

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

APPROVAL OF MAJOR PROJECT NO 07_0072

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) under section 75O(1), to approve the concept plan referred to in Schedule 1, subject to the modifications set out in Schedule 1;
- (b) under section 75P(1)(a), to determine the further environmental assessment requirements for approval include an assessment of the height, bulk, scale and amenity impacts of the proposed building heights in Precincts 3 and 4 as outlined in Schedule 2
- (c) under section 75P(1)(b), to determine that carrying out of development within Precincts 3 and 4 is subject to the provisions of Part 4 with Council as the consent authority;
- (d) under section 75J(1), to approve the project application for the Orange Private Hospital referred to in Schedule 2 subject to the conditions set out in Schedule 2; and
- (e) under section 75J(1), to approve the project application for the Medi-Motel referred to in Schedule 3 subject to the conditions set out in Schedule 3.

The reasons for the imposition of modifications and conditions are:

- (a) To encourage good urban design and a high standard of architecture.
- (b) To ensure future development is sensitive to adjoining heritage items.
- (c) To adequately mitigate the environmental and construction impacts of the development.
- (d) To reasonably protect the amenity of the local area.



Kristina Keneally MP
Minister for Planning

Sydney, 23 Nov. 2008

MAJOR PROJECT APPLICATION NO MP 07_0072

SCHEDULE 1

PART 1 - TABLE

Application made by:	Forest Road Syndicate Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	MP 07/0072
On land comprising:	Lot 1 DP 549856 and roads known as Finneran Road and Kemp Road
Local Government Area:	Orange City Council
For the carrying out of:	Development of the Orange Private Hospital Campus
Capital Investment Value	\$54 Million
Type of development:	Concept approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Concept approval is granted subject to the modifications outlined in Part E of Schedule 1 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B - DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Environmental Assessment means the document titled Environmental Assessment Report, Orange Private Hospital Concept Plan and Project Application prepared by JBA Urban Planning Consultants and dated February 2008.

BCA means the Building Code of Australia.

Council means Orange City Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

Executive Director means the Executive Director of the Strategic Sites and Urban Renewals Division within the Department of Planning.

Major Project No 07/0077 means the Major Project described in the Proponent's Environmental Assessment and Preferred Project Report.

Minister means the Minister for Planning.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority.

PART C- NOTES RELATING TO THE DETERMINATION OF MP NO 07/0072

Responsibility for other consents/agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

Legal Notice

Any advice or notice to the approval authority shall be served on the Director General

PART D- TERMS OF APPROVAL**D1 Development Description**

Concept approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment Report titled "Orange Private Hospital" prepared by JBA Urban Planning Consultants and dated February 2008 and the Preferred Project Report prepared by JBA Planning Consultants dated August 2008 (as amended). The concept plan includes 4 separate precincts:

- (1) Private hospital precinct
- (2) Medi -Motel precinct
- (3) Residential precinct
- (4) Hostel precinct

The development includes:

- a part two/part three-storey private hospital
- an 80-room Medi-Motel and 9 consultation suites
- short and medium-term accommodation for hospital staff and students
- a future precinct for residential dwellings and or apartments
- a future precinct for a lodge/hostel for patients and families of patients
- future child-care facilities and cancer care facilities
- a gymnasium
- ancillary retail activities (florist, newsagent and café/restaurant)
- internal roads and car parking, and
- landscaping
- a four way signalised intersection on Forest Road.

D2 Development in Accordance with Documentation

- (1) The following documentation (including any appendices therein) are approved as part of the concept plan:
 - (a) Orange Private Hospital Environmental Assessment Report, prepared by JBA Planning Consultants on behalf of Forest Road Syndicate dated February 2008;
- (2) The following Preferred Project Report including a revised Statement of Commitments is approved
 - (a) Preferred Project and Statement of Commitments, prepared by JBA planning Consultants on behalf of Forest Road Syndicate dated July 2008;
- (3) Additional correspondence listed below:
 - (a) Letter regarding Orange Private Hospital from JBA Planning Consultants dated 25 July 2008
 - (b) Letter regarding Orange Private Hospital from JBA Planning Consultants dated 4 August 2008
 - (c) Email enclosing an amended Preferred Project and Statement of Commitments from JBA Planning Consultants dated 19 August 2008.
 - (d) Email enclosing an amended Preferred Project and Statement of Commitments from JBA Planning Consultants dated 26 September 2008.
 - (e) Email from JBA Planning dated 29 September 2008 confirming amendment to Statement of Commitments

D3 Development in accordance with plans

- (1) The development will be undertaken in accordance with the following plans:

