

21 September 2012

Coles Group Property Developments Limited
C/- Hill Lockart Architects
P O Box 801
TAMWORTH NSW 2340

Dear Sir/Madam

MODIFICATION (MOD0025/2013) TO DEVELOPMENT CONSENT (DA0046/2012) FOR DEMOLITION OF EXISTING SHOPPING CENTRE AND CONSTRUCTION OF NEW SHOPPING CENTRE AND SIGNAGE ON LOTS 1 AND 2 DP563441, LOT 3 DP 222686 SOUTHGATE SHOPPING CENTRE 4-10 KATHLEEN STREET SOUTH TAMWORTH NSW 2340.

I refer to the subject application and advise that Council has completed its assessment of the proposal to modify the development in the following manner:-

- Reinstating Tenancy No, 5 from two smaller tenancies, No. 5a and 5b which were approved under separate s96 application (MOD0098/2012);
- Amendment to conditions of 53b, 53c and 55 of Development Consent (DA0046/2012)

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, Council has approved the application to reinstate Tenancy No. 5 as per the endorsed Architectural Plan prepared by Hill Lockhart DWGS3808 S96 – DA103(6) dated 11 September 2012 and amend conditions 53b, 53c and 55. In this regard, conditions of the development consent now comprise:-

Prior to Work Commencing

- 1) Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:
 - (i) obtain a construction certificate from either Council or an accredited certifier;
 - (ii) appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council);
 - (iii) give at least 2 days notice to Council of the intention to commence work.
- 2) Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development.
- 3) A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating that unauthorised entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. The sign is to be removed when the work has been completed.

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- 4) Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet, and must be connected to a public sewer. If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council. If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by the council is required.

- 5) A Traffic Management Plan detailing how movements in and out of the site during demolition and construction will be adequately managed so as not to adversely impact the safe operation of the school zone, pedestrian activity and neighbourhood amenity shall be submitted to Council for approval.
- 6) Details of the demolition shall be submitted to Council for approval prior to this activity commencing. Due to the scale of the project, these shall include site management arrangements, confirmed waste disposal location/s and measures relating to exposure of potentially contaminated soils.

Prior to issue of a Construction Certificate

- 7) A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). Council requires the calculated payments to be made prior to issue of a construction certificate:
 - (i) Water headworks contribution is \$26,224;
 - (ii) Sewer headworks contribution is \$16,580;

Note: The above headworks contributions have been calculated using tenancy information provided. Tenancy changes may require revision of Headworks contributions at that time.

Note: The above contributions have been adopted under the 2011/2012 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to development undertaken in later financial years.

Note: The full requirements of the Water Supply Authority are stated at condition 53. The condition has been partially restated to confirm timing of payments.

- 8) Detailed drawings prepared in accordance with Council's Engineering Design Guidelines for Subdivision and Development shall be submitted to and approved by Council for:
 - (i) all works in the Kathleen and Anne Street road reserves (condition 41, 42 and 43).
 - (ii) relocation of the existing stormwater pipe running along the eastern boundary of the site onto Lot 4 DP 211713 (Chillingworth Oval) (condition 39).
- 9) Certification shall be provided by a suitably qualified engineer that the building foundation design does not transfer any loading to Council's stormwater pipe that traverses the site.
- 10) The applicant shall engage a consultant to undertake a more detailed study of the site in relation to potential land contamination. This should include sampling of the site including the area under the existing shopping centre. The report produced should state whether the site is suitable for its intended use or whether remediation is required. If remediation is required then a Remediation Action Plan (RAP) may be included in the report or as a separate document.

Where a RAP is required, it shall be submitted and approved by Council prior to the issue of a Construction Certificate.

Note: Dependent upon the content of the RAP, there may be additional matters to be satisfied prior to the issue of a construction certificate.

- 11) In order to satisfy condition 26, the following actions shall be completed by a qualified acoustic consultant prior to issue of a construction certificate:-
 - (i) submit a detailed assessment of noise emissions for plant and equipment, which identifies any measures required to mitigate noise impacts; and
 - (ii) submit certification that the construction details of the acoustic barrier to the loading area will achieve the required noise mitigation.
- 12) The trolley bay shown adjacent to the northern boundary is to be relocated outside the Alice Street road reserve. Construction certificate drawings shall identify the relocated position.
- 13) Pursuant to Section 68 of the Local Government Act 1993, the following approvals must be obtained from Council prior to the issue of a construction certificate:-
 - (i) carry out water supply work;
 - (ii) carry out sewerage work;
 - (iii) carry out stormwater drainage work; and
 - (iii) dispose of waste into a sewer of the Council (Trade Waste Agreement).
- 14) To enable the adequacy of proposed site landscaping to be properly assessed prior to site development works commencing, a landscape design plan in respect of the landscaping is to be submitted and approved by Council prior to issue of a construction certificate. Such plan to include botanical names, quantities and state of maturity of all proposed trees, shrubs and ground covers.

