COUNCIL ASSESSMENT MEMORANDUM

D21/40696

MEMO TO	**WESTERN REGIONAL PLANNING PANEL**
FROM	**BEN HICKS – SENIOR PLANNER, ORANGE CITY COUNCIL**
DATE	**6 JULY 2021**
ON	**DEVELOPMENT APPLICATION: DA186/2021(1)** **PANEL REFERENCE: PPSWES-87** **298 CLERGATE ROAD ORANGE** **GENERAL INDUSTRY AND BUSINESS IDENTIFICATION SIGNAGE**

PR20436

The purpose of this memorandum is to address the matters raised by members of the Western Regional Planning Panel at the briefing of the proposal held on Monday 28 June 2021 via teleconference. The matters related to the development description, noise, and draft conditions of consent.

These matters have been addressed as follows:

Development Description

During the briefing panel members requested that a more fulsome description of the proposal was needed in order to have specific details of the use to be approved. The characterisation of the proposal outlined in the development application was considered to be too broad. In this regard, the applicant has amended the description of the development as follows:

General Industry (comprising processing and manufacturing of sheet metal including storage) and Business Identification Signage

The amended application form and Statement of Environmental Effects are included in attachments 1 and 2.

Noise

The panel advised that they would benefit from additional technical explanation and advice on noise matters from a suitably qualified acoustic consultant.

In this regard, the applicant commissioned Acoustik to review the previous noise assessment by GHD Pty Ltd and provide an acoustical analysis of the current proposal. The acoustic assessment by Acoustik concludes that the new development site for the Storco building at Lot 1 DP1085646 will meet the relevant noise criteria as specified by the EPA Noise Policy for Industry during both its construction and operations.

A copy of the acoustic analysis by Acoustik included in attachment 3.

Draft Conditions of Consent

It is noted that the panel in determining past applications have amended Council's standard condition relating to hours of work to prevent construction/demolition work to be carried

out on site during Sundays and Public Holidays, in order to protect the amenity of the locality.

The panel considered that recommended conditions (39) and (44) required amendment to require details to be submitted for approval prior to the issue of a Construction Certificate.

The panel also considered vehicle access control for the proposed exit into Clergate Road was needed, due to the angle of the exit. It was recommended that a condition was required restricting egress onto Clergate Road to a 'Left Out Manoeuvre' only as well as 'No Entry' signage.

The draft consent has been updated as per the panel recommendations. The amended draft consent is included in attachment 4.

Attachments

1. Amended Application Form
2. Revised Statement of Environmental Effects
3. Noise Assessment by Acoustik including Noise Report by GHD Pty Ltd
4. Draft Notice of Determination (amended)

Ben Hicks
SENIOR PLANNER
Enc

Development Application Form

Portal Application number: PAN-88057

Council Application number: DA185/2021

Applicant contact details

Title	Mr
First given name	Mark
Other given name/s	
Family name	Layton
Contact number	0448720702
Email	andrew@ssvaluers.com.au
Address	2/204-206 Lords Place ORANGE NSW 2800
Application on behalf of a company, business or body corporate	Yes
Company, business or body corporate name	Storco
ABN / ACN	
Is the nominated company the applicant for this application?	Yes

Owner/s of the development site

Owner/s of the development site	A company, business, government entity or other similar body owns the development site

Owner #	1
Company, business or body corporate name	Orange City Council
ABN / ACN	

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Developer details

ABN	
ACN	
Name	
Trading name	
Address	
Email Address	

Development details

Application type	Development Application

Site address #	1
Street address	298 CLERGATE ROAD ORANGE 2800
Local government area	ORANGE
Lot / Section Number / Plan	1 / - / DP1085646
Primary address?	Yes

Planning controls affecting property	Land Application LEP	Orange Local Environmental Plan 2011
	Land Zoning	IN1: General Industrial
	Height of Building	NA
	Floor Space Ratio (n:1)	NA
	Minimum Lot Size	4000 m²
	Heritage	NA
	Land Reservation Acquisition	NA
	Foreshore Building Line	NA
	Groundwater Vulnerability	Groundwater Vulnerability
	Terrestrial Biodiversity	High Sensitivity
	Land near Electrical Infrastructure	This property may be located near electrical infrastructure and could be subject to requirements listed under ISEPP Clause 45. Please contact Essential Energy for more information 13 23 91.

Proposed development

Proposed type of development	Industrial development
Description of development	General Industry (Comprising processing and manufacturing of sheet metal including storage) and Business Identification Signage
Provide the proposed hours of operation	
Proposed to operate 24 hours on Monday	
Monday	-
Proposed to operate 24 hours on Tuesday	
Tuesday	-
Proposed to operate 24 hours on Wednesday	
Wednesday	-
Proposed to operate 24 hours on Thursday	
Thursday	-
Proposed to operate 24 hours on Friday	
Friday	-
Proposed to operate 24 hours on Saturday	
Saturday	-
Proposed to operate 24 hours on Sunday	
Sunday	-
Dwelling count details	
Number of dwellings / units proposed	0
Number of storeys proposed	1
Number of pre-existing dwellings on site	0
Number of dwellings to be demolished	0

Number of existing floor area	0
Number of existing site area	260,000
Cost of development	
Estimated cost of work / development (including GST)	$6,603,417.00
Do you have one or more BASIX certificates?	No
Subdivision	
Number of existing lots	
Is subdivison proposed?	
Proposed operating details	
Number of additional jobs that are proposed to be generated through the operation of the development	30
Number of staff/employees on the site	30
Number of parking spaces	79
Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a voluntary planning agreement (VPA) ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	No
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No

Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The Environmental Planning and Assessment Regulation 2000 and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

Company Name	Storco Pty Ltd
ABN	
ACN	
Trading Name	Storco
Email address	andrew@ssvaluers.com.au
Billing address	2/204-206 Lords Place ORANGE NSW 2800

Application documents

The following documents support the application.

Document type	Document file name
Approved DA Edit Details	Amended Description Applicant advising new Capital Investment Value DA186-2020 Estimate BQ Estimate Summary Applicant advising new Capital Investment Value DA186-2020
Architectural Plans	Storeco20210421133819411
Cost estimate report	2021 04 08 COSTING TEMPLATE with break up 21-0445
Fee estimate	298 Clergate Road - Revised Fee Quote 2 298 Clergate Road - Additional Fee Quote - $5.72 mill
Floor plans	298 Clergate Plans
Generated DA form	DA form_1623229682.pdf DA form_1622558646.pdf DA form_1620382156.pdf
Generated Pre-DA form	Pre-DA form_1617805080.pdf
Other	Lot 1A Contours DA Form 298 Clergate 298 Clergate 3D

Site plans	Storeco20098daC Storco DA plans V2
Statement of environmental effects	21-0445a(298 Clergate Rd) 21-0445(298 Clergate)V2 21-0445 REPORT

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
If the consent authority is a Council, that Council may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at the Council's Customer Service areas and on the Council's website.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	True

Lodgement details

Outcome of the pre-lodgement review	Application was lodged
Applicant paid the fees?	Yes
Total fee paid	$8,375.00
Council unique identification number	DA185/2021
Date on which the application was lodged into Council's system	6/05/2021

Saunders & Staniforth
Valuers
PROPERTY & PLANNING CONSULTANTS

Suite 2, 204-206 Lords Place Orange NSW 2800
P. 02 6362 1880 F. 02 6362 1881
5/61 Princes Highway Milton NSW 2538
P. 02 4454 5466 F. 02 4454 5488
www.ssvaluers.com.au

DEVELOPMENT APPLICATION

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed General Industry (Comprising processing and manufacturing of sheet metal including storage) and Business Identification Signage

Lot 1 DP 1085646

298 CLERGATE ROAD
ORANGE NSW, 2800

30th June 2021 as amended

1.0 OVERVIEW

Council's development consent is sought to develop a vacant allotment of industrial land for the purpose of erecting a proposed industrial building with ancillary office and storage space with communal amenities.

The proposed use is considered General Industry (comprising processing and manufacturing of sheet metal including storage) and Business Identification Signage.

The subject site is identified as Lot 1 in Deposited Plan 1085646, 298 Clergate Road, Orange. The land has an area of 26.2 hectares.

Standard Council approval is required for this development under Part 4, Division 4.3, section 4.15 of the *Environmental Planning and Assessment Act 1979.*

The site will be further subdivided under DA 10/2021(1) for a 46 lot subdivision. The proposed building may be erected upon the proposed lot 1 of 1.87 hectares.

Some bulk earthworks will be required as submitted.

2.0 APPLICANT

Storco

C/-Saunders and Staniforth Pty Ltd

2/204-206 Lords Place

ORANGE NSW 2800

3.0 OWNER

Orange City Council

PO Box 35

ORANGE NSW 2800

4.0 SUBJECT LAND

4.1 Location and Land Description

The subject property is located on the eastern side of Clergate Road in the North Orange Industrial Precinct.

The subject property is located approximately 4.0 kilometres north of Orange Central Business District. The subject property is described as Lot 1 in Deposited Plan 1085646, situated at 298 Clergate Road, Orange.

The allotment has a gentle slope rising from the northern boundary on Clergate Drive to the southern boundary at the corner of Clergate Drive and a proposed new road opposite Industry Drive, Orange.

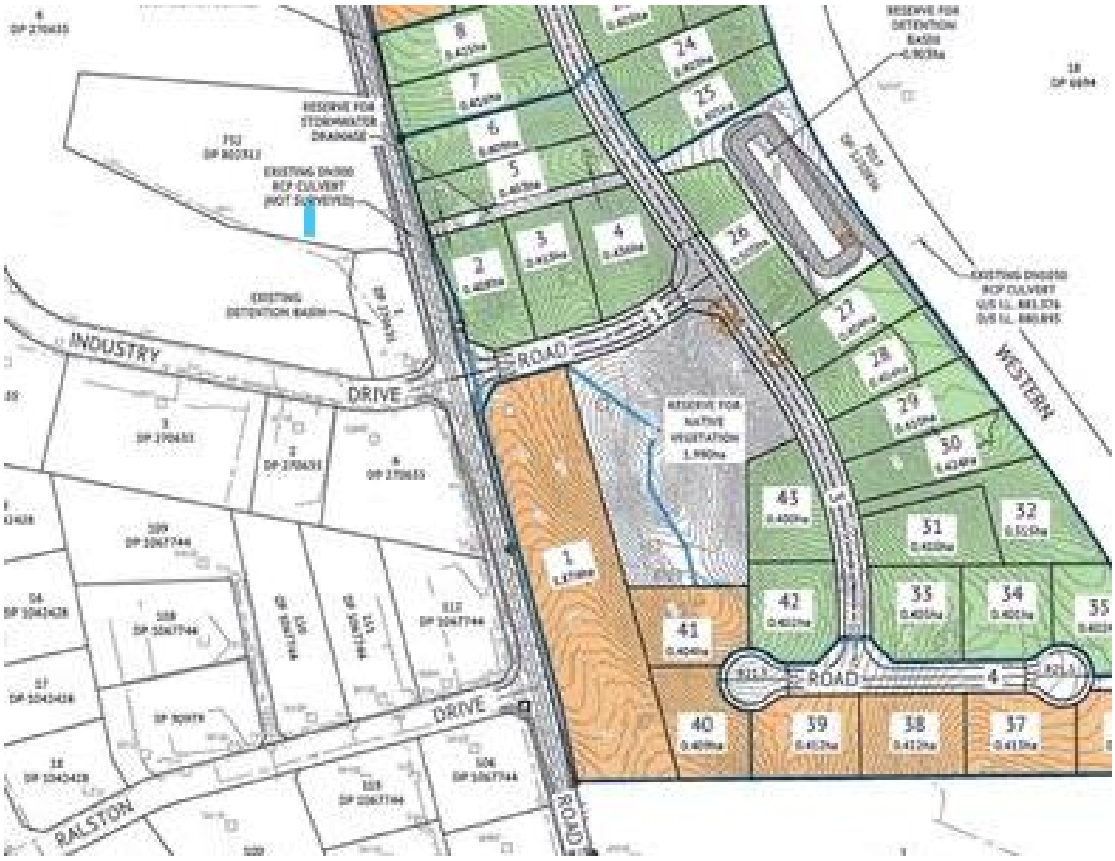
Approximately 20 metres beyond the eastern boundary at the rear of the allotment is a stand of eucalypt trees identified in *Orange LEP 2011* as having *High Biodiversity Sensitivity.*

Neighbouring allotments to the south of Ralston Drive consist a mix of pre-fabricated concrete panel with metal roof and metal framed, metal clad with metal roof constructions. Allotments to the immediate west of the proposed development on Clergate Road consist of pre-fabricated concrete slab with metal roof construction and one vacant allotment.

The land is void of landscaping fronting Clergate Road.

Access to the allotment is via Clergate Road and a new proposed road, opposite Industry Drive.

Figure 1. Location of subject site.



Future lot 1

5.0 THE PROPOSAL

It is proposed to develop an expansive 6000m^2 pre-fabricated concrete tilt panel and metal roofed industrial building with attached 787.5m^2 office space upon the vacant allotment, with provision for 89 car parking spaces.

Details are as follows:

- Proposed 6000m^2 concrete tilt warehouse with Gross Floor Area of 7173m^2 including offices and awnings and mezzanine, 6 roller door access with attached awnings, separate male and female toilets at either end of the warehouse, and 7 exit doors.
- The proposed industrial building will have an overall height of 9.91m at the roof pitch and 8.5m wall elevation.
- Proposed 795m^2 single storey office space to consist of; a reception area, 2 board rooms, 2 directors offices, 1 meeting room, 2 open work spaces, collaborative and brainstorming workspaces, unisex, male, female and disabled toilets, 2 bay unisex showers, 2 airlocks to access warehouse, access to a 120m^2 outdoor terrace.

The building will be used for sheet metal rolling and manufacturing employing approximately 30 people. Some storage is also included. No warehousing is envisaged.

Hours of operation will be 6am to 6pm Monday to Friday.

6.0 PLANNING REQUIREMENTS

In determining the application, Council is required to consider the relevant matters identified under section 4.15 of the Environmental Planning and Assessment Act, 1979. This section forms the basis of our assessment below

6.1 Environmental Planning and Assessment Act 1979

Issues relevant to the decision making process in the context of Section 4.15(1) of the Act, and which should be addressed in any statement of environmental effects that would accompany a development application, include:

> *(a) the provisions of—*
> *(i) any environmental planning instrument, and*
>
> *(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
>
> *(iii) any development control plan, and*
>
> *(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
>
> *(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
>
> *(v) (Repealed)*
>
> *that apply to the land to which the development application relates,*
>
> *(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
>
> *(c) the suitability of the site for the development,*
>
> *(d) any submissions made in accordance with this Act or the regulations,*
>
> *(e) the public interest.*

The matters included in Section 4.15(1) are now discussed in turn.

6.2 Application of Part 7 Biodiversity Conservation Act 2016

This Act has effect subject to the provisions of Part 7 of the *Biodiversity and Conservation Act 2016* that relate to the operation of this act in connection with the terrestrial environment.

Note: This Act contains additional provisions with respect to assessments, consents and approvals under this Act

The subject site is in close proximity to land identified as having *High Biodiversity Sensitivity.* The proposal provides a 20 metre buffer zone from the rear boundary and does not reduce the vegetation area.

We are advised that Council as the owner have been managing biodiversity assessment with the state government as a separate matter.

6.3 State Environmental Planning Policy (State and Regional Development) 2011

There are no State and Regional Development Planning Policies, which apply to the subject land.

SEPP 55 – Remediation of Land

As required clause 7 of the SEPP provides a framework for assessment:-

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause

(4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:-

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:-

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

SEPP 55 Justification

In terms of a preliminary investigation of the land we are able to provide the following:

The property was purchased in 1980's by the BODC for long term industrial use. Prior to this the land was used for general grazing. The land was not used as part of any Canobolas Wooltop rotational effluent irrigation programs. The land has no history of orcharding and has a traditional history of general grazing.

We are unaware whether any soil tests where done on the land as part of the last subdivision. We do not consider that the rural use of the land poses an environmental risk in terms of exposure to any potential chemicals or its proposed non-polluting land use as a general grazing holding.

The property is not listed on Council's Contaminated Lands register.

THE SEPP 55 Guidelines:-

3.3 IS THE INFORMATION SUFFICIENT TO CONSIDER OPTIONS AND MAKE PLANNING DECISIONS?

1.1.1 Instances where No Further Information is Required

If, after carrying out an initial evaluation, none of the enquiries suggest that the land might be contaminated or that further enquiry is warranted, the planning process should proceed in the normal way.

The planning authority may not need more information to make a decision about previously investigated or remediated land if sufficient information has already been provided. However, proposals on such land should be carefully managed through the planning and development control process. The nature, distribution and levels of residues remaining on the land need to be considered when a planning authority makes a planning decision.

We submit that given the history of the land that further testing is not warranted.

3.3.2 Instances where Further Information is Required

After carrying out an initial evaluation, if there are indications that contamination is, or may be, present and the planning authority has insufficient information on which to make a planning decision, the proponent should be asked to provide further information.

A planning authority may need to seek further information when:-

• the subject site or land in the vicinity is, or may be, associated with activities listed in Table 1 but it is not known whether contamination exists

• the land was, or is, regulated by the EPA or other regulatory authority in relation to land contamination, and there is insufficient information available about the nature and extent of contamination.

• the land has been investigated or remediated but there is insufficient information available about the nature and extent of contamination, or the circumstances have changed

• there are restrictions on, or conditions attached to, the use of the site by regulatory or planning authorities that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination

• council records have demonstrated that the land is associated with complaints about pollution or illegal dumping of wastes but it is not known whether contamination exists

• *a use such as residential, educational, recreational, hospital or childcare is proposed on the land and records on the site history are unclear about whether the land has been used in the past for a purpose listed in Table 1. A site history may be 'unclear' if there are significant gaps in historical information, or land uses are not described in sufficient detail to identify the presence or absence of uses listed in Table 1 during periods in which such uses were permissible under the zoning.*

A preliminary investigation is an important step in deciding whether a more detailed investigation is needed. Where the results of a preliminary sampling program demonstrate the potential for, or the existence of contamination, a detailed investigation should be undertaken; not necessarily immediately after the preliminary investigation but before the new use commences. Where the preliminary investigation shows a history of non-contaminating activities at a site and, in the absence of other contrary evidence, there will be no need for further investigation.