Drawing Number	Name of Plan	Revision	Date
DA - 01	Site Analysis and Local Context Plan		03/12/2007
DA - 02	Site Concept Plan		25/06/2008
DA - 04	Hotel Precinct - Ground Floor Plan		25/06/2008
DA - 05	Hotel Precinct -First Floor Plan		25/06/2008
DA - 06	Hotel Precinct - Roof Plan		25/06/2008
DA - 07	Western and Eastern Elevations		25/06/2008
DA -08	Northern and Southern Elevations		25/06/2008
DA -09	Inner Eastern and Western Elevations/Section		25/06/2008
SK -01	Site Concept Plan		30/06/2008
DA -02	Site Concept Plan		30/06/2008
DA -03	Private hospital / Site Plan		30/06/2008

Drawing Number	Name of Plan	Revision	Date
DA -04	Private Hospital Precinct - Level 1 Plan		30/06/2008
DA -05	Private Hospital Precinct - Level 2 Plan		30/06/2008
DA -06	Private Hospital Precinct - Level 3 Plan		30/06/2008
DA -07	Private Hospital Precinct - Northern and Eastern Elevations		23/11/2007
DA -08	Private Hospital Precinct - Southern and Western Elevations		23/11/2007
DA -09	Private Hospital Precinct Section AA and BB		23/11/2007
DA -10	Private Hospital Precinct Section CC and DD		23/11/2007
	Landscape Plan Hospital Precinct 01	Revision F	June 2008
	Landscape Plan Medi - Motel 01	Revision G	June 2008
	Section/Elevation Images 02 - Hospital Precinct	Revision E	June 2008
	Section/Elevation - Medi-Motel Precinct	Revision E	June 2008

D4 Inconsistency Between Plans and Documentation

In the event of any inconsistency between modifications of this concept approval and the plans and documentation referred to above, the modifications of this concept prevail.

D5 Lapsing of Approval

Approval shall lapse 5 years after determination date in Part A of Schedule 1 of this approval unless specified action has been taken in accordance with section 75Y of the Act. The Director General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director general that the hospital proposal remains current, appropriate and reflective of best practice at the date the approval would otherwise lapse.

D6 Future Applications

The determination of future project applications for development is to be generally consistent with the terms of approval of Concept Plan MP 07/0077 as described in Part A of Schedule 1 and subject to the recommended modifications and conditions of approval set out in Parts D and E of Schedule 1.

PART E- MODIFICATIONS TO THE CONCEPT

E1 Car Parking in Medi-Motel Precinct

A minimum of 134 at grade car parking spaces for use by the public shall be provided for the Medi-Motel Precinct. The precinct boundary and internal circulation driveway shall be relocated 3 metres to the west and the parallel parking spaces along the eastern side of the central road shall be replaced with 90 degree car parking spaces. Additional spaces may be provided along the southern boundary of the site in the redesign and relocation of the bus/loading bay.

E2 At Grade Car Parking in Residential Precinct

The following minimum car parking rates shall apply to future development of the residential elements of the development.

- 1 bedroom/bedsitter unit - 1 space/2 units
- 2 bedroom unit - 1.2 spaces/unit
- 3+ bedroom unit - 1.5 spaces/unit
- 0.2 spaces per unit (visitor)

E3 Traffic and Access

E3.1 Vehicle access to the site from Forest Road shall not be provided via Finneran Road and Kemp Road.

E3.2 A four-way signalised intersection is to be provided in Forest Road to serve the development. The final design of the intersection, including any road widening, shall be approved by Council and the RTA.

E3.3 Street lighting is to be provided at the proposed four-way signalised intersection in accordance with RTA and Country Energy requirements.

E3.4 All bus movements within the development are to be in an anti-clockwise direction and appropriate signage is to be installed in accordance with the Australian Standard.

E3.5 A bus zone and loading bay is to be provided on the eastern side of the Central Road Reserve between the Private Hospital Precinct and the Medi-Hotel Precinct.

E3.6 The bus bay to the south of the Medi-Hotel is to be relocated to the north of the circulating roadway and the car spaces relocated to the area shown as bus bay.

E3.7 All costs associated with the traffic and access works outlined above in E3.1 to E3.6 shall be met by the proponent.

E4 UTILITIES AND INFRASTRUCTURE

E4.1 Sewerage

A sewage pump station is to be provided to serve Lot 1 in DP 549856. The sewage pump station is required to be designed and constructed to serve all proposed development within Lot 1 and is to be built in accordance with Orange City Council and EPA requirements. A rising main is to be provided from the sewage pump station to Council's existing gravity sewer main in Forest Road.

E4.2 Infrastructure

Concept Approval for Precincts 3 and 4 may be subject to amendment to facilitate the installation of infrastructure associated with the development of Precincts 1 and 2.