It is confirmed that any landscaping of the northern car parking area that has been identified as contaminated land will also require assessment as to the implications of exposing the soil. This shall form part of the landscaping design documentation for this area.
- 15) All external lighting shall be designed in accordance with AS 1158 and AS 4282: Control of the obtrusive effects of outdoor lighting. Design documentation and certification of compliance by a suitably qualified person shall be submitted prior to the issue of a construction certificate.

General

- 16) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
- 17) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.

In this regard, it is confirmed that the shade sails and pylon sign do not form part of this development consent.

- 18) An analysis of the pedestrian movement facilities is to be carried out by a suitably qualified consultant to ensure they are appropriate and effective following the redesign of the shopping centre. This should include consideration of the suitability of existing measures and their location (pedestrian crossing location and 40 km/hr speed environment) and make recommendations for alterations, if considered necessary. The recommendations shall be submitted to the Local Traffic Committee.

Note: Condition 56 requires completion of any measures adopted by the Traffic Committee prior to the issue of an occupation certificate.

- 19) Any proposed signage (with the exception of the Coles/Liquor Land signage forming part of this approval) shall be the subject of a separate Development Application, and be approved prior to erection or placement in position.
- 20) A separate Development Application shall be submitted for Council's consideration in respect of any specific proposed fitout of the premises or portion of the premises for Tenancies 3 to 6 inclusive prior to fit out.
- 21) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 22) To ensure the building design facilitates suitable entry, movement and sanitary facilities for people with disabilities, access and facilities are to be provided in accordance with the Building Code of Australia and AS1428.1.
- 23) To ensure that safety of workers and the public, all demolition work shall be carried out in accordance with Australian Standard 2601 – 1991, and any requirements of Workcover.
- 24) Hours of operation of the Shopping Centre and loading/unloading operations shall occur within the hours of 6am to 12 midnight, daily, unless otherwise authorised by a separate development consent.
- 25) The development is required to comply with the Food Act 2003 and Standard 3.2.3 of the Australia New Zealand Food Standards Code.
- 26) The recommendations of the Acoustic Report prepared by TTM Acoustics (14 July 2011) are to be adopted and complied with.

During Construction

General

- 27) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Infrastructure Planning Division.
- 28) If the work involved in the demolition or erection of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Infrastructure Planning Division is required.
- 29) Any damage caused to Council infrastructure during demolition or building operations in the site or the road reserves immediately adjacent to the site shall be rectified by the owner or builder to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.

- 30) If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
- 31) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 32) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 33) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday 7.00am to 5.00pm;

Saturday 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

Inspections

- 34) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.
- 35) As a consent authority under the Water Management Act 2000, the following inspections are required to be carried out by Council. Where Council is not the Principal Certifying Authority, an additional fee for each inspection will apply.
 - (i) Underfloor drainage under hydrostatic test prior to covering;
 - (ii) Internal stackwork under hydrostatic test prior to covering;
 - (iii) Hot and cold water plumbing under pressure test prior to covering;
 - (iv) Sanitary drainage (under hydrostatic test) prior to backfilling trenches or covering; and
 - (v) Final inspection of all plumbing and drainage works.

Demolition

- 36) To ensure the safety of workers and the public, demolition work shall be carried out in accordance with Australian Standard 2601-2001.
- 37) To ensure the integrity of Council's infrastructure, the following works shall be carried out by a licensed plumber:
 - (i) sewer services shall be disconnected at the junction; and
 - (ii) water services shall be disconnected at the water meter.

Stormwater

- 38) Runoff from all roof and hardstand areas shall be captured and piped in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments to the existing storm water system that traverses the site in an east/west direction.
- 39) The existing storm water pipe running along the eastern boundary of the site shall be relocated to Lot 4 DP 211713 (Chillingworth Oval).

Traffic, Access and Parking

- 40) All parking areas, including Alice Street, shall be designed to comply with Australian Standard 2890.1-2004 'Off-street car parking'.
- 41) All existing access and egress to Kathleen Street shall be consolidated to a single entry/exit point opposite the Willis Street intersection. The entry/exit shall be constructed as an intersection onto Kathleen Street to form a four way intersection. The four way intersection shall be configured as a roundabout with a completely trafficable concrete inner circle six (6) metres in diameter. Signs shall be installed in accordance with Austroads Guide to Road Design Part 4B – Roundabouts.
- 42) The proposed egress onto Kathleen Street at the southern end of the site shall be constructed as a 3.5 metre wide concrete driveway for left out movements only. In this regard, the crossover shall be constructed at 70 degrees to Kathleen Street with the direction of travel and a 600mm wide concrete median shall be constructed from the Anne Street intersection to 15 metres past the egress point. No Entry and All Traffic Left signs shall be installed at this egress point.
- 43) A temporary access to Kathleen Street shall be installed at the Alice Street intersection to ensure continued vehicle access to the Southgate Inn parking and drive-through bottle shop during the construction phase.
- 44) The service area off Anne Street shall have the crossover between the carriageway and the property boundary constructed as one continuous reinforced concrete crossover and layback for the entire width of the service area. The crossover shall be of adequate strength to carry semi-trailer loading and be provided with a non-slip finish.
- 45) Redundant driveways shall be removed and reinstated with kerb and guttering, concrete footpath and grassed verge.
- 46) The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience.
- 47) All internal driveways, parking areas, loading bays and vehicular turning areas being constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.
- 48) Onsite car parking accommodation shall be provided for a minimum of 157 vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.
- 49) All parking and loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.