An assessment of the previous and continued general agricultural use of the land in the context of the proposed use does not warrant need for further investigation, monitoring or contamination reporting.

Issues to consider

• *Is the information about the site's history adequate:-*

– are the descriptions of activities on the site detailed enough to identify a use listed in Table 1?

– are there any big gaps in the history that might hide a use listed in Table 1?

– are the sources reliable?

– is the information verifiable?

• *Does the information conform with the relevant EPA guidelines?*

• *If contamination or a contaminating activity, whether previous or existing, is confirmed should the proponent conduct a detailed investigation to further define the extent and degree of contamination?*

• *If the site history suggests that the site is unlikely to be contaminated but there are gaps in the history and Table 1 uses were permissible under the zoning during those periods, is limited site sampling needed to confirm the site is not contaminated? Consult a site auditor if necessary.*

• *Does this site pose a significant threat to human health or the environment? If so, refer to the CLM Act in relation to duty to notify the EPA.*

• *Is a site audit of the preliminary investigation necessary? See section 3.6.1.*

If there is sufficient information to satisfy the planning authority that the site is suitable for the proposed use, the planning process should proceed in the normal way.

There is not significant data available and are assuming that given the land pattern on aerial photography that no orcharding has occurred. As Council staff would be aware from previous testing of ex orchard land that 'hot spots' of chemical residues typically occurs near sheds where spray equipment is situated. This is not the case on this grazing allotment.

3.5.5 Stage 4—Validation and Monitoring

Validation is an important part of the site investigation and remediation process. The purpose of validation is to confirm whether the predetermined clean-up objectives have been attained and whether any further remediation work or restrictions on land use are required. Ideally, validation should be conducted by the same consultant that conducted the rest of the site investigation and remediation process.

Validation must confirm statistically that the remediated site complies with the clean-up criteria set for the site. The consultant should follow the relevant EPA guidelines when validating the site.

A report on the validation must assess the results of the post-remediation testing against the clean-up criteria stated in the RAP, or where there is no RAP, against standards endorsed by the EPA. Where the targets have not been achieved, reasons for such failure must be stated and additional site work should be proposed that will achieve the original objectives.

The validation report should also include information confirming that all licences, approvals and development consents have been complied with. In particular, documentary evidence should be provided to confirm that any contaminated soil that has been disposed of off-site or removed for re-use has been dealt with as specified by the relevant authority.

In situations where full clean-up is not feasible or on-site containment of contamination is proposed, the need for a continuing monitoring program should be assessed by both the proponent's consultant and the planning authority. If required, this monitoring program should include the proposed monitoring strategy, the parameters to be monitored, the monitoring locations, the frequency of monitoring and reporting requirements.

SEPP 55 requires that notice of completion of remediation be submitted to the local council, or the Minister for Urban Affairs and Planning if consent

was given by him. Further details on the notification requirements are provided in section 4.4.2.

Issues to consider

• Is the monitoring program proposed by the proponent adequate? Does it conform with the relevant EPA guidelines?

• Has the proponent or the consultant provided a clear statement on the suitability of the proposed site use? Refer to the EPA's guidelines (1997b) for reporting requirements.

• Are there any ongoing site management requirements, for example, restrictions on use to be notified pursuant to s. 149(2), covenants on title or annual reporting and other information made available under s. 149(5)?

• Are there any other uncertainties?

• Is a site audit of the validation necessary? See section 3.6.1.

As discussed above, further monitoring is not justified given the nature of previous and proposed land uses.

4.6 CONTAMINATION SUMMARY

In carrying out planning functions under the EP&A Act in relation to land that is, or may be, contaminated, planning authorities should take account of the principles summarised below.

• No planning decision should be made unless sufficient information is available to make the decision.

• Development applications should include sufficient information on past uses of the subject land to allow the suitability of the land for the proposed use to be assessed.

• Changes of use on contaminated land may proceed provided:

– the land is suitable for the intended use, or

– provisions are included in the planning instrument to require appropriate investigation or restrictions on any subsequent development applications, or

– conditions are attached to the development consent to ensure that the subject land can and will be remediated to a level appropriate to its intended use prior to, or during, the development stage.

We conclude that a suitable planning decision can be made based on the contamination investigation provided at a desktop level.

6.4 Orange Local Environmental Plan 2011

The proposal is consistent with Orange Local Environmental Plan 2011 with regard to Zone IN1 – General Industrial.

Zone IN1 General Industrial

1 Objectives of zone

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development along the Southern Link Road has an alternative access.*

2 Permitted without consent

Environmental protection works

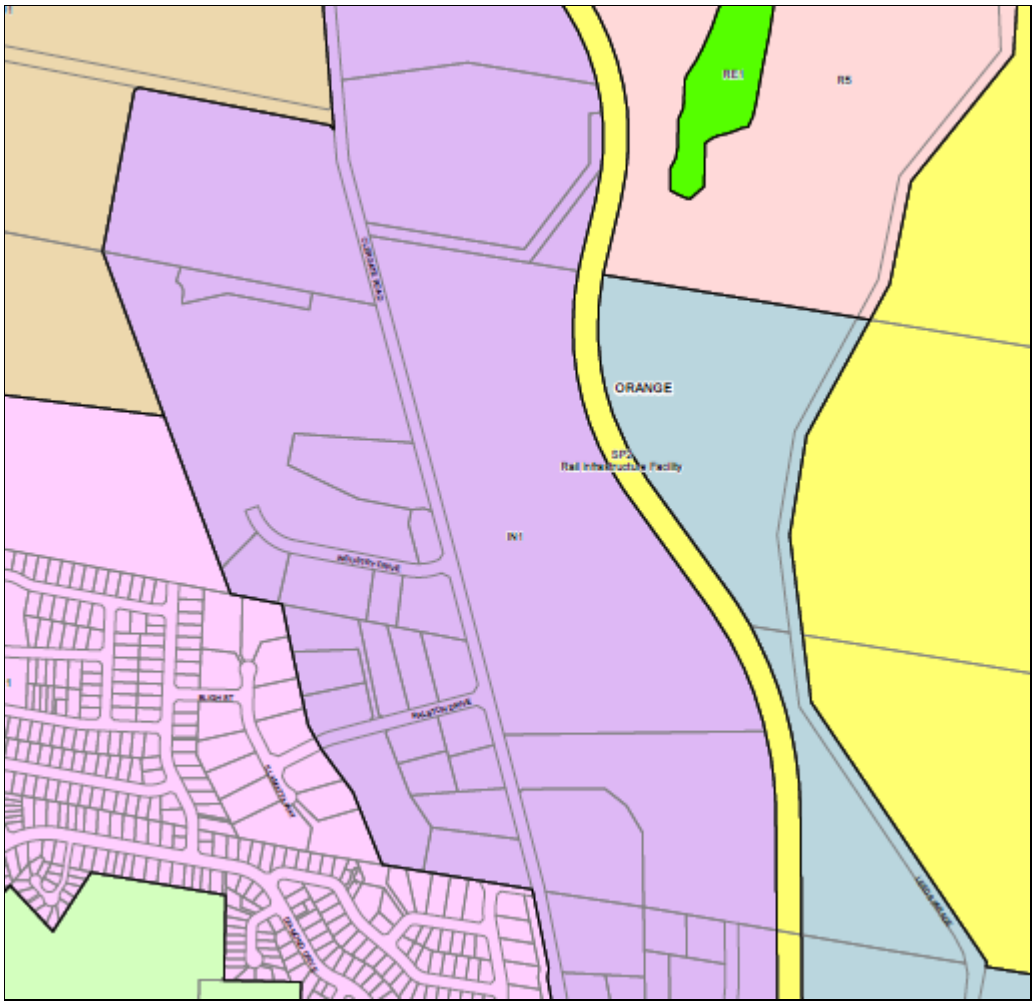
3 Permitted with consent

Depots; Freight transport facilities; Garden centres; ***General industries****; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education

facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures



Orange LEP 2011

general industry *means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.*

No specific matters under Part 5 & 6 of the LEP are relevant to the proposal.

The proposal is consistent with the general industry land use being for fabrication and assembly activity.

As discussed with the Joint Planning Panel, the proposed use is General Industry (Comprising processing and manufacturing of sheet metal including storage) and Business Identification Signage

With regard to LEP compliance we have addressed Part 7 as follows: -

Part 7 Additional local provisions

7.1 Earthworks

(1) The objectives of this clause are as follows:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,

(h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).

Note: *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

Response:

We submit that all earthworks will occur in a manner compliant with Council's Development and Subdivision Code and supporting Australian Standards including sediment and erosion control measures during the construction phase.

The new building will require 'cut and fill' bulk earthworks to achieve a flat slab site location. No other major earthworks are expected except possible water or sewer junction works. We have provided contours on the plans and expect retaining walls and engineering design will be required.

7.3 Stormwater Management

(1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties, native bushland and receiving waters.

(2) This clause applies to all land in residential, business and industrial zones.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

> *(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
> *(b) includes, where practical, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
>
> *(c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Response:

We submit that stormwater management will be mitigated through the use of onsite stormwater retention and will avoid significant runoff to adjoining properties.

7.4 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by:

(a) protecting native fauna and flora, and

(b) protecting the ecological processes necessary for their continued existence, and

(c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as "High Biodiversity Sensitivity" or "Moderate Biodiversity Sensitivity" on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:

(a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Response:

The proposed site is void of significant habitat, flora or fauna. However it is noted, a stand of eucalypts approximately 1.1ha in area, identified as having *"High Biodiversity Sensitivity",* is situated approximately 20 metres beyond the eastern boundary of the allotment. It is considered the approximate distance of 20m from the eastern boundary of the allotment is sufficient to protect and have minimal impact on the stand of eucalypts identified as having *High Biodiversity Sensitivity*.

It is noted the proposed development may be required to meet the requirements of the ***Biodiversity Conservation Act 2016,*** **Part 7 - Biodiversity assessment and approvals under Planning Act.** specifically, *7.3 -Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats*.

We are advised that Orange Council as the land owner are managing this assessment directly with the State government and as part of the approved 46 lot subdivision. No sensitive timber or grasslands are identified as part of that assessment within proposed lot 1.

7.6 Groundwater Vulnerability

(1) The objectives of this clause are to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.

(2) This clause applies to land identified as "Groundwater Vulnerability" on the Groundwater Vulnerability Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

> *(a) whether or not the development (including any on-site storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
>
> *(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Response:

The proposed use does not present any threat to groundwater quality. The control of stormwater runoff on the site will be well managed with the inclusion of onsite detention, stormwater pits and management installations.

7.7 Drinking water catchments

(1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

(2) This clause applies to land identified as "Drinking water" on the Drinking Water Catchment Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:

(a) the distance between the development and any waterway that feeds into the drinking water storage, and

(b) the on-site use, storage and disposal of any chemicals on the land, and

(c) the treatment, storage and disposal of waste water and solid waste generated or used by the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact

Response:

The subject property is not located in the drinking water catchment as defined.

7.8 Salinity

(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development processes that contribute to salinity.

(2) Before determining a development application for development on land that is subject to salinity, the consent authority must consider the following:

(a) whether or not the development is likely to have any adverse impact on salinity processes on the land,

(b) whether or not salinity is likely to have an impact on the development,

(c) appropriate measures to avoid or reduce any adverse effects that may result from the impacts referred to in paragraphs (a) and (b).

(3) Development consent must not be granted to development on land that is subject to salinity unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Response:

In an urban context the coverage of the site in building and car parking will effectively seal the site from any possibility of adverse salinity levels being created. The existing soil will not be exposed to any chemical or ground treatment that would affect salinity levels.

7.11 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) storm water drainage or on-site conservation,

(e) suitable road access.

Response

The above essential services are available for connection in the locality with adequate capacity to allow the development to occur without upgrade. The completion of the proposed new road opposite Industry Drive, will ameliorate vehicle and heavy vehicle movements entering and exiting the site.

6.5 Provisions of Draft Environmental Planning Instrument That Has Been Placed on Exhibition s4.15(1)(a)(ii)

There are no known draft LEP's that relate to the land.

6.6 Provisions of Development Control Plans

We have considered Council's Development Control Plan 2004 and consider the proposed warehouse development is consistent with the planning outcomes specified in the DCP.

The proposed development is subject to Council's consideration under Orange City Council's Development Control Plan 2004, specifically the provisions and requirements of DCP 09 – Development in the Industry and Employment Zone and especially DCP 09.3 and 9.4. pertaining to matters relating to development in Clergate Road Industrial Area.

Orange DCP 09 – General

It is considered the proposed development will meet Council's requirements for the Clergate Road Industrial Area. The minimum lot size exceeds the 1 hectare requirement for allotments with access to Clergate Road.

9.3 DESIGN AND SITING OF INDUSTRIAL DEVELOPMENT

SITE COVERAGE

50% site coverage is appropriate for development of industrial land to provide for on-site parking, vehicle manoeuvring and landscaping and to create an open, landscaped character for industrial areas. Council may agree to development that exceeds 50% site coverage where Council is satisfied that the development achieves appropriate setbacks, parking, access, loading/unloading, manoeuvring and landscaping for the particular setting.

Response:

The proposed site coverage is 3% of the 26 hectare allotment, leaving ample area to create an open landscaped character for the industrial area, which provides for onsite car and vehicle manoeuvring within the site, with suitable division for heavy vehicle manoeuvring, loading and unloading and car parking.

Upon subdivision completion site coverage will be 38% of proposed lot 1.

FRONT SETBACKS

Lots greater than 1,000m^2

Industrial buildings should be setback a minimum of 10 metres from the front boundary to provide a landscaped setting for industrial areas, with buildings set back behind landscaping. A minimum setback of 5 metres is to apply to a side street for corner lots.

Lots with an area less than 1,000m^2

A setback of 5 metres is appropriate for small industrial lots; however, where setbacks less than those stated above already exist on adjacent land (such as inner-city industrial areas), the new building may be set back a comparable distance to existing development.

Car-parking and manoeuvring areas can be located in front of the building line provided that a reasonable landscaped area with a minimum width of 2 metres(3m-width is preferred) is established at the front boundary.

Clergate Road

A 10m setback applies to all lots that have frontage to Clergate Road, including a corner allotment.

Response:

The proposed development exceeds Council's setback requirements for industrial buildings fronting Clergate Road.

It is proposed the bulk of the warehouse will have an overall setback of 29 metres from the front boundary on Clergate Road, with the proposed offices, fronting the warehouse, having setback of 14 metres from Clergate Road.

It is also proposed the development will have a 10 metre setback from the side boundary fronting the proposed new road opposite Industry Drive.

Carparking is to be located at the front of the proposed building, and along the western and southern elevations of the building. A 5 metre setback from the Clergate Road boundary has been allocated in order to provide adequate landscaping.

The proposal will comply with setbacks in a similar scenario within proposed lot 1 of DA 10/2021(1) with the same Clergate Rd and side road setbacks.

BUILDINGS

To ensure that industrial buildings contribute to the urban character of the City, non-reflective materials on walls and roofs should be used, such as brick, concrete or "Colorbond" cladding in light or neutral colours.

The front building façade should include architectural features -such as display windows, awnings or verandah treatment, indented parapets or gable ends -to provide relief aspects to the front façade.

Response:

It is proposed to use non-reflective materials on walls and roofs of the concrete tilt warehouse with the addition of selected neutral coloured Trimdek wall and roof sheeting to compliment the construction and surrounding industrial environment.

The front building façade includes architectural features -such as office windows, awnings, outdoor terrace, entry parapet and roller doors to provide relief aspects of the front façade.

FENCING

Security fencing is encouraged to be located at or behind the front building façade; however, due to increased concerns over security throughout the community, it is acknowledged that security fencing around boundaries is often sought to protect industrial premises when they are not operating. In such instances, additional landscaping should be established adjacent to these fences to soften the visual impact of security fencing on street frontages.

Alternatives to chain-wire fencing -such as powder-coated, high, picket fencing -should be considered to improve presentation to the street.

Response:
The proposed fencing will comprise 2.0 metre security mesh fencing to the perimeter.

PARKING AND ACCESS

Car parking to cater for all users of the site (customers, visitors and people employed at the site at any one time) should be provided on the land and designed in accordance with the appropriate standard. For convenience, the following rates apply:

DEVELOPMENT USE	CAR PARKING REQUIREMENT
Industry/warehouse/depot	1 space per 100m^2 gross floor area or 1 space per 2 employees, whichever is greater
Bulk Retail or shops	1 space per 50m^2
Research establishments	1 space per 50m^2 or 1 space for every 2 employees whichever is greater

Car parking is to be conveniently located for all users and separated from heavy-vehicle manoeuvring areas. Parking areas for use by customers should therefore be located adjacent to office or display areas.

Parking areas are to be paved with appropriate materials and line-marked.

Expected employee numbers should be provided with development applications for specific proposals where the occupant is known in order to permit an assessment of required car spaces

Response:

It is proposed to provide car parking that will be conveniently located for all users and separated from heavy-vehicle manoeuvring areas. Parking areas for use by customers will be conveniently located adjacent to office. Parking areas will be paved with appropriate materials and line-marked appropriately in accordance with AS/NZ 2890.

It is expected the factory and office complex will employ 30 persons.

Using the above car parking requirements table for the development use (Factory) the total parking requirement is calculated at 79.4 spaces, the proposed development has provision for 89.0 spaces. Refer to plan details.

We have relied upon area calculations rather than an employee basis to ensure ample parking compliance in the future for an alternate industrial use.

VEHICLE ACCESS

All loading and unloading of vehicles needs to be carried out from wholly within the property. Loading areas/bays are to be accessible at all times and paved to the satisfaction of Council.