E4.3 Water and Sewer Augmentation Charges

Water and Sewer augmentation charges are applicable to the development. Prior to the issue of a Construction Certificate for each precinct water and sewer augmentation charges are payable to Orange City Council. Water and Sewer Augmentation charges are based on the additional loadings on Orange City Council's water and sewer infrastructure and in accordance with the PWD guidelines.

E4.4 Distributor Road Contribution

A Contribution of \$238,000 (indexed in accordance with the CPI from the date of approval) shall be made to Orange City Council towards the construction of the Southern Distributor Road. The contribution shall be in accordance with the agreement reached between the proponent and Orange City Council as described in the proponents revised Statement of Commitments dated 26 September 2008 and as amended by email dated 29 September 2008 from JBA Planning. The contribution is to be made to Orange City Council prior to the issue of a construction certificate for the Private Hospital.

Part F - FUTURE ASSESSMENT REQUIREMENTS

F1 Future applications

In accordance with Section 75P(1)(a) of the Environmental Assessment Act 1979, the environmental assessment requirements for any future development in Precincts 3 and 4 shall include an assessment of the height, bulk, scale and any resulting amenity impacts.

F2 Maximum gross floor area

Future applications for Precincts 3 and 4 shall not exceed the following maximum gross floor areas

Precinct 3	Hostel/short stay accommodation	4500m²
Precinct 4	Residential	10,800m²

Gross floor area must be measured in accordance with the definition within the standard instrument (local environmental plans) order 2006. Site coverage of all buildings shall not exceed 50%.

F3 Built Form

F3.1 The dwelling size, mix and floor to ceiling height of future project application(s) for new residential buildings on the residential precinct shall comply with the requirements of the Seniors Living State Environmental Planning Policy and / or Council's relevant codes and policies.

In particular future application(s) shall demonstrate a mix of dwelling types and sizes to provide high standards of residential amenity, a range of housing choice, and a mix of dwelling types to cater for different household requirements.

MAJOR PROJECT APPLICATION NO MP 08_0232

SCHEDULE 2

PART 1 - TABLE

Application made by:	Forest Road Syndicate Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	MP 08_0232
On land comprising:	Lot 1 DP 549856
Local Government Area:	Orange City council
For the carrying out of:	Construction of a private hospital (Precinct 1) including the following elements: <ul style="list-style-type: none"> • a three-level building comprising new private hospital complex comprising 10,350m² of, in-patient, operating, pathology, cancer care and pharmacy facilities, medical consultation suites and 149 at grade-car parking spaces • road improvements including the construction a four way signalised intersection on Forest Road. • landscaping • stormwater and infrastructure works
Capital Investment Value	\$25 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Project Approval for private hospital is granted subject to conditions set out in Parts D, E F, G, H and I of Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B - DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Environmental Assessment means the document titled Environmental Assessment Report, Orange Private Hospital Concept Plan and Project Application prepared by JBA Urban Planning Consultants and dated February 2008.

BCA means the Building Code of Australia.

Concept Plan means the approved plans described in Schedule 1

Council means Orange City Council

Department means the Department of Planning or its successors.

Director means the Director of the Strategic Assessments Branch of the Department of Planning.

Director General means the Director General of the Department of Planning.

Executive Director means the Executive Director of the Strategic Sites and Urban Renewals Division within the Department of Planning.

Major Project No 07/0077 means the Major Project described in the Proponent's Environmental Assessment and Preferred Project Report.

Minister means the Minister for Planning.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority.

PART C- NOTES RELATING TO THE DETERMINATION OF MP NO 08/0232

Responsibility for other consents/agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the land and Environment Court in the manner set out in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 (as amended).

Legal Notice

Any advice or notice to the approval authority shall be served on the Director General.

PART D - ADMINISTRATIVE CONDITIONS

D1 Development description

Project approval is granted only to the carrying out of the following:

- construction of a new part two/part three-level building comprising 10,350m² of in-patient, operating, pathology, cancer-care and pharmacy facilities, medical consultation suites
- construction of 149 at grade car-parking spaces
- stormwater and infrastructure works
- road improvements
- landscaping
- construction a four way signalised intersection on Forest Road.

