained in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.
- (41) 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*.
- (42) The six roller doors in the eastern elevation of the main shed shall be kept closed, or partially closed during periods of heightened activity within the shed.
- (43) Heavy vehicle deliveries shall be restricted to between the hours of 7am and 6pm.
- (44) Compressors located on the either the northern or western elevations of the building, shall be enclosed within acoustic enclosures, or have acoustic screens.

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**

Signature:

Name:

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

Date:

To be advised