A vehicular-access driveway should be no less than 6-metres wide at the property boundary. Driveway widths may be varied at Council's discretion to ensure that vehicles may exit the development without crossing the centre line of the public road.

Internal-traffic facilities are to be designed in a manner that will facilitate manoeuvring of vehicles so that no vehicles would have to reverse onto or from a public road.

Driveways should be located a minimum distance of 6 metres from an intersection of a public road.

Driveways should be positioned at right angles to the kerb to ensure safe entry and exit from the site and should incorporate heavy-duty footpath crossings.

Manoeuvring areas should be designed to allow uninterrupted access and turning facilities for all vehicles using the site. AUSTROADS Design Vehicles and Turning Path Templates (Publication AP-34/95) is to be applied in the design of internal traffic areas.

Response:

The proposal allows for 3 access points to the allotment as follows:

- 1 exit only from Clergate Road. This will allow for a 70 degree exit for vehicles exiting left onto Clergate Road.
- 1 entry/exit located 6 metres east from the corner of Clergate Road and the proposed new road.
- 1 secondary access is proposed with a sloped driveway to the northern end of the factory. This will not be used by trucks due to the slope and is principally intended as a source of ventilation. This access will be undertaken at a later stage when the side road has been completed.

It is anticipated that all loading and offloading of heavy vehicles will be conducted on the main driveway with forklifts loading into the western facing openings. Smaller vehicles and small trucks may also be able to enter the shed.

Semi-trailers will be the main truck size used with the occasional B-Double to enter and leave the site as shown on the plans.

Internal traffic management facilities have been designed in a manner that all vehicles will enter and leave the allotment in a forward motion.

Driveways have been designed and sited in accordance with Council's requirements to include heavy duty footpath crossings.

OUTDOOR STORAGE

Storage of goods, materials, plant or equipment outdoors should only be carried out behind the building line and be screened from all public places (including roads and public parks) and adjacent residences.

Response:

It is anticipated there will be no requirement for outdoor storage of goods, materials, plant or equipment given the overall size of the warehouse.

PO 9.3-1 PLANNING OUTCOMES –INDUSTRIAL-SITE DEVELOPMENT	
1	Buildings are set back a minimum of 10 metres from front boundaries (5 metres to a secondary boundary on a corner lot) for lots greater than 1,000m2 or 5 metres for lots less than 1,000m
2	or otherwise to a setback consistent with existing setbacks in established areas. A 10m setback applies to lots that have frontage to Clergate Road.2Buildings cover up to 50% of the site area (excluding the area of accessways for battleaxe lots).
3	Landscaping is provided along boundaries fronting roads including trees with an expected mature height at least comparable to the height of buildings on the site. All sites contain an element of landscaping. Landscaping provided is of a bulk, scale and height relative to buildings nearest the front property boundary so as to provide beautification and visual relief to the built form proposed or existing on the site. The depth of the landscape bed at the site frontage is sufficient to accommodate the spread of plantings that meet the abovementioned outcomes but, where practicable, a minimum depth of 3.5m is provided. Plantings are designed to provide shade for parking areas, to break up large areas of bitumen, to enhance building preservation and to screen against noise.
4	Architectural features are provided to the front building façade to provide relief using such elements as verandahs, display windows, indented walls, etc.
5	External materials consist of non-reflective materials.

6 Adequate parking and on-site manoeuvring is provided.
7 Advertising involves business-identification signs within the front façade and/or by a pole sign comparable to the relative height to the main building on the site.
8 Security fencing is located or designed in a manner that does not dominate the visual setting of the area.

Response:

We submit the proposed development and use is compliant with Council's Planning Outcomes for Industrial site Development.

9.4 SPECIFIC REQUIREMENTS FOR CLERGATE ROAD INDUSTRIAL AREA

The Clergate Road area was originally established to provide for industries that required large land areas due to their potential off-site impacts.

The Clergate Road Industrial Area has specific development requirements for industrial development to occur along a former rural road and in an area with staged provision of services.

ROADS

To ensure that the service and function of Clergate Road as an industrial collector road is optimised, direct vehicle access to Clergate Road is not appropriate where access can be provided from a connecting road.

Clergate Road will be upgraded to a 7-metre-wide sealed carriageway on a 9-metre-wide rural road formation consistent with its function as an industrial collector road.

New roads to connect to Clergate Road are to be constructed to an industrial standard in accordance with Council's Development and Subdivision Code, including full kerb and gutter and laybacks to all side roads and pipe culverts to Clergate Road of an appropriate width to serve the development.

Response:

The proposed new road will be in compliance with Council's Development and Subdivision Code in relation to construction and industrial standard to include full kerb and gutter, appropriate laybacks and pipe culverts on Clergate Road that have an appropriate width to serve the proposed development.

SPECIFIC SITE REQUIREMENTS

A 20-metre-wide landscape buffer strip along the western ridge is to be provided prior to the release of any industrial subdivision within the subject Clergate Road Industrial Area. Any subdivision film plan must indicate an easement or restriction-to-use over the buffer area.

Response:

This requirement relates to land in the vicinity of Ralston Drive as a means of separating industrial and residential development. Not relevant to the current proposal as this site is on the eastern side of Clergate Road in relationship with Ralston Drive.

SERVICES

Approval of industrial development in the Clergate Road Industrial Area is subject to Council being satisfied that suitable arrangements have been made for water supply and the disposal of sewage.

Unserviced lots (lots without connection to the public sewerage system) require a minimum area of 2 hectares to allow for the development of industries that have a low-water demand –ie, "dry" industries such as warehouses, transport terminals, depots and the like. Industries with high-water demand and which propose to dispose of wastewater on site must be able to demonstrate that there is sufficient suitable land provided for sustainable wastewater disposal.

Council will provide sewer services to some areas of the Clergate Road Industrial Area. It is the responsibility of developers to connect to these mains provided by Council, including the provision of easements as required through private land.

Developers of the land are responsible for providing sewerage and drainage facilities capable of servicing all lots in accordance with standards required in Council's Development and Subdivision Code.

Developers will also be responsible for water connection from Council's water mains.

Land that is currently unserviced may be developed on the understanding that future connection of services to Council-provided and funded major works will be the full responsibility of developers and will not place a burden on Council resources by developing in an uncoordinated manner.

Response:

The land will be connected to water, sewer and stormwater infrastructure as part of the development.

The proposed industrial building will not adversely affect existing services nor require services to be connected for the specific project.

	PO 9.4-1 PLANNING OUTCOMES –CLERGATE ROAD INDUSTRIAL AREA
1	A range of lot sizes are provided with a small number of large lots (2ha and greater) accessing Clergate Road and smaller lots (minimum area of 4,000m^2) subject to the provision of sewerage facilities fronting new industrial roads.
2	Landscaped areas are established along the western ridge.
3	Clergate Road is upgraded to a rural collector road with a formed pavement width of 9 metres (sealed carriageways of 7 metres).
4	New roads are constructed with kerb and gutter and associated drainage structures.
5	Development is carried out in accordance with Section 9.3 above.

Response:

The proposed road width of Clergate Road may need to be assessed by Council with regard to any road widening requirements. These standards will need to be determined and included in engineering plans for any upgrade in the future.

The proposal is in compliance with the Planning Outcomes for Clergate Road Industrial Estate.

6.7 Matters Prescribed by the Regulations [Section 4.15(a)(iv)]

Regulations have not been prescribed under Section 4.15 of the Act which relate to this proposal.

6.8 The Likely Impacts of Development [Section 4.15(b)]

In summary, the likely impacts of the development have been addressed under the DCP section of our report.

Traffic and access impact is considered to be of a suitable level and within industrial expectations.

Sheet metal rolling is not a noisy process. Any cutting is done with wet saws within the building and will pose no noise impact to the nearest residence approx. 220 metres to the south west.

6.9 Suitability of the Site for Development [Section 4.15(c)]

The site forms part of a designated industrial precinct. The soil type, topography and locality are considered suitable for the proposed factory warehouse use.

6.10 Any Submissions Made in Accordance with this Act or the Regulations [Section 4.15(d)]

This requirement only applies once the application is lodged with the consent authority.

6.11 The Public Interest [Section 4.15(e)]

The proposal is considered to accord with the wider public interest in that:

- It proposes a development of land in keeping with Council's planning instruments;
- Contributes to the local economy;
- Provides for development that complements surrounding industrial land use.

7.0 SUMMARY

The proposed development could be supported by Council on the following grounds:

- The proposal is permissible and compliant with Orange LEP 2011.
- The proposal is supported under the items of consideration specified under Section 4.15 of the Environmental Planning and Assessment Act, 1979.
- Minor environmental impact.
- Council's ability to impose relevant conditions of consent relating to access where appropriate.

We trust the above information satisfies Council's requirements.

Yours faithfully

SAUNDERS & STANIFORTH

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2 July 2021 (REF: 2106.005.Letter Rev-0)

Mark Layton
6/12 Strathgrove Way
Orange NSW 2800

Storco Relocation - Acoustic Opinion for DA Application

Storco is currently located at 6-12 Strathgrove Way, Orange and intend to relocate to a larger building located on the eastern side of Clergate Road, Orange, opposite Ralston Drive. This letter is intended to provide a brief acoustic analysis to support the development of the new industrial building at the South-eastern corner of Lot 1 (DP 1085646) as indicated on the development application plans dated September 2020 - Issue E.

An acoustic assessment report by GHD (Title: "Storco Mini Storage Systems Pty Ltd – Relocation of Storage Operations Acoustic Assessment" published November 2012) was prepared for the construction of the Storco building at Strathgrove Way and accepted by Orange City Council.

The mode of operations for the new building is identical to the existing Storco building although the building orientation is rotated 90 degrees so that the onsite traffic now faces onto Clergate Road directly.

To the North of the development site the closest residential lot is 250m away at 12 Ralston Drive and 320 m to the next residential lot at 12 Illamatta Way. The residence at 12 Ralston drive is located within an industrial zoning.

All the residences on Illamatta Way and the residence at Ralson drive are acoustically shielded by the terrain and the industrial buildings located between Illamatta Way and Clergate Drive.

To the south of the site at 255 Clergate Road a residence is located 270 m from the development site, but this residence will be acoustically shielded by the industrial unit development under construction at 259 Clergate Road. All other potentially affected residential areas are at least 350 m from the development site (typical example is 13 Jasper Street) and will be less affected than the closer residences.

The closest residence to the existing Storco building is 24 Moonstone Drive, 170 m from the building envelope, the same residence was directly exposed to noise emissions from vehicle operations on the site.

Road traffic generated noise by the operation of the development will be like the operations on the existing site.

Since the publication of the GHD report, the EPA based assessment method for industrial noise has changed from the Industrial Noise Policy (INP) to the Noise Policy for Industry (NPI). The daytime residential noise criterion of 40 dBA as stated in the GHD report will still be relevant. The NPI sleep arousal criterion was updated to provide definitive noise limits, but they are not relevant for this assessment as the Storco facility does not operate during the night hours from 10 pm to 7 am.

Since the publication of the GHD report, it would be expected that background ambient levels have increased and as the area along Clergate Road undergoes industrial development ambient noise levels will naturally increase and thus increase the allowable noise criteria closer to the amenity limits.

Other current and future noise receivers are in the industrial zoning where the boundary noise criterion is now 70 dBA during hours of operation for an industrial noise receiver.

The construction noise assessment for the development remains essentially unchanged and will be suitable to apply to the new development.

Adjustments to Calculations

Page 15 of the GHD report in Table 6-1 provide modelling results for "Scenario 1 – Roller Doors Open" where there is an exceedance at the closest residence (24 Moonstone Drive) of 2 dB.

Extrapolating the GHD modelling/assessment for the new Storco building to the closest unshielded residence to the South of the development (13 Jasper Street at 350 m) the predicted noise level is 36 dBA.

The other acoustically shielded residences are all located at least 250 m from the new development site and will have a noise reduction of at least 10 dB below the predicted 42 dBA for Scenario 1.

Thus, all the residential noise receivers due to the operations of the new Storco development will comply with the residential noise criteria of 40 dBA during the day from 7 am to 6 pm.

Conclusion

Based on the this acoustic assessment and extrapolations from the GHD report for the construction and operation of the existing Storco building at 6-12 Strathgrove Way, Orange; Acoustik conclude that the new development site for the larger Storco building at Lot 1 (DP 1085646) will meet the relevant noise criteria during its construction and operations.

Recommendations in section 8.1 "Construction Noise" of the GHD report need to be followed for 8.1.1 Noise Mitigation Measures, 8.1.2 Work Ethics, and 8.1.3 Community Consultation Procedures.

Recommendations in Section 8.2 "Operational Noise" of the GHD report need to be followed with the following comments:

- Roller doors on the Western side of the building can generally remain open without exceeding daytime noise criteria. Consideration should be given to partially closing roller doors if complaints are received.
- Heavy vehicle deliveries are still limited to daytime hours.
- Any compressor or out loud outdoor located plant will be best located to the Northern end of the building or on the Western side of the building.
- Staff arriving or leaving site before 7 am or after 6 pm must be advised to consider the impact of vehicle noise on neighbouring properties.

Sincerely,

Tom Harper Digitally signed by Tom Harper Date: 2021.07.02 16:43:29 +10'00'

Tom Harper
Principal Engineer
Acoustik

Source: MCHP Architects

Storco Mini Storage Systems Pty Ltd

Relocation of Storco Operations

Acoustic Assessment

November 2012

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Appendices

Glossary

Term	Description
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound.
dB(A)	Unit used to measure 'A-weighted' sound pressure levels.
DECC	Department of Environment and Climate Change (NSW Government), later known as the Department of Environment Climate Change and Water, and now known as the Office of Environment and Heritage (OEH).
Groundborne vibration	Groundborne vibration is vibration transmitted from source to receiver via the medium of the ground.
ICNG	Interim Construction Noise Guideline.
LA90 (Time)	The A-weighted sound pressure level that is exceeded for 90% of the time over which a given sound is measured. This is considered to represent the background noise e.g. $L_{A90(15\ min)}$.
LAeq (Time)	Equivalent sound pressure level: the steady sound level that, over a specified period of time, would produce the same energy equivalence as the fluctuating sound level actually occurring.
LAeq (15 hr)	The LAeq noise level for the period 7:00 to 22:00 hours.
LAeq (9 hr)	The LAeq noise level for the period 22:00 to 7:00 hours.
Mitigation	Reduction in severity.
Rating Background Level (RBL)	The overall single-figure background level representing each assessment period (day/evening/night) over the whole monitoring period. This is the level used for assessment purposes.
Receiver	A noise modelling term used to describe a map reference point where noise is predicted. A sensitive receiver would be a home, work place, church, school or other place where people spend time.
rms or Vrms	Root Mean Square (velocity).
Short-term vibration	Vibration that occurs so infrequently that it does not cause structural fatigue nor does it produce resonance in the structure.
Tonality	Noise containing a prominent frequency or frequencies characterised by definite pitch.
Vibration	The variation of the magnitude of a quantity which is descriptive of the motion or position of a mechanical system, when the magnitude is alternately greater and smaller than some average value or reference. Vibration can be measured in terms of its displacement, velocity or acceleration. The common units for velocity are millimetres per second (mm/s).
VDV	Vibration Dose Value (VDV) - As defined in BS6472, VDV is given by the fourth root of the integral of the fourth power of the frequency weighted acceleration.
PPV	Current practices for assessments of the risk of structural damage to buildings use measurements of Peak Particle Velocity (PPV).

1. Introduction

GHD have been commissioned by Storco Mini Storage Systems Pty Ltd (Stor-Co) to undertake an acoustic assessment of the proposed relocation of Stor-Co operations to Clergate industrial area.

This acoustic assessment has been prepared to support the development application and undertaken with consideration to the following NSW Office of Environment and Heritage (OEH) guidelines:

- OEH Interim Construction Noise Guideline (2009) (ICNG).
- OEH Road Noise Policy (2011) (RNP).
- OEH Industrial Noise Policy (2000) (INP).
- OEH Noise Guide for Local Government (NGLG).

1.1 Scope of work

The scope of work for this assessment comprised:

- Initial desk top review to identify key environmental noise catchment areas and noise sensitive receptors from aerial photography.
- Baseline noise monitoring data was extracted from monitoring recently conducted by GHD in the subject area.
- Based on the monitoring data, determination of project specific noise goals for operational noise of the proposed development with consideration to the following guidelines and policies:
  - Office of Environment and Heritage (OEH) Industrial Noise Policy (INP).
  - OEH Noise Guide for Local Governments (NGLG).
  - OEH Road Noise Policy (RNP).
  - OEH Interim Construction Noise Guideline (ICNG).
- Identification of the principal noise sources as well as their potential impacts on noise sensitive receptors.
- Based on available information, determination of potential noise impacts from the site operations onto the nearest sensitive receivers.
- Comparison of predicted noise levels with the adopted noise goals.
- Desktop assessment of construction noise.
- Identification of in-principle mitigation and management recommendations where results suggest adopted noise goals may be exceeded.

2. Project description

The proposed project entails the relocation of Stor-Co which is currently located on the corner of Strathgrove Way and Clergate Road to the proposed development site at 6 and 12 Strathgrove Way (Figure 2-1). It is proposed to consolidate both lots to create a single lot for the development. The project seeks development consent for the construction of a 3844.9 m^2 general industrial building consisting of an industrial operations area (3170.3 m^2) and ancillary offices (674.6 m^2).