D2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans and documentation:

EA, Concept Plan EA and PPR
Project Application - Orange Private Hospital
Architectural (or Design) Drawings prepared by Cox Richardson

Drawing Number	Name of Plan	Revision	Date
DA - 01	Site Analysis and Local Context Plan		23/11/2007
DA -02	Site Concept Plan		30/06/2008
DA -03	Private hospital/Site Plan		30/06/2008
DA -04	Private Hospital Precinct - Level 1 Plan		30/06/2008
DA -05	Private Hospital Precinct - Level 2 Plan		30/06/2008
DA -06	Private Hospital Precinct - Level 3 Plan		30/06/2008
DA -07	Private Hospital Precinct - Northern and Eastern Elevations		23/11/2007
DA -08	Private Hospital Precinct - Southern and Western Elevations		23/11/2007
DA -09	Private Hospital Precinct Section AA and BB		23/11/2007
DA -10	Private Hospital Precinct Section CC and DD		23/11/2007
DA -11	Shadow diagrams (20 March)		23/11/2007
DA - 12	Shadow diagrams (21 June)		23-11-2007
DA - 13	Shadow diagrams (22 December)		23-11-2007
	Landscape Plan Hospital Precinct 01	Revision F	June 2008
	Section/Elevation Images 02 - Hospital Precinct	Revision E	June 2008

D3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

D4 Staging of Development

In the event that engineering plans involving works associated with the intersection upgrade on Forest Road have been approved under Schedule 3, they may be used in the certification of works required under Schedule 2.

PART E - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**E1 Construction Certificate**

A Construction Certificate application must be submitted to, and issued by, Council or an Accredited Certifier prior to any excavation or building works being carried out on site.

E2 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, ASZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the certifying Authority prior to the issue of a Construction Certificate

E3 Food Act Compliance

The fit-out of the food preparation and storage areas are to be installed in accordance with the requirements of Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code. Prior to the issue of the Construction Certificate, details of the proposed fit-out of the food preparation and storage areas is to be submitted to Council/accredited Certifier for approval.

E4 Civil Engineering Plan Approval

Engineering plans, showing details of all proposed sewer, water, stormwater and road works and adhering to any conditions of development consent, are to be submitted to, and approved by, Orange City Council prior to the issuing of a Construction Certificate for the development.

All civil design and construction works are to be in accordance with the Orange City Council Development and Subdivision Code and the requirements of the RTA for works within Forest Road.

E5 Erosion and Sedimentation Control

A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier 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.

E6 Sewerage

Engineering plans showing details of all proposed sewerage works are to be submitted to, and approved by Orange City Council prior to issuing a Construction Certificate. All civil design and construction works are to be in accordance with the Orange City Council Development and Subdivision Code and EPA requirements. The design shall ensure that all sewerage from the proposed development is collected and piped to a sewage pump station to be located in the north-western corner of Lot 1 in DP 549856. A sewer rising main will be required from the sewage pump station to Orange City Council's existing sewer main in Forest Road. The proposed rising main is to cross Forest Road at a right angle.

E7 Traffic and Access

E7.1 Engineering plans showing details of the proposed road works, intersection works, bus bays, loading bays, street lighting, car parking areas and signage are to be submitted to, and approved by Orange City Council, and the RTA for works on Forest Road, prior to the issuing a Construction Certificate.

All civil design and construction works are to be in accordance with the Orange City Council Development and Subdivision Code and RTA requirements. The Engineering plans shall incorporate:

- A four-way signalised intersection in Forest Road to serve the development. Street lighting is to be provided at the proposed four-way signalised intersection in accordance with RTA and Country Energy requirements.
- A bus zone and loading bay on the eastern side of the Central Road Reserve between the Private Hospital Precinct and the Medi-Hotel Precinct. All bus movements within the development are to be in an anti-clockwise direction and appropriate signage is to be installed in accordance with the Australian Standard.

E8 Liquid Trade Waste

A Liquid Trade Waste Application is to be submitted to and approved by Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

E9 Water Supply

A water reticulation analysis by "Watsys" or other Orange City Council-approved equivalent flow-modelling computer program, is to be carried out on any proposed water-reticulation system for the development. A professional engineer or other Council-approved person is to carry out the analysis. The analysis is to be submitted to Orange City Council for approval with engineering plans prior to the issuing of a Construction Certificate. The water reticulation system is to be designed to supply a peak instantaneous demand by gravity of 0.15 L/s/tenement at a minimum residual head of 200kPa. Any alterations, modifications or additions to Orange City Council's water infrastructure required by this development are to be provided at the full cost of the proponent.

E10 Water and Sewer Augmentation Charges

A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, is to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The Certificate of Compliance will be issued subject to the payment of contributions for water, sewer and drainage works - at the level of contribution applicable at that time. The contributions are based on 60 ETs for water supply headworks and 60 ETs for sewerage headworks.

E11 Stormwater

E11.1 Engineering design plans for the required stormwater system are to be submitted to Orange City Council for approval prior to the issue of a Construction Certificate. The development's stormwater design is to include stormwater retention 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.

E11.2 A licence under the *Water Act 1912* may be required from the Department of Water and Energy (DWE) for the re-use of stormwater, within the development, which exceeds the allowable limits of the Maximum Harvestable Rights Dam Capacity (MHRDC). Details of all structures proposed to harvest surface runoff on-site (not rainwater tanks sourcing stormwater directly from roofs) is to be submitted to DWE for licensing requirements and approval prior to the issue of a Construction Certificate.