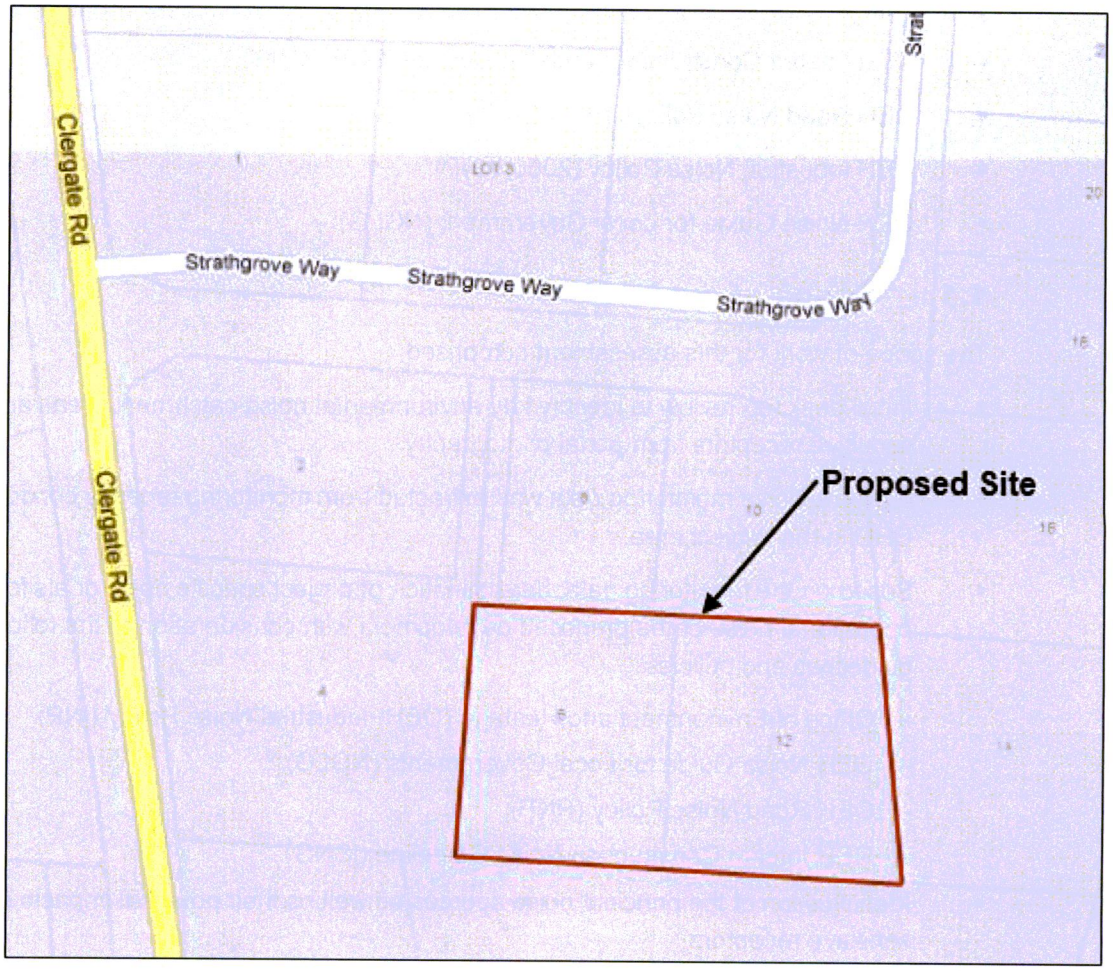


Figure 2-1 Proposed site location

(Source: Wikimapia 2012)

The proposed development site forms part of the Clergate industrial estate and is currently vacant. The subject land is relatively flat and clear of vegetation and water courses with two constructed accesses to Strathgrove Way.

Information received from Stor-Co indicates that the proposed development would operate as follows:

- Monday to Friday 6 am to 6 pm
- Saturday 8 am to 3 pm.

Potential noise issues associated with the proposed development operations include:

- Cars and light vehicles entering / leaving the site.
- Heavy vehicles entering/ leaving the site.
- The operation of mechanical equipment (e.g. power hack saws, roll formers, arc welders etc) within the main building.

2.1 Surrounding land use

The subject site and the area immediately surrounding the area is currently zoned IN1 General; Industrial under the *Orange City Council Local Environment Plan (LEP)*[1] *2011*. Beyond the adjacent lots, the areas surrounding the site are industrial areas are residential receivers located on land zoned as 'General Residential R1' across Clergate Road. Also found within the vicinity of the industrial areas are lands zoned as 'Public Recreation RE1' and 'Private Recreation RE2'.

Figure 2-2 shows the various land uses surrounding the proposed development site.

According to the Orange City Council Orange Industrial Area Noise Master Plan (OCC Industrial Area Noise Master Plan, GHD report 99830) the existing ambient noise environment is primarily controlled by the following noise sources:

- Traffic on Clergate Road and Strathgrove Way.
- Industrial operations within the Clergate industrial area.

2.2 Sensitive receivers

Noise sensitive receivers in the vicinity of the proposed development site are primarily the residential receivers located across Clergate Road. Figure 2-2 shows the location of the nearest most affected residential receiver (R1), Lot 401 Moonstone Drive approximately 185 m from the proposed site.

[1] http://www.orange.nsw.gov.au/site/index.cfm?display=147140

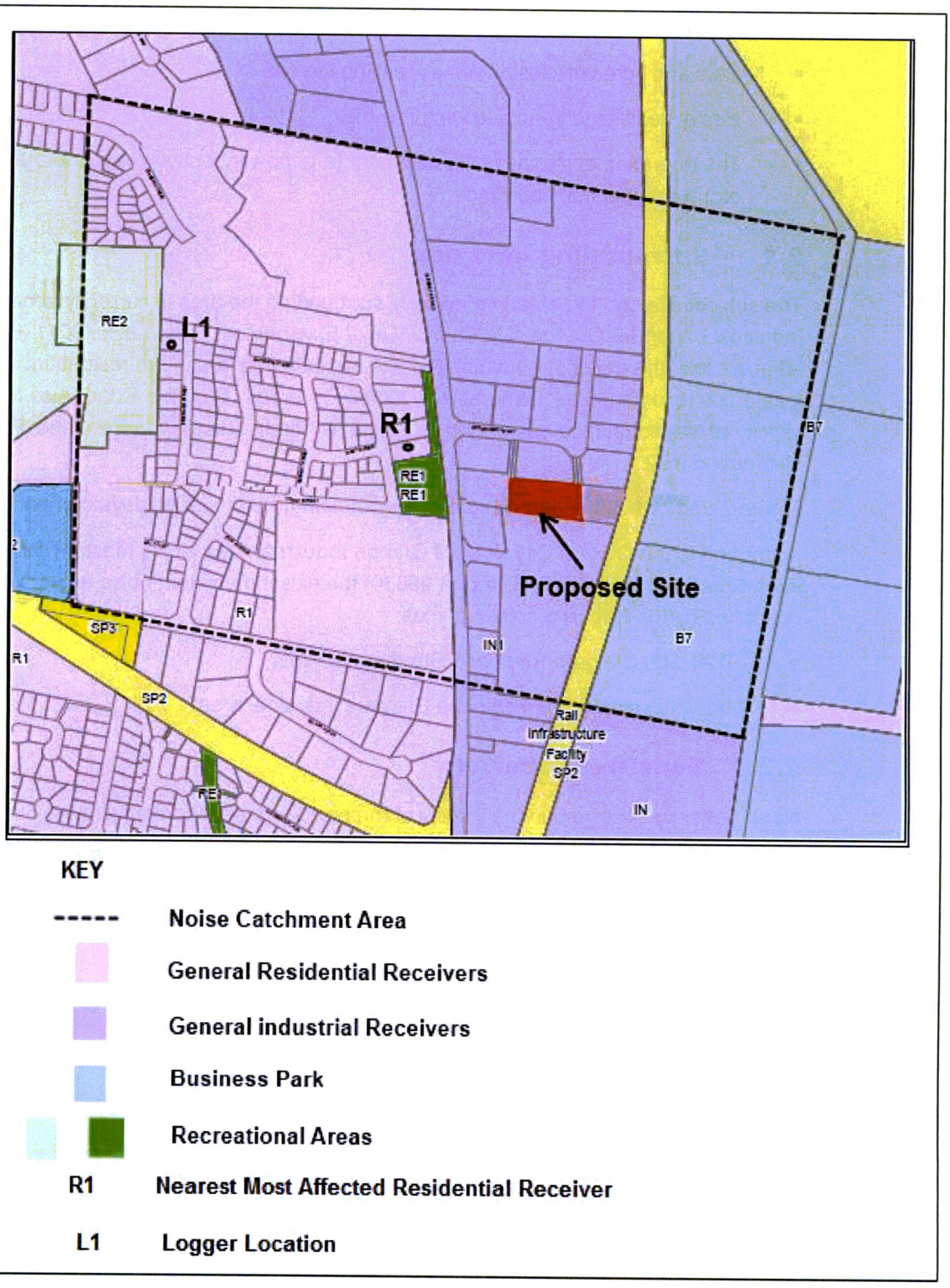


Figure 2-2 Noise Catchment Area – Sensitive Receiver Locations

(Source: Orange City Council Local Environment Plan (LEP) Zoning Maps 2011)

3. Existing environment

For this assessment details of the existing environment for Clergate have been obtained from the results of the environmental noise monitoring outlined in the OCC Industrial Area Noise Master Plan.

3.1 Noise monitoring

3.1.1 Unattended noise monitoring

Unattended Noise monitoring was undertaken at 29 Emerald Street Clergate between 31/08/2012 and 10/09/2012 (Location L1 on Figure 2-2). This location was considered to be representative of the existing ambient noise environment. The monitoring location was also chosen as it was identified by GHD as being a safe and secure place for unattended equipment.

Noise monitoring was undertaken using a SVAN 955 environmental noise logger within current calibration, capable of measuring continuous sound pressure levels and L_{A90}, L_{A10}, L_{Aeq} and L_{Amax} noise descriptors. The instrument was programmed to accumulate environmental noise data continuously over sampling periods of 15 minutes for the entire monitoring period.

Field calibration checks were undertaken immediately before and after the monitoring period with a sound pressure level of 94 dB at 1 kHz using a Larson Davis CAL 200 Acoustic sound level calibrator (serial number 9193).

The data collected by the logger was downloaded and analysed, and any invalid data removed. According to the INP, invalid data generally refers to periods of time where average wind speeds (over 15 minute periods or shorter) at microphone height are greater than 5m/s (or 7m/s at 10 m to compare with the Bureau of Meteorology Automatic Weather Station data), or when more than 0.5 mm of rainfall occurs. Concurrent weather data for the monitoring period was sourced from the nearest Bureau of Meteorology Station at the Orange Airport, (station number 063303) 11 km SSE of Orange, set to record 15 minute averages.

Details of the noise logger and location are provided in Table 3-1. All sampling activities were undertaken with consideration to the specifications outlined in AS 1055(1997) *'Description and Measurement of Environmental Noise'* and the NSW INP.

Table 3-1 Unattended Noise Logger Details

Noise Logger	Location 1
Monitoring Location	29 Emerald Street
Receiver Type	Residential (Clergate)
Location ID	L1
Logger Type/ Serial No	SVAN 955/ 27612
Measurement Started	31/08/2012 12:57
Measurement Ceased	10/09/2012 12:27
Pre Calibration	93.9
Post Calibration	94.0
Frequency Weighting	A
Time Response	Fast

Noise Logger	Location 1
Photographs	

3.1.2 Attended noise monitoring

Attended noise measurements were taken on 20 August 2012 and 21 August 29 Emerald Street Clergate (Location 1). Attended monitoring was conducted for 15 minute durations in order to identify ambient noise sources and validate logger data. Instantaneous noise levels for operator identified noise sources were observed and noted during measurements. One set of measurements was conducted during the daytime, evening and night-time period.

The attended measurements were taken using a Rion NL 22 Sound Level Meter (SLM). This is a Type 2 Instrument which is capable of measuring continuous sound pressure levels and able to record L_{Amin}, L_{A90}, L_{Amax}, L_{Aeq} noise descriptors. Field calibration was checked by GHD immediately before and after the measurements using a sound level calibrator. Noise instrument details are provided in Table 3-2.

Table 3-2 Attended Monitoring Instrumentation Details

Instrument	Serial Number	Calibration Due Date
Rion NL 22 SLM	852196	30/7/2013
Larson Davis CAL 200 Acoustic sound level calibrator	9193	22/02/2013

3.2 Summary of unattended monitoring results

A summary of the calculated background L_{A90} (day, evening and night) noise levels and ambient L_{Aeq} (day, evening and night) noise levels for the monitoring period at the unattended logger location obtained from the OCC Industrial Area Noise Master Plan are provided in Table 3-3. Noise Monitoring charts are presented in Appendix A.

Table 3-3 Location 1 Unattended Noise Results - Background LA90 and Ambient L_{Aeq} Noise Levels, dB(A)

Date	Background L_{A90} Noise Levels		
	Day	Evening	Night*
Friday-31-Aug-12	43	40	32
Saturday-1-Sep-12	35	35	30
Sunday-2-Sep-12	30	34	36
Monday-3-Sep-12	31	34	35
Tuesday-4-Sep-12	30	27	33
Wednesday-5-Sep-12	40	-	35
Thursday-6-Sep-12	39	30	36
Friday-7-Sep-12	37	40	43
Saturday-8-Sep-12	43	34	31
Sunday-9-Sep-12	34	35	36
Monday-10-Sep-12	34	-	
Overall RBL	**35**	**34**	**35**

*Note: As operations will be undertaken from 6am to 6pm, the night-time period was considered to be from 6:00 am to 7:00 am, and therefore the night time RBL was calculated between these hours.

3.3 Summary of Attended Monitoring Results

Attended monitoring was undertaken on 20/08/2012 and 21/08/2012 at monitoring location. One set of measurements was conducted during the daytime, evening and night-time period.

A summary of the attended noise monitoring results are given in Table 3-4.Note that industrial noise was generally not audible at the residential noise monitoring location.

Table 3-4 Attended Monitoring Results, 20 August 2012 – 22 August 2012

Location	Receiver Type	Date	Measurement Time		Measured Noise Levels dB(A)			Observations
			Start	Stop	L90	L10	LAeq	
L1	Residential	21/08/2012	12:14	12:29	38	48	51	Road traffic noise and domestic noise e.g. barking dogs and conversation dominant noise sources. Frogs also audible during the evening and night-time. No rail noise observed.
		20/08/2012	21:16	21:31	33	42	41	
		20/08/2012	23:40	23:55	28	36	33	

4. Noise criteria

The noise criteria adopted for this assessment have been determined from the results outlined in the OCC Industrial Area Noise Master Plan.

4.1 Construction noise criteria

Construction noise criteria are sourced from the *Interim Construction Noise Guideline* (ICNG) (2009).

The recommended standard hours for construction activities are as follows:

- Monday to Friday: 7 am to 6 pm.
- Saturday 8 am to 1 pm.
- No work on Sundays or Public Holidays.

The proposed construction activities are expected to generally occur during standard construction hours. However, the ICNG acknowledges that the following activities have justification to be undertaken outside the recommended construction hours:

- Emergency work.
- The delivery of oversized plant or structures.
- Works for which it can be demonstrated that there is a need to operate outside the recommended standard hours.

A summary of the project specific ICNG construction noise management levels (CNML) at the identified noise sensitive receivers is shown in Table 4-1 for the daytime period. The ICNG construction criteria for commercial or industrial land use are independent of the RBL.

Table 4-1 Daytime ICNG CNMLs at Identified Receivers, dB(A)

Noise Catchment Area	Receiver Type	Background Level $L_{A90(15\ min)}$ dB(A)	ICNG Construction Noise Management Level $L_{A(15\ min)}$ dB(A)
Clergate	Residential	35	Noise Affected – 45 Highly Noise Affected
	Industrial	Not Applicable	75
	Commercial	Not Applicable	70

For the identified receivers the noise affected CNML represents the point above which there may be some community reaction to noise. Where the noise affected CNML is exceeded, all feasible and reasonable work practices to minimise noise should be applied and all potentially impacted residences should be informed of the nature of the works, expected noise levels, duration of works and a method of contact. For residential receivers the CNML is the background noise level plus 10 dB(A) during recommended standard hours and the background noise level plus 5 dB(A) outside of recommended standard hours.

The highly noise affected CNML represents the point above which there may be strong community reaction to noise. Where noise is above this level, any feasible and reasonable ways to reduce noise below this level should be carefully considered. If no quieter work method is feasible and reasonable, the impacted residence should be clearly explained to the duration and noise levels of the works and any respite periods that would be provided. The ICNG sets the highly affected CNML during standard hours (e.g. day period) at 75 dB(A) for residential receivers.

4.2 Operational noise criteria

The INP provides guidance on the assessment of operational noise impacts. The guideline includes both intrusive and amenity criteria that are designed to protect receivers from noise significantly louder than background level, and to limit the total noise level from all sources near a receiver.

The INP noise criteria are planning levels, not mandatory limits required by legislation; however the noise criteria assist the regulatory authorities to establish licensing conditions. Where noise criteria are predicted to be exceeded, feasible and reasonable noise mitigation strategies should be considered.

4.2.1 Intrusive criteria

The intrusive noise criteria controls the relative audibility of operational noise compared to the background level at residential receivers. The intrusive criteria are determined by a 5 dB addition to the measured (or adopted) background level with a minimum of 35 dB(A). The INP recommends that the intrusive noise criteria for the evening period should not exceed the daytime period and the night-time period should not exceed the evening period. The intrusive criteria are only applicable to residential receivers.

4.2.2 Amenity criteria

The amenity criteria limits the total level of extraneous noise for all receiver types and is based on the overall acoustic characteristics of the receiver area and the existing level of noise, excluding other sources that are uncharacteristic of the usual noise environment. Residential receivers are characterised into 'urban', 'suburban', 'rural' or other categories based on noise criteria specific to land use and associated activities.

With consideration to the INP 'Noise Amenity Area' Classification, the residential receivers identified in this assessment have been classified as 'suburban' based on the land use zones of the area outlined in the OCC LEP (2011).

Table 2.2 in the INP provides modifications to the amenity criteria at residential receivers for existing levels of industrial noise. As the Clergate residential monitoring locations was not affected by existing industrial noise, as discussed in the OCC Industrial Area Noise Master Plan, Table 2.2 modifications have not been applied.

Where the same number applies to the amenity and intrusive criteria, the intrusive criteria would typically be more stringent because it is determined over a much shorter period of 15 minutes. In cases where the predicted amenity noise level is lower than the intrusive level for the proposed development, the proponent needs to ensure that both levels are satisfied.