E12 Distributor Road Contribution

A Contribution of \$238,000 (indexed in accordance with the CPI from the date of approval) shall be made to Orange City Council towards the construction of the Southern Distributor Road. The contribution shall be in accordance with the agreement reached between the proponent and Orange City Council as described in the proponents revised Statement of Commitments dated 26 September 2008 and as amended by email dated 29 September 2008 from JBA Planning. The contribution is to be made to Orange City Council prior to the issue of an construction certificate for the Private Hospital.

E13 Photographic Record

The former drive in site shall be photographically recorded and surveyed prior to demolition in accordance with Council's "Guidelines for Photographic Recording of Heritage Buildings and Sites". One set of photographs showing the features shall be provided to council for its records along with a detailed site plan.

PART F PRIOR TO COMMENCEMENT OF WORKS**F1 Toilet facilities**

A temporary on-site toilet facility must be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available on-site.

PART G - DURING CONSTRUCTION

G1 Site Notice

A sign must 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 must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

G2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.

G3 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- Between 7:00am and 6:00pm, Mondays to Fridays inclusive;
- Between 7:00am and 5:00pm, Saturdays;
- Between 8.00am to 5.00pm, Sundays and public holidays.

Works may be undertaken outside these hours where:

- The delivery of materials is required outside these hours by the Police or other authorities;
- It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- The work is approved through a Construction Management Plan (CMP);

G4 Adjustment of Services

Any adjustments to existing utility services (including but not limited to telecommunications, electricity, water, sewer, gas, stormwater and roads) that are made necessary by this development proceeding are to be at the full cost of the developer.

G5 Construction Standards

G5.1 The provisions and requirements of the Orange City Council Development and Subdivision Code must be applied to this application and all work constructed within the development must be in accordance with that Code.

The developer shall be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer must be responsible for gaining access over adjoining land for services where necessary and easements must be created about all water, sewer and drainage mains within and outside the development.

G5.2 The development shall be constructed in accordance with the stamped approved Engineering and Building Plans.

G6 Setting out of structures

A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority upon completion of the foundations and prior to the erection of wall framing or work proceeding above damp course level.

G7 Compliance with approved levels

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved engineering and building plans.

G8 Compliance with POEO Act

All materials on site or being delivered to the site must be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must 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.

G9 Site safety

Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided.

G10 Due diligence

Adequate care is to be taken during demolition, excavation and construction to ensure that no damage is caused to any adjoining properties.

G11 Demolition works

Building demolition must be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures, and the requirements of the NSW WorkCover Authority.

G12 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

G13 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall comply with the relevant provisions of the NSW Industrial Noise Policy, as amended from time to time. The proponent shall use its best endeavours to minimise noise emissions to adjoining landowners.

PART H - PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**H1 Certification of Works**

H1.1 A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater retention basin and stormwater harvesting facilities complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

H1.2 A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater harvesting and re-use facilities complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

H1.3 Certification from Orange City Council must 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 Orange City Council assets, works on Public Land, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and all conditions of development consent.

H2 Final fire safety certificate

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 forming part of this approval.

H3 Final inspection

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.

H4 Trade waste certification

Certification from Orange City Council, stating that liquid trade waste measures implemented comply with Orange City Council's Liquid Trade Waste approval, must be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

H5 Waste disposal certification

Certification and evidence must be provided to prove that all wastes from the site were disposed of in accordance with the Council-approved waste management plan.

H6 Landscaping

Landscaping shall be installed in accordance with the stamped approved plans.

H7 Photographic Representation

The applicant shall provide within the complex photographic representation and interpretative signage of the former use of the site as a drive-in theatre site.

H8 Compliance with Conditions

The Proponent must submit, documentary evidence that the site has been developed in accordance with plans approved by Project Application MP 07_0077 and of compliance with the conditions of that approval, prior to commencement of use.

I MATTERS FOR ONGOING PERFORMANCE OF THE DEVELOPMENT**I1 Reflectivity.**

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.

I2 Annual Fire Safety Statement.

The owner is required to provide to Council and to the NSW Fire Commissioner an annual Fire Safety Certificate in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.

I3 Operational Noise.

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5 dB(A) above the background noise level when measured at the boundary of the site.

ADVISORY NOTES**AN1 Requirements of Public Authorities for Connection to Services**

The proponent shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN3 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 Roads Act 1993

A separate application shall be made to the RTA for approval under Section 138 of the *Roads Act 1993* to undertake any of the following:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road.

AN5 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN6 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN7 Excavation - Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act 1977*.

AN8 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act 1979* this payment must be made prior to commencement of building works.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN10 Inspections

Where Orange City Council is appointed as the Principal Certifying Authority, the following inspections will be required to be carried out by Council:

- at commencement of building work
- footings excavation
- slab reinforcement
- frame inspection
- wet areas
- stormwater drainage
- internal sewer/sanitary drainage

- external sewer/sanitary drainage
- hot and cold water plumbing
- recycled water plumbing
- final inspection

MAJOR PROJECT APPLICATION NO MP 08_0233

SCHEDULE 3

PART 1 - TABLE

Application made by:	Forest Road Syndicate Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	MP 08/0233
On land comprising:	Lot 1 DP 549856
Local Government Area	Orange City council
For the carrying out of:	Construction of a Medi-Motel (Precinct 2) including the following: <ul style="list-style-type: none"> • Construction of a new Medi-Motel comprising 80 rooms and 9 consultation suites • Gymnasium • Rehabilitation rooms • At grade car-parking spaces • Ancillary retail premises (florist, café/restaurant and newsagent) • Stormwater and infrastructure works • Road improvements including the construction a four way signalised intersection on Forest Road. • Landscaping
Capital Investment Value	\$7.2 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Project Approval for Medi Motel is granted subject to conditions set out in Parts D, E F, G, H and I of Schedule 3
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B - DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Environmental Assessment means the document titled Environmental Assessment Report, Orange Private Hospital Concept Plan and Project Application prepared by JBA Urban Planning Consultants and dated February 2008.

BCA means the Building Code of Australia.

Concept Plan means the approved plans described in Schedule 1

Council means Orange City Council

Department means the Department of Planning or its successors.

Director means the Director of the Strategic Assessments Branch of the Department of Planning.

Director General means the Director General of the Department of Planning.

Executive Director means the Executive Director of the Strategic Sites and Urban Renewals Division within the Department of Planning.

Major Project No 07/0077 means the Major Project described in the Proponent's Environmental Assessment and Preferred Project Report.

Minister means the Minister for Planning.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority.

PART C- NOTES RELATING TO THE DETERMINATION OF MP NO 07/0077

Responsibility for other consents/agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000 (as amended)*.

Legal Notice

Any advice or notice to the approval authority shall be served on the Director General

PART D ADMINISTRATIVE CONDITIONS

D1 Development Description

Project approval is granted only to the carrying out of the following:

- Construction of a new Medi-Motel comprising 80 rooms and 9 consultation suites
- Gymnasium
- Rehabilitation rooms
- At grade car-parking spaces
- Ancillary retail premises (florist, café/restaurant and newsagent)
- Stormwater and infrastructure works
- Road improvements including the construction a four way signalised intersection on Forest Road.
- Landscaping
- Closure of Kemp Road

D2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans and documentation:

EA, Concept Plan EA and PPR
Project Application - Medi-Motel
Architectural (or Design) Drawings prepared by Cox Richardson

Drawing Number	Name of Plan	Revision	Date
DA - 01	Site Analysis and Local Context Plan		03/12/2007
DA - 02	Site Concept Plan		25/06/2008
DA - 04	Hotel Precinct - Ground Floor Plan		25/06/2008
DA - 05	Hotel Precinct -First Floor Plan		25/06/2008
DA - 06	Hotel Precinct - Roof Plan		25/06/2008
DA - 07	Western and Eastern Elevations		25/06/2008
DA -08	Northern and Southern Elevations		25/06/2008
DA -09	Inner Eastern and Western Elevations/Section		25/06/2008
	Landscape Plan Medi - Motel 01	Revision G	June 2008
	Section / Elevation - Medi Motel Precinct	Revision E	June 2008

D3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

D4 Staging of Development

In the event that engineering plans involving works associated with the intersection upgrade on Forest Road have been approved under Schedule 2, they may be used in the certification of works required under Schedule 3.

PART E - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

E1 Construction Certificate

A Construction Certificate application must be submitted to, and issued by, Council/Accredited Certifier prior to any excavation or building works being carried out on site.

E2 Design Modifications

In order to facilitate adequate car parking for the proposed Medi-Motel, the design of the development shall be amended as follows:

- (a) A minimum of 134 car parking spaces for use by the public shall be provided within the Medi-Motel precinct.
- (b) The layout of the car park shall comply with Australia Standard AS 2890.1:1993 Off street Parking. All parking spaces are to be line marked.
- (c) The additional car parking spaces shall be provided on the western side of the medi motel along the eastern side of the central circulation driveway system. The car parking spaces shall comprise 90 degree parking.

Design details for all above works shall be submitted to and approved by Orange City Council prior to the issue of a construction certificate.