The project specific noise criteria for residential receivers in the Clergate Noise Catchment Area are provided in Table 4-2. The rating background levels have been taken from Section 3.2. It is important to note that the RBL has been determined from logging at L1 approximately 550 m from the proposed site, whereas the nearest most affected receiver to the development (R1) is located adjacent to Clergate Road. The background levels at this receiver are likely to be higher than those measured at L1 and therefore the project criteria presented in Table 4-2 are expected to be conservative.

Table 4-2 Operational Noise Criteria for Proposed Development

Criterion	Day (7am to 6 pm)	Night (6 am to 7 am)*
A. Rating Background Level, $L_{A90(Period)}$	35	35
B. Intrusiveness Criteria (A+ 5dB), $L_{Aeq(15min)}$	40	40
C. Suburban Amenity Criteria $L_{Aeq\ (Period)}$	55	40
Project Specific Criteria	**40**	**40**

*See note to Table 3-3

4.3 Road traffic noise

The OEH Road Noise Policy (RNP) 2011 provides non - mandatory noise assessment criteria for land use developments with the potential to create additional traffic on existing freeways/ arterial roads, sub arterial roads and local roads.

For this assessment Clergate Road has been considered a sub – arterial road whilst Strathgrove Way has been considered a local road. The relevant road traffic noise criteria are presented in Table 4-3.

Table 4-3 RNP Road Traffic Noise Assessment Criteria for Residential Land Uses

Road Name	Road Category	Types of Land Use	Assessment Criteria dB(A)	
			Day (7 am – 10 pm)	Night (10 pm – 7a
Clergate Road	Sub -arterial road corridor	Existing residences affected by additional traffic on existing sub-arterial roads generated by land use developments	LAeq (15 hour) 60 (external)	LAeq (9 hou 55 (externa
Strathgrove Way	Local roads	Existing residences affected by additional traffic on existing local roads generated by land use developments	LAeq (1 hour) 55 (external)	LAeq (1 hou 50 (externa

Accepted application of Section 2.4 of the RNP is that where road traffic noise levels already exceed the assessment criteria, an increase of less than 2 dB represents a minor impact that is barely perceptible to the average person.

4.4 Sleep disturbance

The OEH Noise Guide for Local Government (NGLG) recognises that there is currently no definitive guideline to indicate a noise level that causes sleep disturbance. However the NGLG does provide a screening test that can be applied to indicate the potential for sleep disturbance from short-term noise events to occur. To assess the potential sleep disturbance during night-time (10:00 pm to 7:00 am) Section 2.2.4 of the NGLG recommends that $L_{A1,1\ min}$ levels (the level exceeded for 1% of the specified time period of 1 minute) outside a bedroom window should not exceed the background level by more than 15 dB.

Table 4-4 presents the sleep disturbance assessment goals for the most affected receivers in the Noise Catchment Area.

Table 4-4 Sleep Disturbance Criteria, dB(A)

Existing Night RBL	Sleep Disturbance Criteria , LA1,1 min
35	50

5. Construction noise impact assessment

The ICNG provides a framework for the identification and minimisation of noise from construction projects. For this assessment a quantitative assessment approach has been taken.

A detailed construction schedule is not available at this stage. The equipment expected to be required for typical construction activities is listed in Table 5-1. Construction noise impacts associated with the proposal were estimated using the well-known distance attenuation relationship described in Equation 1.

$$SPL = SWL - 20Log(d) + 10Log(Q) - 11 \qquad \text{Equation (1)}$$

Where *d = distance (m) between source and receiver*

Q = Directivity index (2 for a flat surface)

SPL = sound pressure level at the distance d from the source

SWL = sound power level of the source

Input sound power levels were sourced from Australian Standard (AS) 2436:2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and the equipment noise levels were distance attenuated using Equation 1. The propagation calculations take into account sound intensity losses due to hemispherical spreading, with additional minor losses such as atmospheric absorption, directivity, ground absorption and shielding ignored in the calculations. This is considered a conservative approach.

It should be noted that the magnitude of off-site noise impact associated with construction would be dependent on a number of factors. These include:

- The intensity and location of construction activities.
- The type of equipment used.
- Existing local noise sources.
- Intervening terrain.
- The prevailing weather conditions.

For the purpose of noise level predictions, it has been assumed that all construction equipment listed in Table 5-1 will be operating at maximum levels at the same time.

In fact, construction machinery will likely move about the site altering noise impacts with respect to individual receivers. During any given period, the machinery items to be used at the site will operate at maximum sound power levels for only brief stages. At other times, the machinery may produce lower sound power levels while carrying out activities not requiring full power. It is highly unlikely that all construction equipment would be operating at maximum sound power levels at any one time and certain types of construction machinery will be present at the site for only brief periods during construction. Therefore the predictions are considered to be conservative estimates.

Table 5-1 Construction Equipment and Estimated Predicted Noise Level at Distance, dB(A)

Construction Phase	Equipment	Sound Power Level dB(A)	Sound Pressure Level dB(A) L_{Aeq} at distance from Noise Source												
			5	10	20	25	27	50	100	200	300	350	400	500	850
Contractor Mobilisation	Delivery truck	104	82	76	70	68	67	62	56	50	46	45	44	42	37
Earth Works	Excavator 20T	102	80	74	68	66	65	60	54	48	44	43	42	40	35
	Roller	100	78	72	66	64	63	58	52	46	42	41	40	38	33
	Truck	104	82	76	70	68	67	62	56	50	46	45	44	42	37
Civil Works	Concrete truck	107	85	79	73	71	70	65	59	53	49	48	47	45	40
	Concrete pump	90	68	62	56	54	53	48	42	36	32	31	30	28	23
Building Works	Mobile crane	99	77	71	65	63	62	57	51	45	41	40	39	37	32
	Truck	104	82	76	70	68	67	62	56	50	46	45	44	42	37
	Hand tools	100	78	72	66	64	63	58	52	46	42	41	40	38	33
	Welder	95	73	67	61	59	58	53	47	41	37	36	35	33	28
Total	**All**	**112**	**90**	**84**	**78**	**76**	**75**	**70**	**64**	**58**	**54**	**53**	**52**	**50**	**45**

An analysis of the results presented in Table 5-1 indicates that during standard hours:

- Residential receivers located within 500m of the site may be subject to construction noise levels exceeding the noise affected CNML of 45 dB(A) at times. No residential receiver is expected to receive construction noise levels over the highly affected noise affected level of 75 dB(A).
- The commercial and industrial receivers located immediately adjacent to the site may be subject to construction noise levels exceeding the relevant ICNG CNML for commercial and industrial receivers at times.

It is recommended that the mitigation measures detailed in Section 8 be considered and implemented where reasonable and feasible to reduce noise impacts.

6. Operational noise impact assessment

6.1 Noise modelling software

Acoustic modelling was undertaken using Computer Aided Noise Abatement (CadnaA) version 4 to predict the effects of site related noise from the proposed development.

CadnaA is a computer program for the calculation, assessment and prognosis of noise propagation. CadnaA calculates environmental noise propagation according to ISO 9613-2- *Acoustics – Attenuation of sound during propagation outdoors*. Ground absorption, reflection, terrain and relevant shielding objects are taken into account in the calculations.

The proposed development has been modelled based on available data at the time of assessment and, as such, should be used for comparison purposes only.

6.2 Noise generating equipment

Based on the information provided, GHD understand that the proposed development will be used primarily for manufacturing activities which consist of metal fabrication, sheet metal working and roll forming. The main machines to be used for these operations are detailed below:

- Power hack saws (2)
- 60 t. hydraulic punch and shear.
- Hydraulic press brake (2)
- Belt grinder
- Arc welders
- 9" disc grinders
- Roll formers (5) each equipped with its own guillotine.
- 3m. programmable folder
- 5mm guillotine
- 5 Horse Power 3 Cylinder air compressor.

Due to the type of equipment being used and the nature of the manufacturing operations being conducted it is expected that the noise sources identified will run at full load for brief periods of time during the day. In addition to this some equipment, for example the guillotine and the hydraulic punch and shear are expected to produce short-term, impulsive noise.

Due to the nature of the proposed activities, it is unlikely that all of the above sources would operate at once. In practice, noise levels within the workshop would fluctuate depending on which machines are in use and it is anticipated that ambient noise levels in the workshop would normally not exceed the occupational noise limit of 85dB(A), except in close proximity of some of the machines (e.g. 9" grinders) when in use.

6.3 Modelling methodology

For this assessment, due to the fluctuating nature of the works, the operational noise impacts for the proposed development have been modelled based on the occupational health and safety target sound pressure level of 85 dB(A) .It is expected that the above would lead to a conservative assessment of the potential noise impacts.

Two modelling scenarios were considered for this assessment:

- Scenario 1 - The roller doors indicated on the Development Application drawing for Stor-Co provided by MCHP Architects (drawing number 12-045-DA02 revision C) were considered open
- Scenario 2 - : The roller doors as indicated on the drawings were considered closed as all operations are expected to be confined to the building.

It is our understanding that the roller doors would be generally kept closed outside truck deliveries or hot days.

6.4 Model configuration

Digital terrain contours (2 m and 10 m contours) and cadastral data were utilised in the model. Development Application drawings for Stor-Co provided by MCHP Architects (drawing number 12-045-DA01 – 12045-DA06 revision C) were also used to model the building layout and dimensions.

The following assumptions were made with regard to the model configuration:

- A general ground absorption coefficient of 0.5 was used throughout the model.
- For daytime, atmospheric conditions of 20˚C and 70% humidity was used.
- ISO 9613-2 propagation algorithm assumes moderate downwind or temperature inversion conditions. This will lead to conservative results compared to neutral conditions..

The model configuration for the noise sources was as follows:

- The building materials were based on steel cladding with sound reduction index Rw 25; 115 mm pumice stone concrete-solid block with sound reduction index Rw 42 and sheet metal used for the roller doors with Rw 19.
- The model also includes a 5 Horse power 3 cylinder air compressor housed externally on the East side of the building
- Light and heavy vehicle volumes were based on movement data provided by Stor-Co
- Light vehicles were modelled as moving point sources and assumed to be travelling at 20 km/hr
- Heavy vehicles manoeuvring around the site were modelled as moving point sources and assumed to be travelling at a vehicle speed of 10 km/hr.

6.5 Noise modelling results

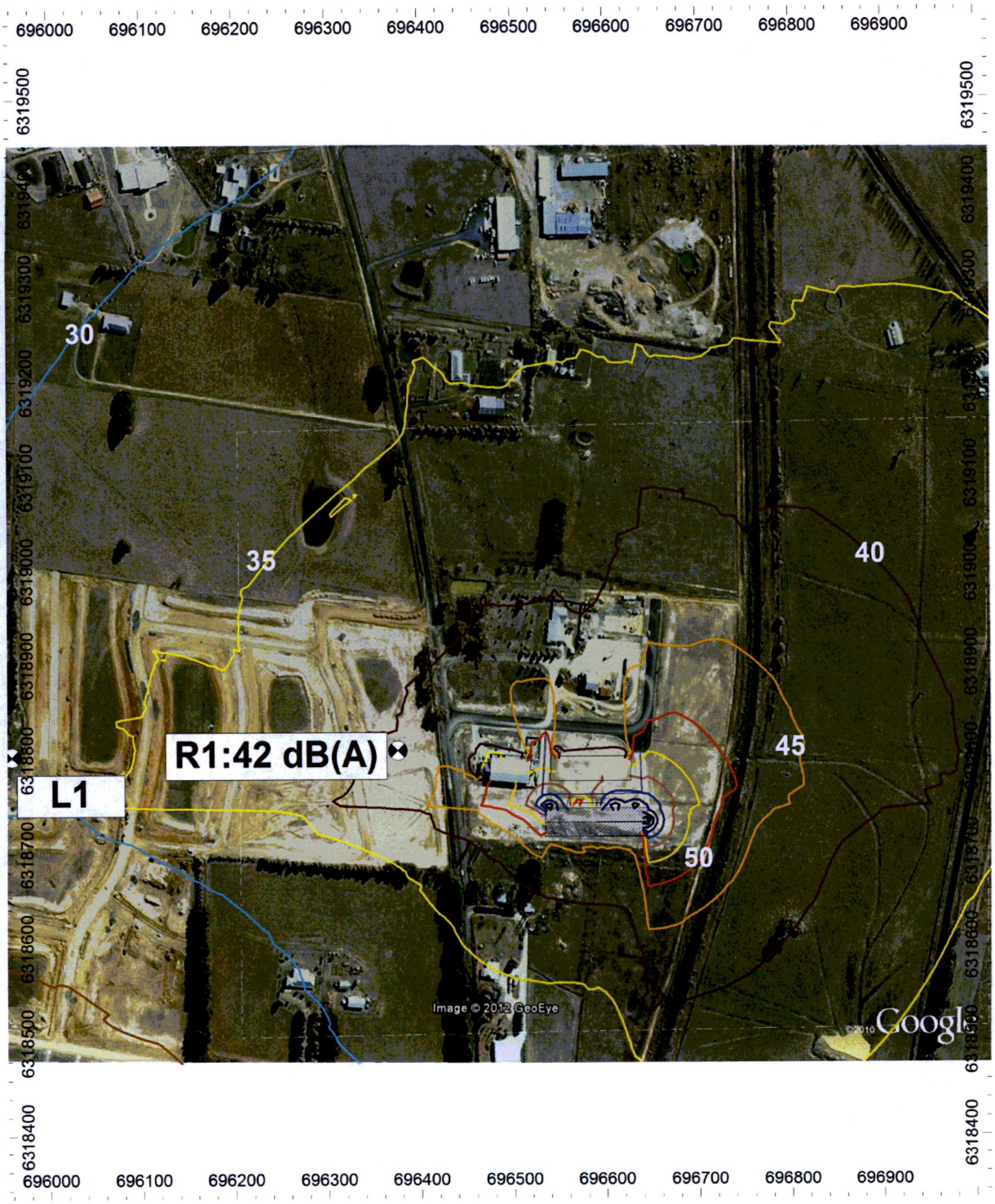
A summary of the predicted sound pressure levels at the nearest most affected receiver (R1) due to the proposed development is shown in Table 6-1. Where model results suggest an exceedance of the criteria, the values are shown in **bold text**. Figure 6-1 and Figure 6-2 show the predicted sound pressure level contours for the operations.

Table 6-1 Modelled Receiver Sound Pressure Levels - dB(A) (Leq)

Most Affected Receiver	Criteria	Scenario 1 - Roller Doors Open		Scenario 2 - Roller Doors Closed	
		Noise Impact	Criteria Exceedance	Noise Impact	Criteria Exceedance
R1	40	42	2	35	-

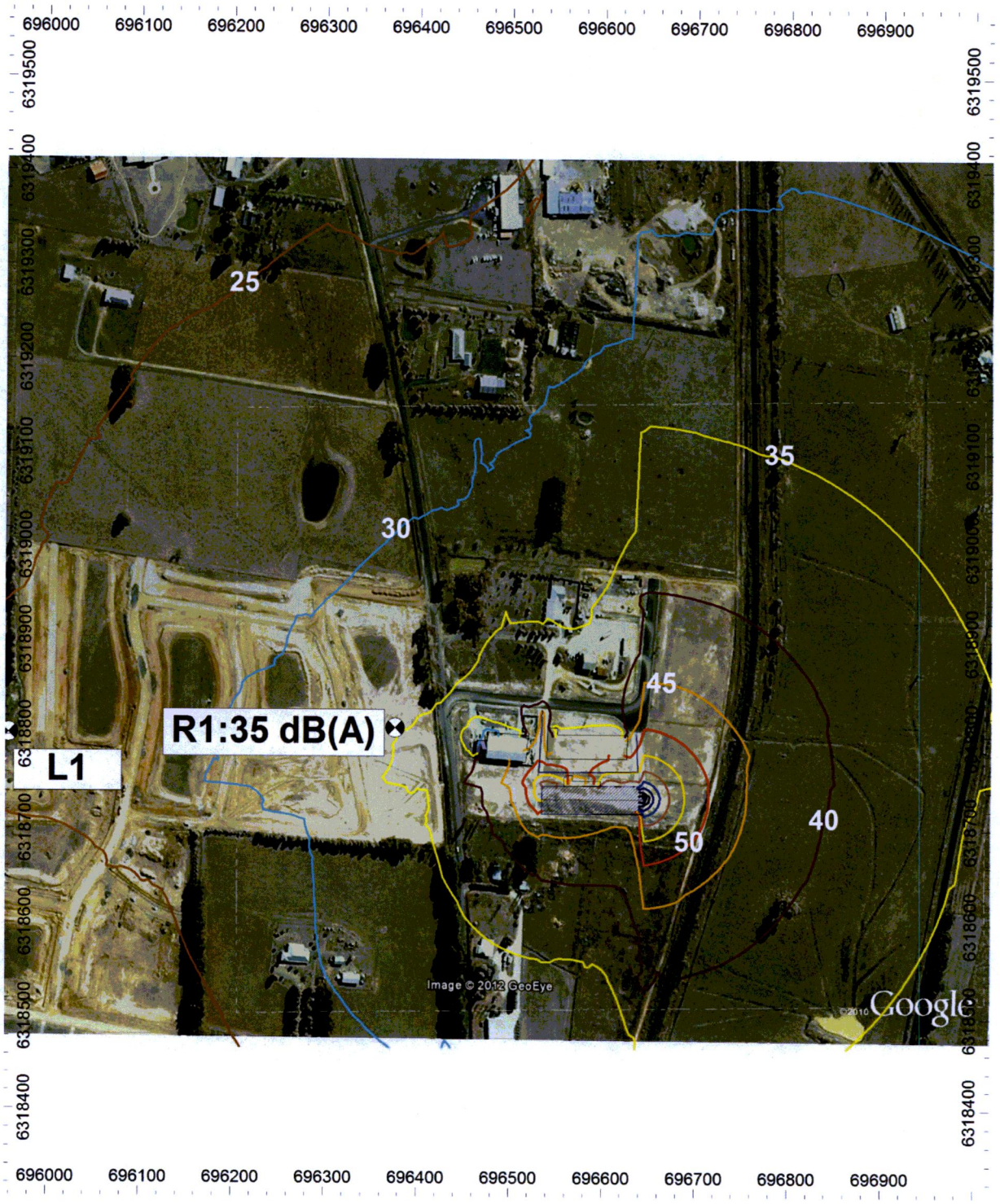
The modelled results shown in Table 6-1 indicate the following:

- Noise levels would be expected to exceed the criteria by 2 dB at R 1 (the most affected residential receiver in the noise catchment area) if there was a high level of activity within the work shop (e.g. a number of machines operating at once) and the three roller doors were open. Even though, it should be remembered that the noise criterion at R1 is stringent and, to that extent, it is our opinion that the predicted noise impact would likely be acceptable.
- Noise levels are expected to be well below the 40 dB(A) operational criteria at R1 when the roller doors are closed.