E3 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, ASZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the certifying Authority prior to the issue of a Construction Certificate

E4 Food Act Compliance

The fit-out of the food preparation and storage areas must be installed in accordance with the requirements of Australian Standard 4674-2004 "Design and construction and fit-out of food premises" and Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code. Prior to the issue of the Construction Certificate, details of the proposed fit-out of the food preparation and storage areas is to be submitted to Council/accredited Certifier for approval.

E5 Civil Engineering Plan Approval

Engineering plans, showing details of all proposed sewer, water, stormwater and road works and adhering to any conditions of development consent, must be submitted to, and approved by, Orange City Council prior to the issuing of a Construction Certificate for the development. All civil design and construction works are to be in accordance with the Orange City Council Development and Subdivision Code and the requirements of the RTA for works within Forest Road.

E6 Erosion and Sedimentation Control

A water and soil erosion control plan must be submitted to Orange City Council or an Accredited Certifier 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.

E7 Sewerage

Engineering plans showing details of all proposed sewerage works must be submitted to, and approved by Orange City Council prior to issuing a Construction Certificate. All civil design and construction works are to be in accordance with the Orange City Council Development and Subdivision Code and EPA requirements. The design shall ensure that all sewerage from the proposed development is collected and piped to a sewage pump station to be located in the north-western corner of Lot 1 in DP 549856. A sewer rising main will be required from the sewage pump station to Orange City Council's existing sewer main in Forest Road. The proposed rising main is to cross Forest Road at a right angle.

E8 Traffic and Access

E8.1 Engineering plans showing details of the proposed road works, intersection works, bus bays, loading bays, street lighting, car parking areas and signage must be submitted to, and approved by Orange City Council, and the RTA for works on Forest Road, prior to the issuing a Construction Certificate.

All civil design and construction works are to be in accordance with the Orange City Council Development and Subdivision Code and RTA requirements. The Engineering plans shall incorporate:

- A four-way signalised intersection in Forest Road to serve the development. Street lighting is to be provided at the proposed four-way signalised intersection in accordance with RTA and Country Energy requirements. Subject to the final design of the proposed intersection on Forest Road any road widening required to accommodate the proposed road works is to be undertaken within land described as Lot 1 DP 549856.
- A bus zone and loading bay on the eastern side of the Central Road Reserve between the Private Hospital Precinct and the Medi-Motel Precinct. All bus movements within the development are to be in an anti-clockwise direction and appropriate signage is to be installed in accordance with the Australian Standard.
- The relocation of the proposed bus bay on the south side of the Medi-Motel to the north of the circulating roadway with car spaces relocated to the area shown as bus bay.

E9 Liquid Trade Waste

A Liquid Trade Waste Application is to be submitted to and approved by Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

E10 Water Supply

A water reticulation analysis by "Watsys" or other Orange City Council-approved equivalent flow-modelling computer program, is to be carried out on any proposed water-reticulation system for the development. A professional engineer or other Council-approved person is to carry out the analysis. The analysis is to be submitted to Orange City Council for approval with engineering plans prior to the issuing of a Construction Certificate. The water reticulation system is to be designed to supply a peak instantaneous demand by gravity of 0.15 L/s/tenement at a minimum residual head of 200kPa. Any alterations, modifications or additions to Orange City Council's water infrastructure required by this development are to be provided at the full cost of the proponent.

E11 Water and Sewer Augmentation Charges

A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, must be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The Certificate of Compliance will be issued subject to the payment of contributions for water, sewer and drainage works - at the level of contribution applicable at that time. The contributions are based on 23 ETs for water supply headworks and 24 ETs for sewerage headworks.

E12 Stormwater

E12.1 Engineering design plans for the required stormwater system must be submitted to Orange City Council for approval prior to the issue of a Construction Certificate. The development's stormwater design is to include stormwater retention 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.

E12.2 A licence under the *Water Act 1912* may be required from the Department of Water and Energy (DWE) for the re-use of stormwater, within the development, which exceeds the allowable limits of the Maximum Harvestable Rights Dam Capacity (MHRDC). Details of all structures proposed to harvest surface runoff on-site (not rainwater tanks sourcing stormwater directly from roofs) is to be submitted to DWE for licensing requirements and approval prior to the issue of a Construction Certificate.

E13 Photographic Record

The former drive-in theatre site shall be photographically recorded and surveyed prior to demolition in accordance with Council's "Guidelines for Photographic Recording of heritage buildings and Sites". One set of photographs showing the features of the site shall be provided to Council for its records along with a detailed site plan.

PART F - PRIOR TO COMMENCEMENT OF WORKS

F1 Toilet facilities

A temporary on-site toilet facility must be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available on-site.

PART G - DURING CONSTRUCTION

G1 Site Notice

A sign must 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, but must be removed when the work has been completed.

G2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.