Scenario 1 - Roller Doors Open
Noise Contours : LAeq
Receiver Height: 1.5 m
Sound Pressure Level dB(A)

Figure 6-1 Scenario 1 - Roller Doors Open



Scenario 2 - Roller Doors Closed
Noise Contours : LAeq
Receiver Height: 1.5 m
Sound Pressure Level dB(A)

Figure 6-2 Scenario 2 - Roller Doors Closed

6.6 Sleep disturbance

As the proposed development is expected to operate from 6:00 am to 6:00 pm Monday to Friday, there is the potential for sleep disturbance at the nearest sensitive receivers from 6:00 am to 7:00am (which under the INP is part of the night-time period). The most likely dominant noise sources which have the potential to cause sleep disturbance is the arrival of staff on site. Based on the results of the operational modelling undertaken it is expected that received noise levels will comply with the sleep disturbance criteria of 50 dB(A) outlined in Section 4.4.

7. Traffic noise on public roads

The development and operations of Stor-Co may increase traffic movements along the sub-arterial and local roads in the vicinity of the development.

Potential traffic noise impacts were reviewed using the United Kingdom Department of Transport 'Calculation of Road Traffic Noise' (CoRTN) algorithm as a basis. CoRTN is recognised and accepted by OEH and adapted to Australian conditions through research undertaken by the Australian Road Research Board (ARRB). Equation 2 shows the expected traffic noise differential as a result of changing volumes.

$$\Delta dB = 10Log\left(\frac{V+T}{V}\right)$$ Equation (2)

Where V = existing traffic volume

T = predicted increase in traffic volume

ΔdB = increase in road traffic impact

For this assessment it has been assumed that all vehicles will access the proposed site from Clergate Road via Strathgrove Way with the vast majority of vehicle movements associated with Stor-Co's industrial operations expected to occur between of 6.00 am and 6.00 pm. The exact number of vehicles arriving onsite will vary from day to day. However, it is expected that a maximum of 6 heavy vehicles and 4 light delivery vehicles per day are anticipated onsite with all loading and unloading of heavy materials to be done inside the proposed building. Even assuming that there is a very low existing traffic volume of 100 vehicle movements per day on Clergate Road or Strathgrove Way the expected increase in noise levels as a result of Stor-Co's operations would be less than 0.5 dB. In practice, Stor-Co's contribution to local traffic noise levels is expected to be insignificant.

8. Recommended mitigation measures

8.1 Construction noise

8.1.1 Noise mitigation measures

It is recommended that the following construction noise mitigation measures be implemented, where reasonable and feasible, to reduce the impact on the surrounding noise sensitive receivers during construction:

- Construction activities would be scheduled during the recommended daytime construction hours as outlined in the ICNG (7 am to 6 pm Monday to Friday, 8 am to 1 pm on Saturday, no work on Sunday and Public Holidays).
- Turn off plant that is not being used.
- The use of alternative work practices which generate less noise, such as using hydraulic rock splitters instead of rock breakers or using electric equipment instead of diesel powered equipment should be examined and implemented.
- Silenced equipment should be used and stationary plant (such as generators and lighting plant) should have acoustic enclosures.
- Noisy plant should be located away from potentially noise affected residences or behind barriers.
- To reduce the annoyance associated with reversing alarms, broadband reversing alarms (audible movement alarms) are preferred for all site equipment. Satisfactory compliance with occupational health and safety requirements would need to be achieved and a safety risk assessment may need to be undertaken to determine that safety is not compromised. (Refer to Appendix C of the ICNG for more information.).
- The work site should be arranged in such a way as to minimise the use of movement alarms on vehicles and mobile plant.
- All equipment would be selected to minimise noise emissions. Therefore, machines found to produce excessive noise compared to normal industry expectations should be removed where possible from the site or stood down until repairs or modifications can be made. Table 8-1 presents noise control measures and expected noise reductions according to Australian Standard AS 2436 – 2010 *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites.*

Table 8-1 Relative Effectiveness of Various Forms of Noise Control dB(A)

Noise Control Method	Typical Noise Reduction dB(A)	Maximum Noise Reduction dB(A)
Distance	Approximately 6 per doubling of distance	
Screening	5 – 10	15
Acoustic Enclosures	15 – 25	50
Engine Silencing	5 – 10	20

8.1.2 Work Ethics

All site workers should be sensitised to the potential for noise impacts on local residents and encouraged to take practical and reasonable measures to minimise the impact during the course of their activities. This should include:

- Avoiding the use of loud radios.
- Avoiding shouting and slamming doors.
- Where practical, machines should be operated at low speed or power and switched off when not being used rather than left idling for prolonged periods.
- Keep truck drivers informed of designated vehicle routes, parking locations and delivery hours.
- Minimising reversing.
- Avoiding dropping materials from height and avoiding metal to metal contact on material.
- Keeping all engine covers closed whilst equipment is operating.

8.1.3 Community consultation procedures

Consultation and cooperation with the neighbours to the site will assist in minimising uncertainty, misconceptions and adverse reactions to noise. The following relation measures should be implemented:

- The contractor should establish contact with residents affected by construction noise and communicate the construction program and progression a regular basis, particularly when noisy of vibration generating activities are planned. Communication with the local community should be maintained throughout the construction period.
- The constructor would provide a community liaison phone number and permanent site contact so that noise complaints can be received and addressed in a timely manner.
- Upon receipt of a noise complaint, monitoring would be undertaken and reported as soon as possible. If exceedances are detected, the situation would be reviewed in order to identify means to reduce the impact to acceptable levels.

8.2 Operational noise

8.2.1 Site operations

It is recommended that the following measures be implemented in order to minimise the proposed development noise emissions:

- The three roller doors should be kept closed or partially closed during periods of heightened activity where possible.
- Heavy vehicle deliveries are limited to daytime hours.
- The compressor is located well away from the nearest residential area and positioned so that there is no line of sight with any residential receivers.

8.2.2 Vehicle related noise

- Staff arriving or leaving the site before 7 am or after 6 pm should be aware of the potential for noise impact at nearby sensitive receivers.

9. Conclusion

The main findings of this noise impact assessment are as follows:

9.1 Construction noise and vibration

Construction noise impacts are expected to be generally acceptable provided they occur during the daytime hours as recommended in the Interim Construction Noise Guideline. Reasonable and practical mitigation measures have been provided in Section 8.1 to assist in minimising construction noise impacts.

9.2 Operational noise

The operational noise assessment suggests that project-specific noise goals should be achievable provided that:

- The three roller doors at the north end of the building are kept closed or partially closed during periods of heightened activity where possible.
- Heavy vehicle deliveries are limited to daytime hours.
- The compressor is located well away from the nearest residential area and positioned so that there is no line of sight with any residential receivers..

9.3 Traffic noise

Traffic noise generated by the site is expected to be negligible.

In conclusion, based on the information provided, noise emissions from the proposed development are expected to generally comply with the noise criteria presented in Section 4 of this report provided the recommendations outlined in Section 8 are implemented.

10. Limitations

This Acoustic Assessment ("Report"):

- Has been prepared by GHD Pty Ltd ("GHD") for Storco Mini Storage Systems Pty Ltd ("Stor-Co").
- May only be used and relied on by Stor-Co.
- Must not be copied to, used by, or relied on by any person other than Stor-Co without the prior written consent of GHD.
- May only be used for the purpose of assessing the noise impacts of the proposed development (and must not be used for any other purpose).

GHD and its servants, employees and officers otherwise expressly disclaim responsibility to any person other than Stor-Co arising from or in connection with this Report.

To the maximum extent permitted by law, all implied warranties and conditions in relation to the services provided by GHD and the Report are excluded unless they are expressly stated to apply in this Report.

The services undertaken by GHD in connection with preparing this Report were limited to those specifically detailed in Section 1.1 of this Report;

The opinions, conclusions and any recommendations in this Report are based on assumptions made by GHD when undertaking services and preparing the Report ("Assumptions"), including (but not limited to):

- Assumptions provided in Sections 5 and 6.

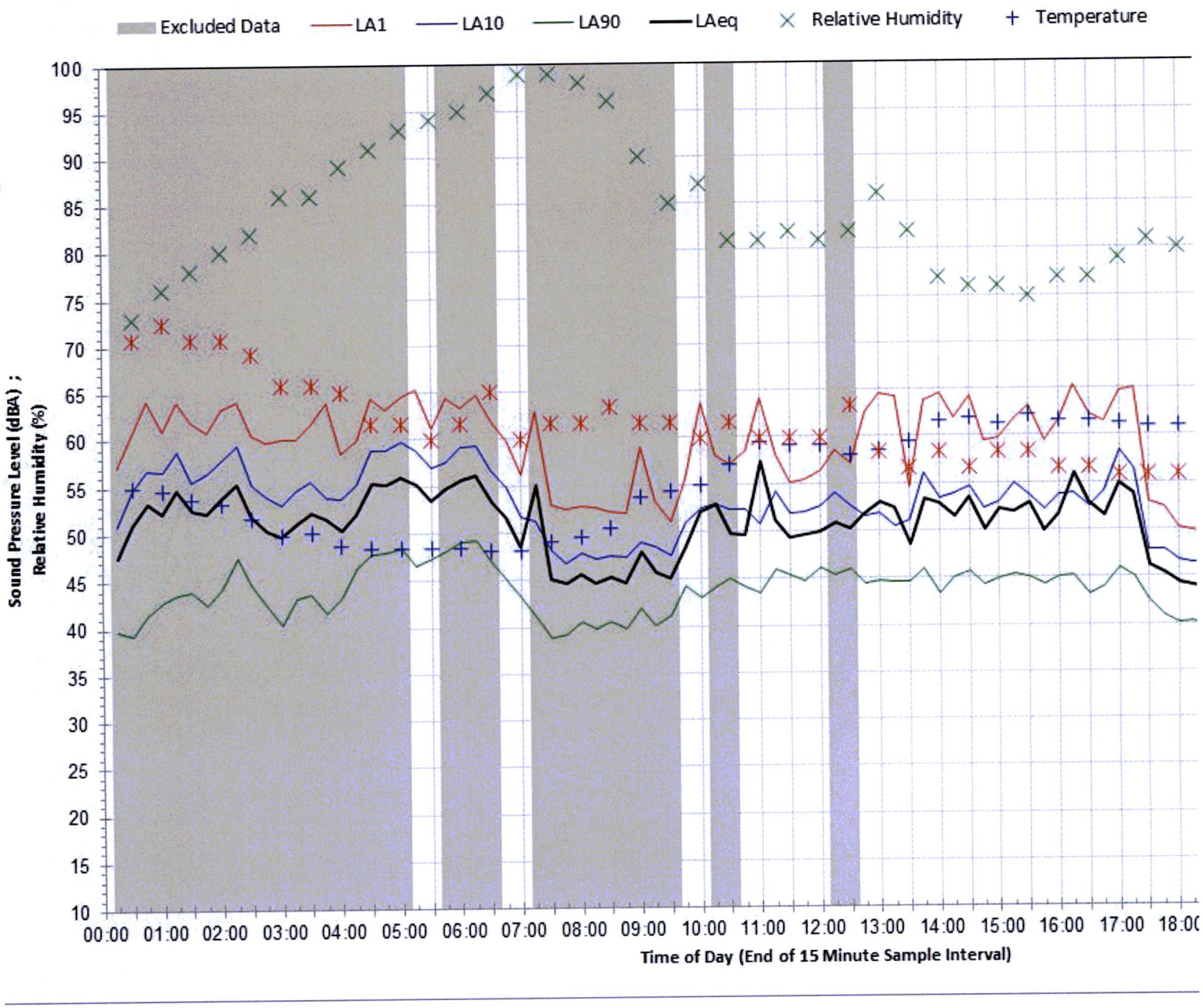
GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with any of the Assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Stor-Co and others who provided information to GHD which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

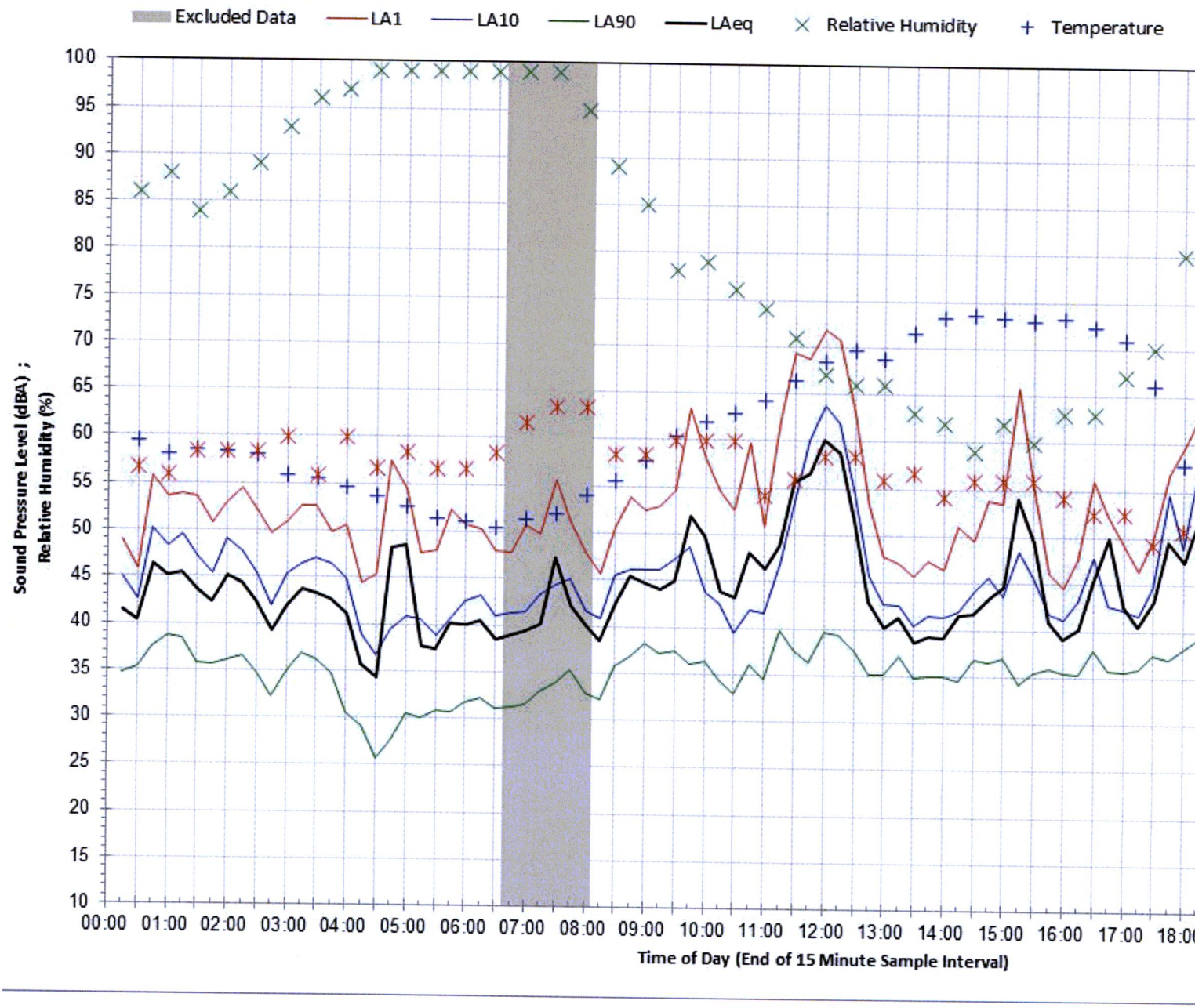
It is not the intention of the assessment to cover every element of the acoustical environment, but rather to conduct the assessment with consideration to the prescribed work scope.

The findings of the acoustic assessment represent the findings apparent at the date and time of the monitoring and the conditions of the area at that time. It is the nature of environmental monitoring that not all variations in environmental conditions can be accessed and all uncertainty concerning the conditions of the ambient noise environment cannot be eliminated. Professional judgement must be exercised in the investigation and interpretation of observations.