G3 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- Between 7:00am and 6:00pm, Mondays to Fridays inclusive;
- Between 7:00am and 5:00pm, Saturdays;
- Between 8:00am and 5:00 Sundays and public holidays.

Works may be undertaken outside these hours where:

- The delivery of materials is required outside these hours by the Police or other authorities;
- It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- The work is approved through a Construction Management Plan (CMP).

G4 Adjustment of Services

Any adjustments to existing utility services (including but not limited to telecommunications, electricity, water, sewer, gas, stormwater and roads) that are made necessary by this development proceeding must be at the full cost of the developer.

G5 Construction Standards

G5.1 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 development.

G5.2 The development shall be constructed in accordance with the stamped approved Engineering and Building Plans.

G6 Setting out of structures

A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority upon completion of the foundations and prior to the erection of wall framing or work proceeding above damp course level.

G7 Compliance with approved levels

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved engineering and building plans.

G8 Compliance with POEO Act.

All materials on site or being delivered to the site must 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.

G9 Site safety

Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided.

G10 Due diligence

Adequate care must be taken during demolition, excavation and construction to ensure that no damage is caused to any adjoining properties.

G11 Demolition works

Building demolition must be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures, and the requirements of the NSW WorkCover Authority.

G12 Swimming Pool Act – Safety

No water is to be placed in the swimming pool until the required protective fencing has been inspected and a certificate of compliance under the Swimming Pool Act has been obtained from Council.

G13 Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

G14 Car Parking

A total of 134 off street car parking spaces must be provided upon the site in accordance with the requirements of Council's Development Control Plan. The parking spaces are to be constructed in accordance with the requirements of Council's Development and Subdivision Code.

G15 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall comply with the relevant provisions of the NSW Industrial Noise Policy, as amended from time to time. The proponent shall use its best endeavours to minimise noise emissions to adjoining landowners.

PART H - PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

H1 Certification of Works

- H1.1** A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater retention basin and stormwater harvesting facilities complies with the approved engineering plans must be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- H1.2** A Certificate of Compliance, from a Qualified Engineer and the Department of Water & Energy (DWE), stating that the stormwater harvesting and re-use facilities complies with the approved engineering plans and all licensing requirements of the DWE must be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- H1.3** Certification from Orange City Council must 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 Orange City Council assets, works on Public Land, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and all conditions of development consent.

H2 Final fire safety certificate

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.

H3 Final inspection

No person shall use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.

H4 Trade waste certification.

Certification from Orange City Council, stating that liquid trade waste measures implemented comply with Orange City Council's Liquid Trade Waste approval, must be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

H5 Waste disposal certification

Certification and evidence must be provided to prove that all wastes from the site were disposed of in accordance with the Council-approved waste management plan.

H6 Landscaping

Landscaping shall be installed in accordance with the stamped approved plans.

H7 Photographic Representation

The applicant shall provide within the complex photographic representation and interpretative signage of the former use of the site as a drive-in theatre site.

H8 Compliance with Conditions

The Proponent will be required to submit, documentary evidence that the site has been developed in accordance with plans approved by Project Application MP 07_0077 and of compliance with the conditions of that approval, prior to commencement of use.

I MATTERS FOR ONGOING PERFORMANCE OF THE DEVELOPMENT

I1 Reflectivity

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.

I2 Annual Fire Safety Statement

The owner is required to provide to Council and to the NSW Fire Commissioner an annual Fire Safety Certificate in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.

I3 Operational Noise

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5 dB(A) above the background noise level when measured at the boundary of the site.

I4 Ancillary Development

Approval for the use of the medical suites /rehabilitation centre and gymnasium is granted as being ancillary to the use of the medi motel whereby predominately persons visiting those facilities for treatment or consultation will be staying at the motel. Should the future use of those facilities change such that predominately persons utilising those facilities do not stay at the motel and or private hospital a further application shall be submitted for Council's approval where the car parking requirement relating to that use will be assessed.

ADVISORY NOTES**AN1 Requirements of Public Authorities for Connection to Services**

The proponent shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (a) Architectural, construction and structural details of the design in accordance with Council's policies.
- (b) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN3 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 Roads Act 1993

A separate application shall be made to the RTA for approval under Section 138 of the *Roads Act 1993* to undertake any of the following:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road.

AN5 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN6 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN7 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act 1977*.

AN8 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act 1979* this payment must be made prior to commencement of building works.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister. This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

A10 Inspections

Where Orange City Council is appointed as the Principal Certifying Authority, the following inspections will be required to be carried out by Council:

- at commencement of building work
- footings excavation
- slab reinforcement
- frame inspection
- wet areas
- stormwater drainage
- internal sewer/sanitary drainage
- external sewer/sanitary drainage
- hot and cold water plumbing
- recycled water plumbing
- final inspection