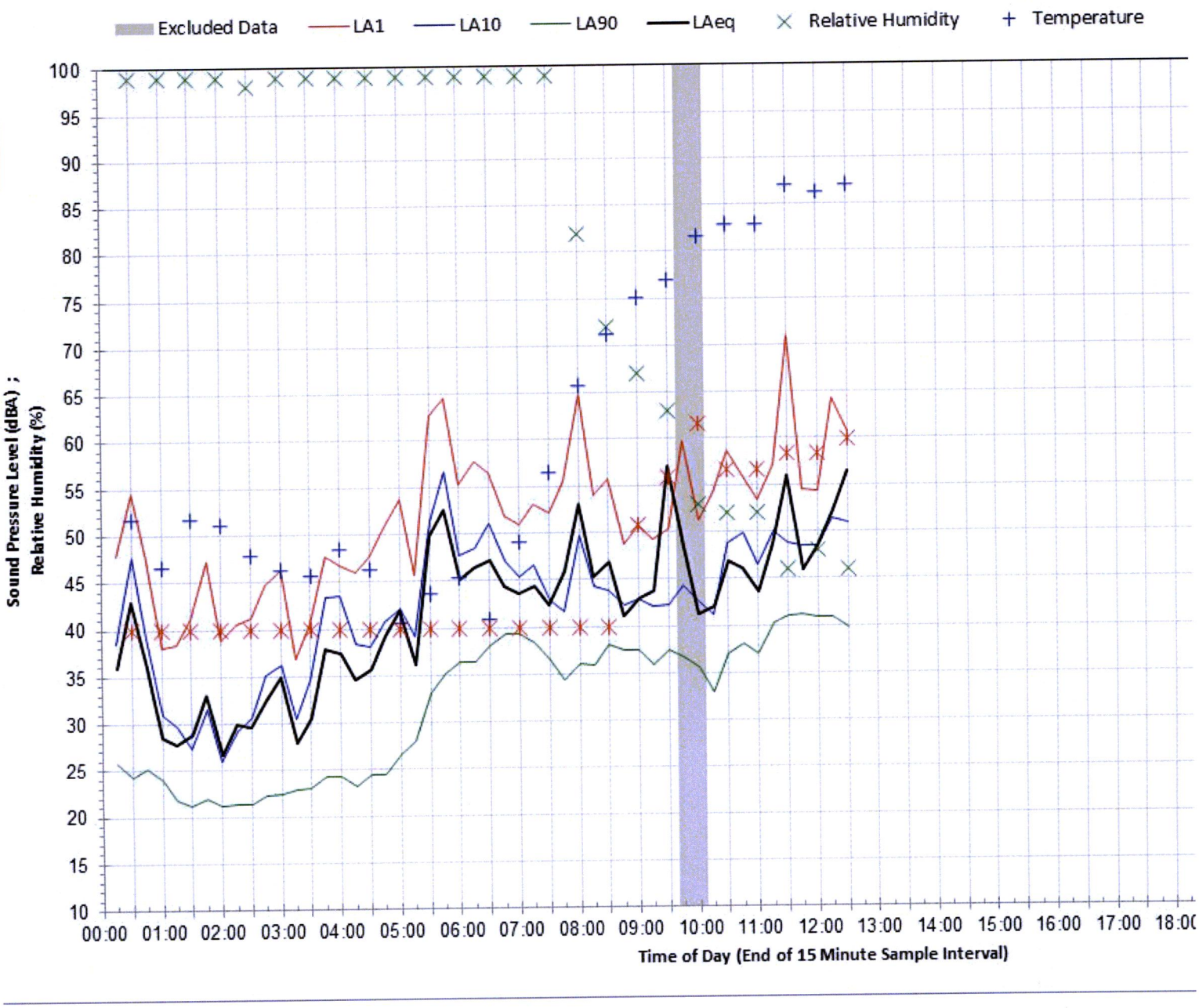
Statistical Ambient Noise Levels - Saturday 8 September 2012



Statistical Ambient Noise Levels - Sunday 9 September 2012



Statistical Ambient Noise Levels - Monday 10 September 2012



GHD

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Document Status

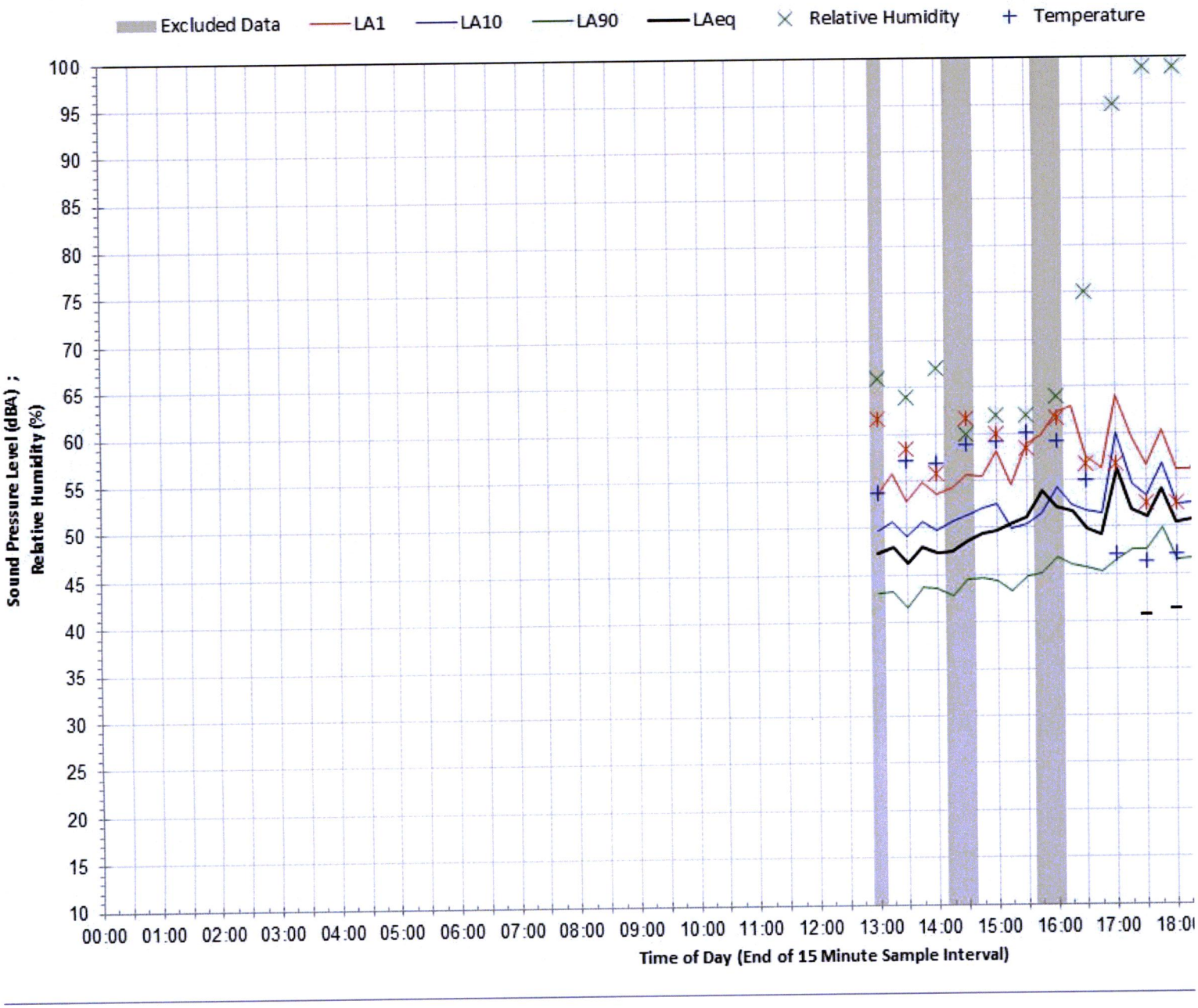
Rev No.	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	L Basutu	V Chavand		G Metcalfe		19/11/2012

www.ghd.com

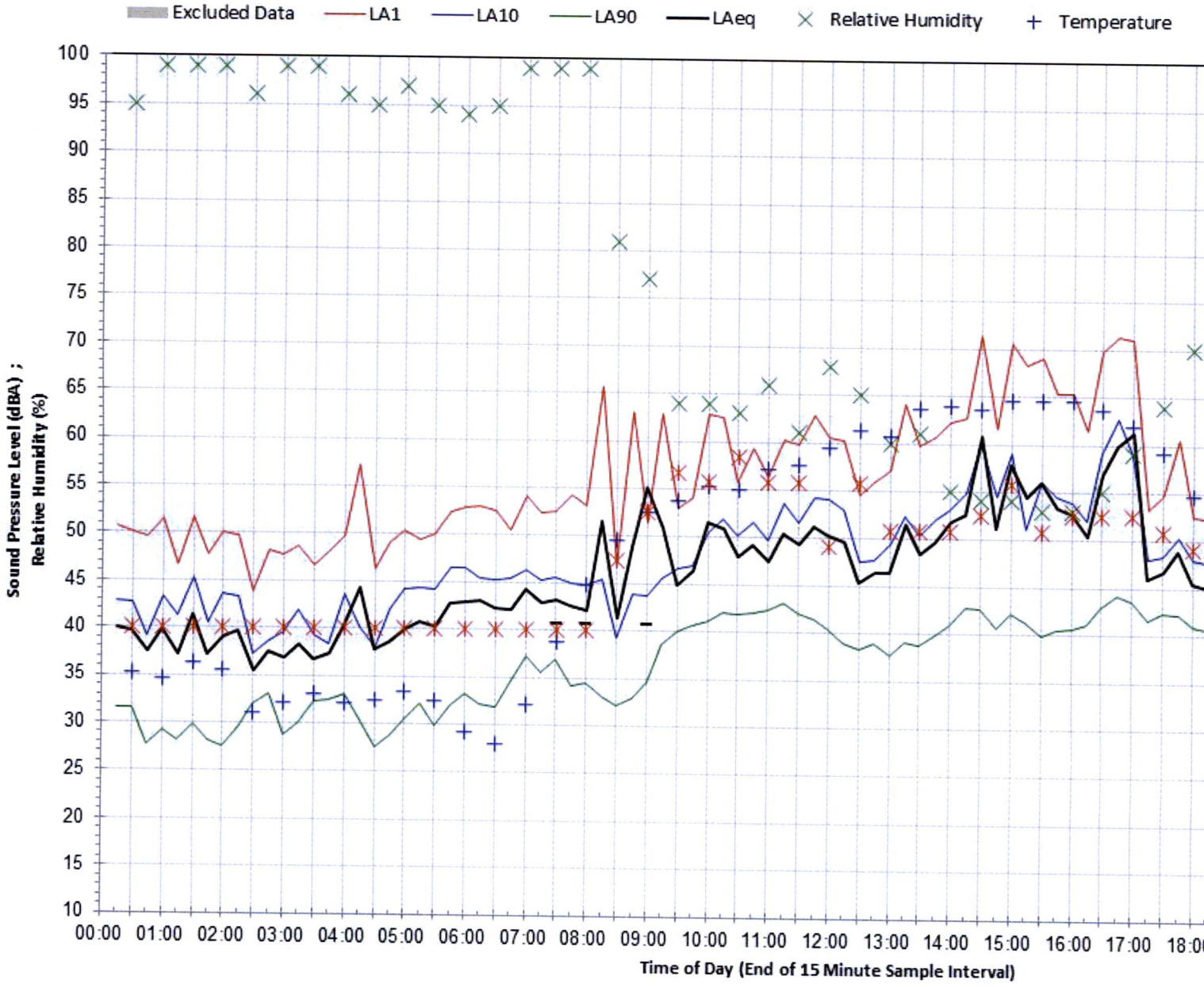
Appendices

Appendix A – Unattended Noise Monitoring Charts

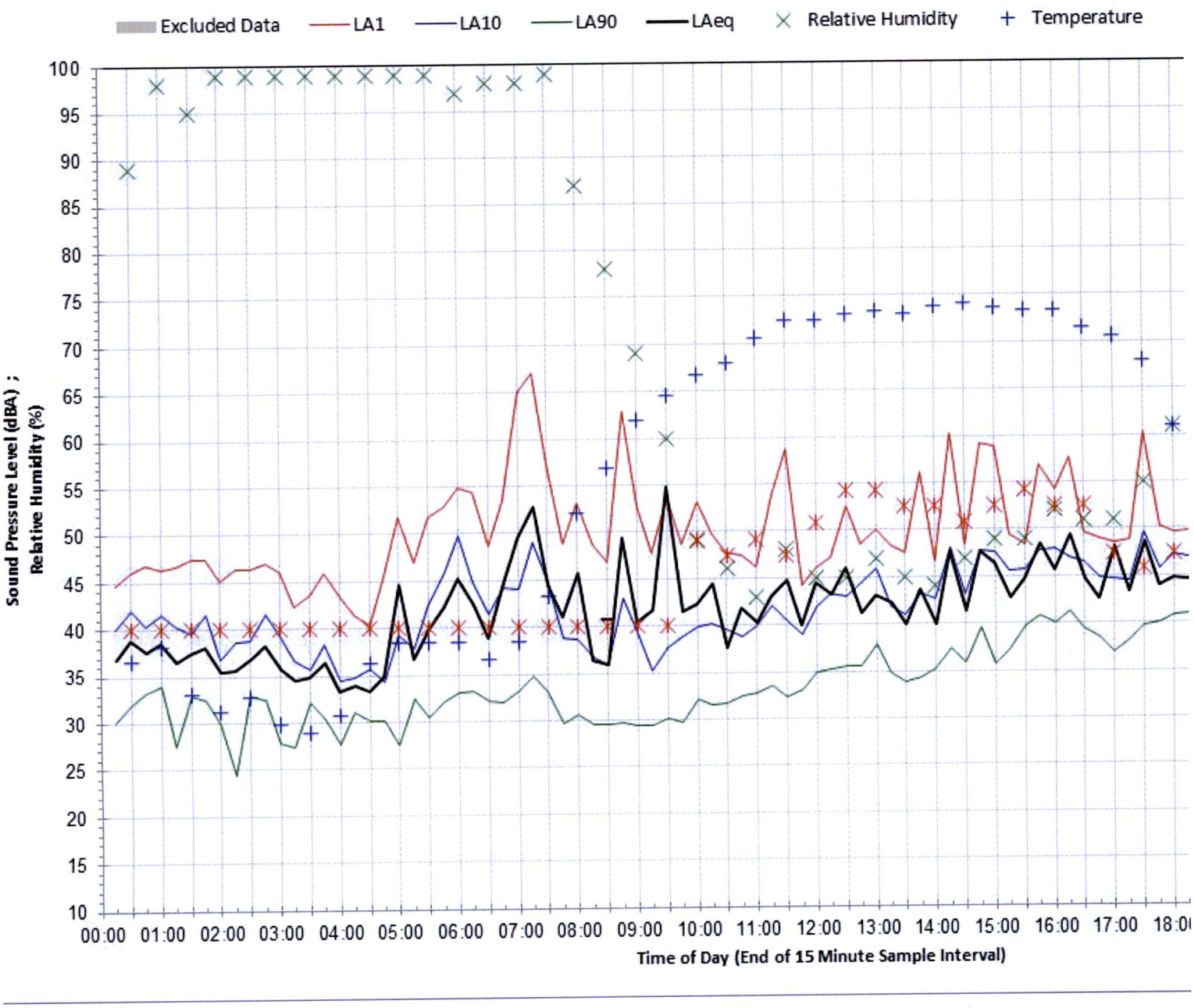
Statistical Ambient Noise Levels - Friday 31 August 2012



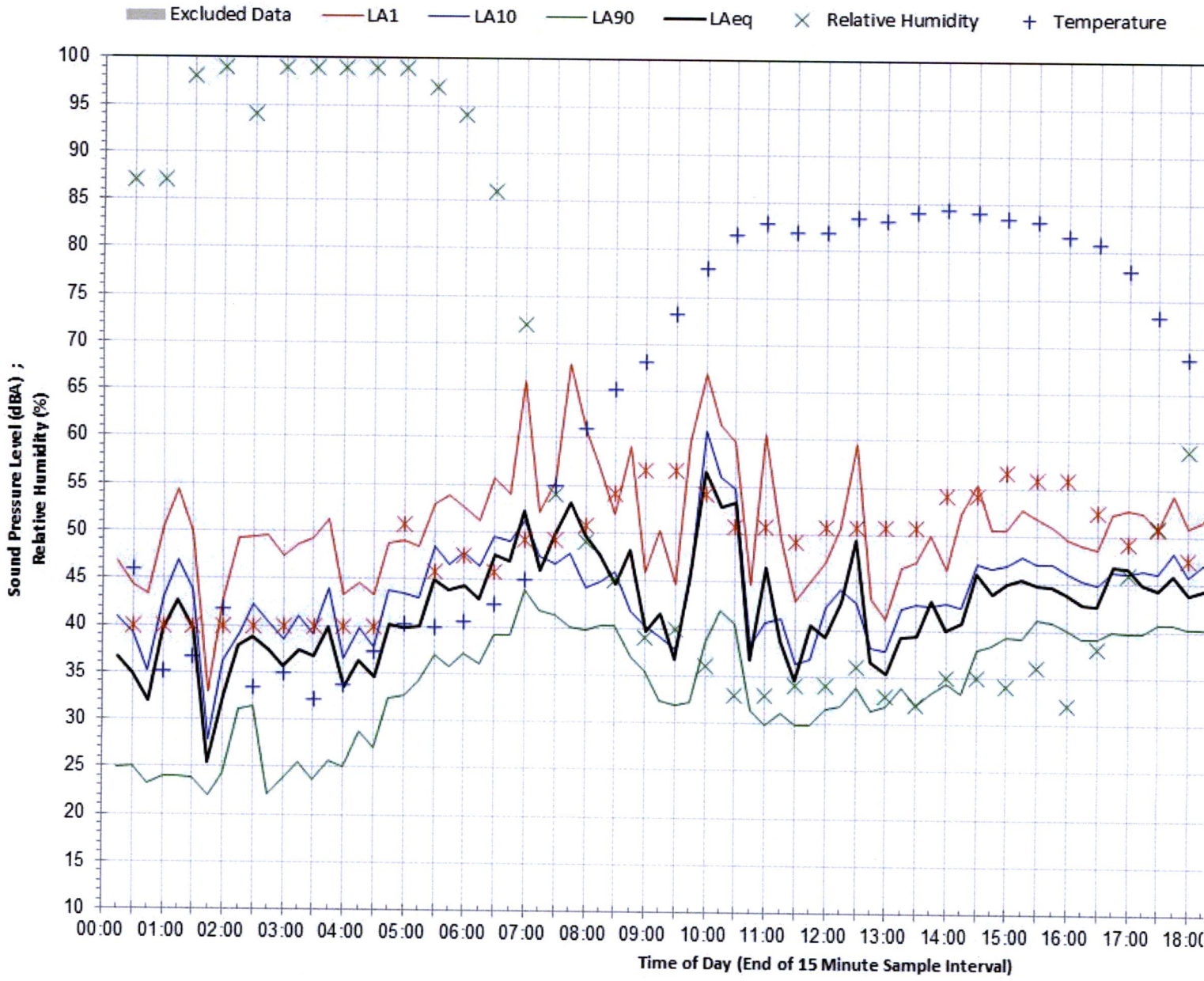
Statistical Ambient Noise Levels - Saturday 1 September 2012



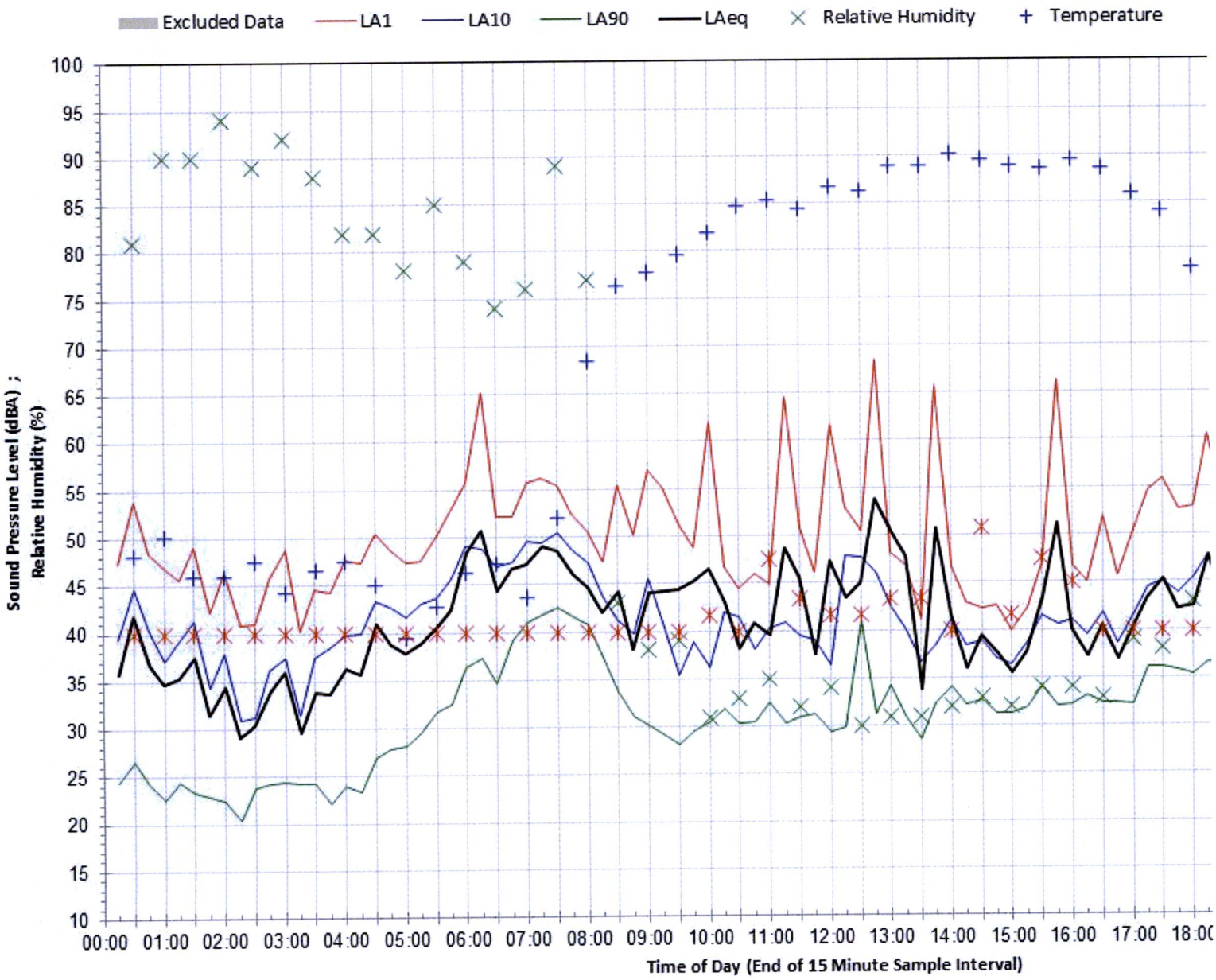
Statistical Ambient Noise Levels - Sunday 2 September 2012



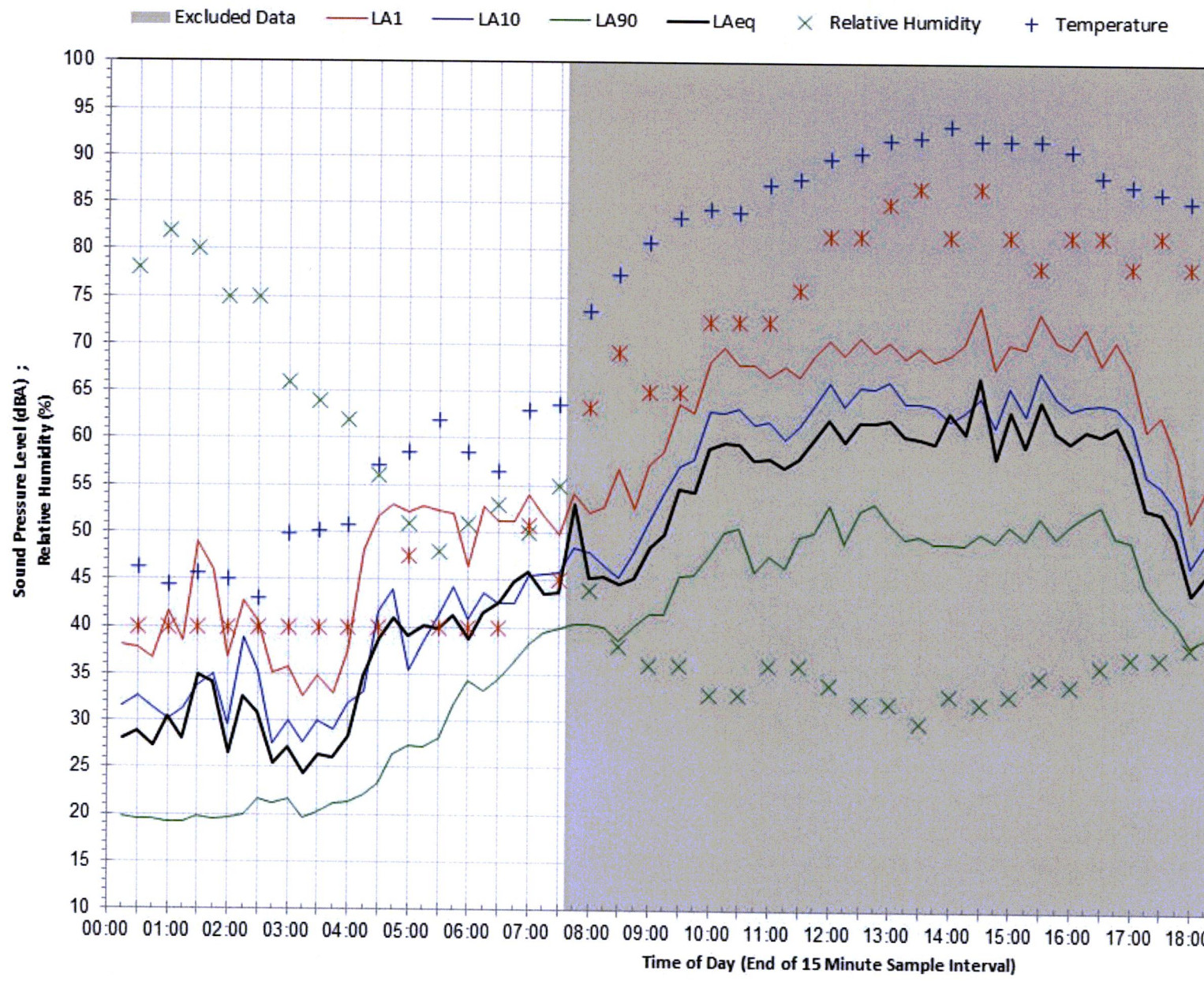
Statistical Ambient Noise Levels - Monday 3 September 2012



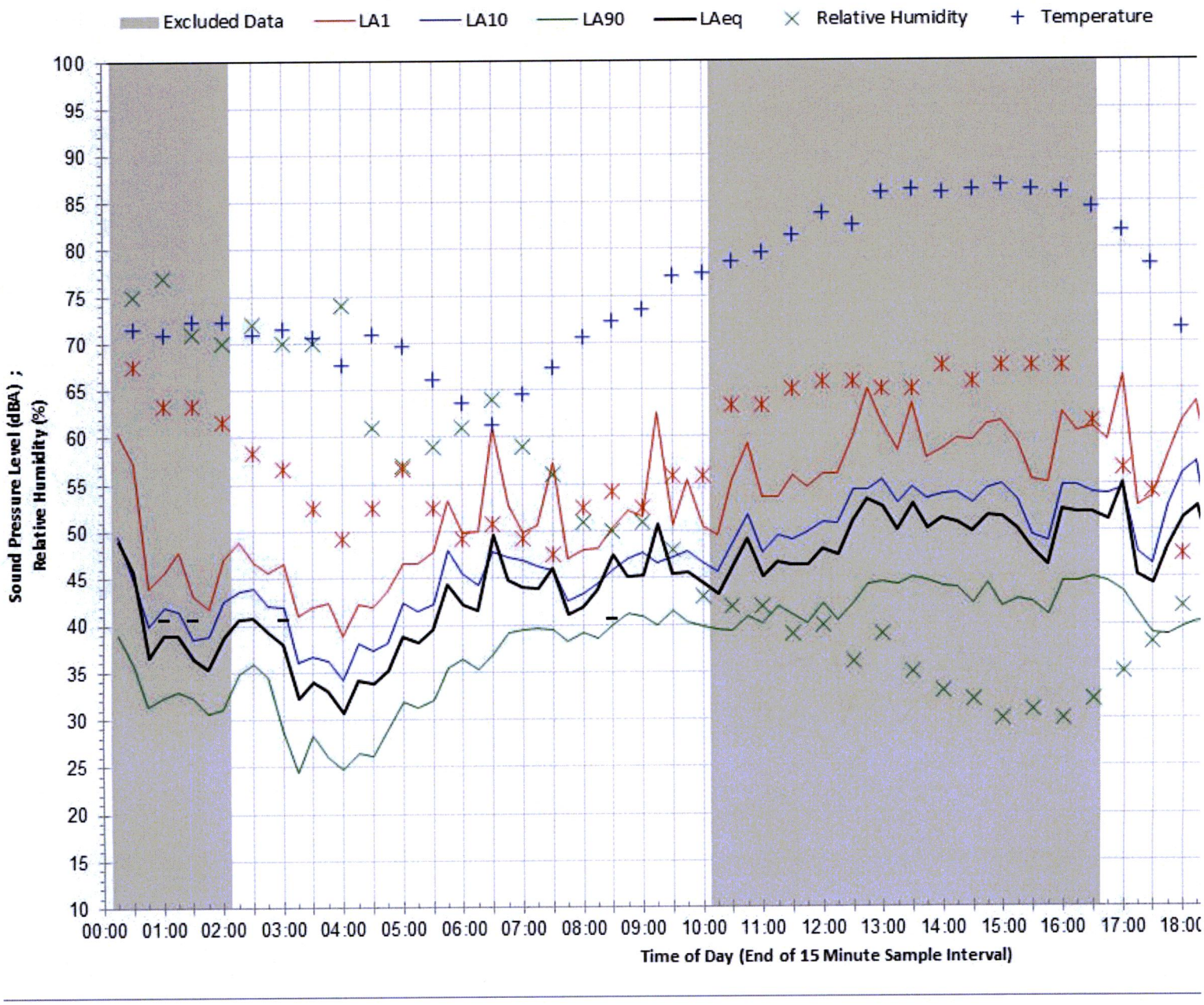
Statistical Ambient Noise Levels - Tuesday 4 September 2012



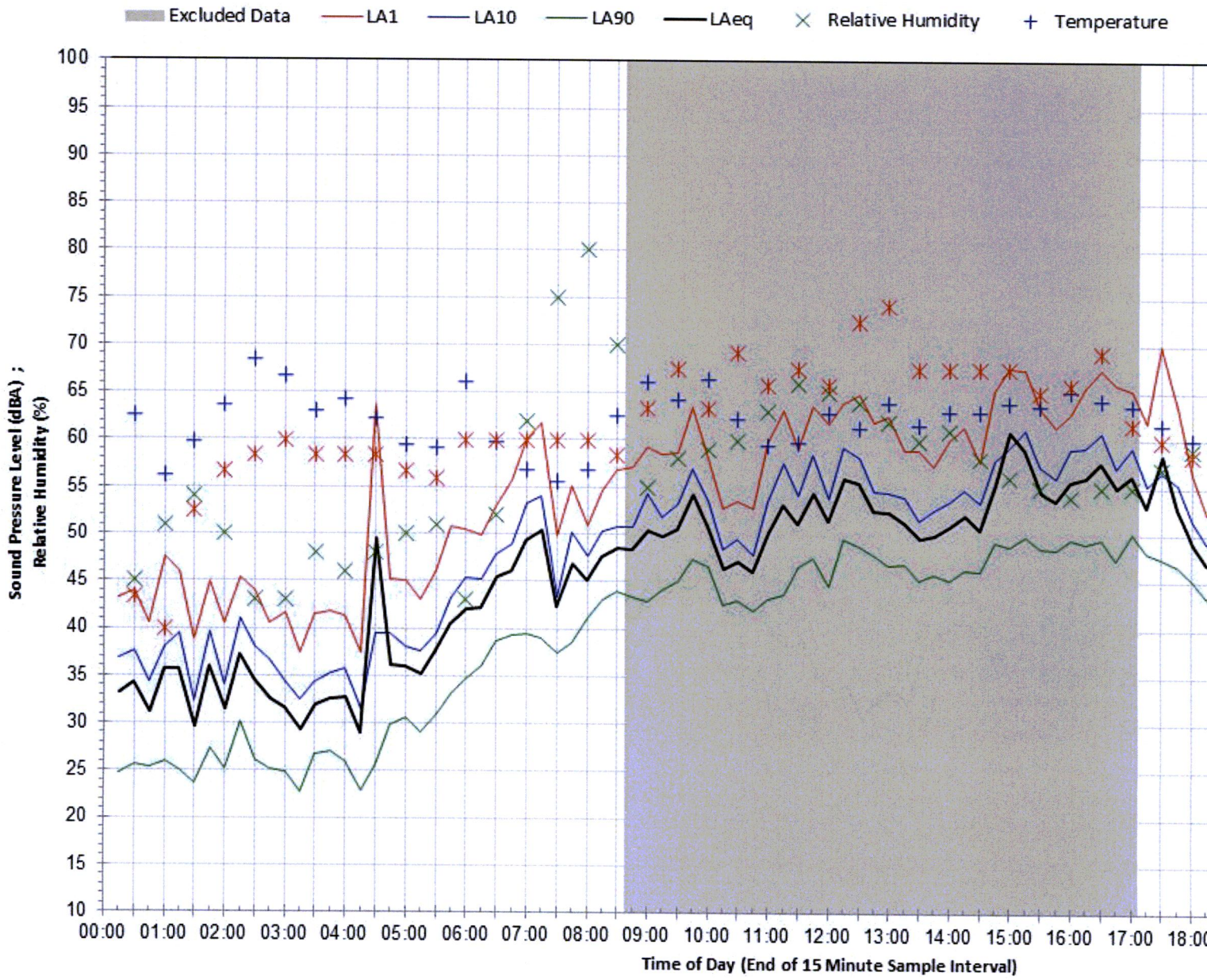
Statistical Ambient Noise Levels - Wednesday 5 September 2012



Statistical Ambient Noise Levels - Thursday 6 September 2012



Statistical Ambient Noise Levels - Friday 7 September 2012



ORANGE CITY COUNCIL	**ORANGE CITY COUNCIL** Development Application No **DA 186/2021(1)** NA21/398 Container PR20436

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 (comprising processing and manufacturing of sheet metal including storage) 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, sealing materials, drainage works, line marking and signage and are to be in accordance with Orange City Council Development and Subdivision Code and Road Opening Permit.

The southern access directly to Clergate Road shall be restricted to a 'Left Out Manoeuvre' only and all parking spaces and access aisle dimensions shall be in accordance with AS 2890.1 (Off-street car parking). The plans shall include 'No Entry' signage to be installed on the Clergate Road exit facing Clergate Road and a 'left turn only' sign facing internally at the exit. 'No Exit' signage shall be installed within the carpark adjacent to the carpark entry from the new road, and pavement arrows to regulate one way traffic flow through the carpark.

(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.

Conditions (cont)

Prior to the issue of a construction certificate (cont)

(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.

(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) Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable, non-recyclable and special waste material. The garbage and bin storage area shall be positioned in a location that is impervious to moisture, and capable of being easily cleaned. The location of the waste storage area including details of screening measures is to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate.

(12) Compressors for the main shed shall be located on the eastern side of the building and compressors for the office shall be located on the roof and behind the parapet for shielding. Details of compliance shall be provided to the Principal Certifier with an application for a Construction Certificate.

(13) 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.

(14) 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

(15) 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.

(16) 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.

(17) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

(18) 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.

Conditions (cont)

During construction/siteworks (cont)

(19) 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.

(20) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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, and 7.00 am to 5.00 pm Saturdays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.

(26) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.

(27) 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

(28) 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.

(29) Prior to the issue of any Occupation Certificate, Landscaping in accordance with the approved stamped Landscaping Plan must be completed.

(30) 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.

Conditions (cont)

Prior to the issue of an occupation certificate (cont)

(31) 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.

(32) 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.

(33) 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.

(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) 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.

(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) 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.

(38) 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

(39) 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.

(40) 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.

(41) Arrangements shall be made for the regular removal and disposal of waste materials.

(42) 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.

Conditions (cont)

Matters for the ongoing performance and operation of the development (cont)

(43) 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*.

(44) Heavy vehicle deliveries shall only occur between the hours of 7am and 6pm.

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