Pedestrian Access and Facilities

- 50) The proposed pedestrian access off Kathleen Street shall be constructed as a ramp for disability access and shall comply with the requirements of AS1428.1-2009 Design for Access and Mobility.
- 51) The existing footpath in Anne Street shall be extended to the Service Area crossover and constructed in accordance with Council's Standard Drawing Number 11448. The path shall have a non-slip finish and be the same width as the existing path.
- 52) Traffic measures identified in the report required by condition 18 shall be the responsibility of the developer to install.

Water and Sewer

- 53) A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). Council requires the calculated payments to be made prior to issue of a construction certificate and works to be completed prior to the issue of an occupation certificate:
 - (i) Water headworks contribution is \$26224;
 - (ii) Sewer headworks contribution is \$16580;
 - (iii) A single water supply service shall be provided to the development at full cost to the developer including any appropriate backflow prevention device;
 - (iv) The developer will be responsible to engage a hydraulic engineer to determine the fire fighting and domestic demands and determine an appropriate water service size for the development;
 - (v) The existing water service can be utilised if of adequate capacity;
 - (vi) Detailed engineering drawings for water supply works shall be prepared and submitted for approval by Council prior to issue of a Construction Certificate;
 - (vii) Work shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivision and Development;
 - (viii) Work on live water mains shall be undertaken by Council at full cost to the developer.
 - (ix) A sewer service shall be provided by the connection to Council's existing sewer main in accordance with the requirements of the Engineering Design Guidelines for Subdivision and Development;
 - (x) The existing sewer connection can be utilised;
 - (xi) Work on live sewer mains shall be undertaken by Council at full cost to the developer;
 - (xii) A new liquid trade waste Approval will be required from Council for discharge of liquid trade waste to Council's sewer;
 - (xiii) Developer to submit a liquid trade waste application for the proposed development.

Note: The above headworks contributions have been calculated using tenancy information provided. Tenancy changes may require revision of Headworks contributions at that time.

Note: The above contributions have been adopted under the 2011/2012 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to development undertaken in later financial years.

Note: This condition has been partially restated at condition 7 to confirm timing of payments.

Shade Sails

- 53a) The shade sails proposed to be erected over the stormwater easement along the northern side of the building shall be designed and constructed so as to be easily removable in the future for maintenance and/or renewal of the stormwater infrastructure within the easement. The footings shall be designed so as not to impose any loading on the stormwater pipes. In this regard, certification shall be provided by a Chartered Professional Engineer that the footing design does not transfer any additional loading to the existing stormwater infrastructure.
- 53b) In order to ensure suitable manoeuvring within the carpark area for vehicles up to and including 12.5m large rigid trucks, the design of the northern car park shall be in accordance with Architectural Plan prepared by Hill Lockhart DWGS3808 S96 – DA103(6) dated 11 September 2012.

Right of Way

- 53c) In order to ensure legal right of way access is provided from the Willis Street Roundabout to Southgate Inn for vehicles up to and including 12.5m large rigid trucks in the event the Alice Street Access is closed in the future, the owners of Lots 1 and 2, DP 56344 and Lot 3, DP 222686, shall formalise the registration of a Right of Carriageway as generally indicated on Architectural Plan prepared by Hill Lockhart DWGS3808 S96 – DA103 (6) dated 11 September 2012. This Right of Carriageway must be registered with the title of the Lots prior to the issue of a Final Occupation Certificate.

Prior to Occupation

- 54) To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until:-
- (i) it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or
 - (ii) the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.
- 55) To comply with the Fire Resistance Levels of the Building Code of Australia and to ensure that no part of the development site may be independently disposed of, consolidation of the subject land (Lot 2, DP 563441 and Lot 3, DP 222686) shall be registered with the Lands Title Office prior to the issue of a Final Occupation Certificate.
- 56) Amended traffic facilities identified in the report required by condition 18 and endorsed by the Local Traffic Committee shall be installed prior to the issue of an Occupation Certificate for the development.
- 57) Prior to the issue of an Occupation Certificate, a Validation Report shall be submitted confirming compliance with the approved RAP (should one have been required in accordance with condition 10).

Continued Operations

- 58) The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

- 5i) Vehicles shall be loaded or unloaded standing wholly within the premises and within loadings designated on the submitted plans, or as otherwise provided in accordance with the conditions of this consent to ensure that the proposed development does not give rise to street loading or unloading operations with consequent accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side, or across the public footpath
- 60) To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste material.
- 61) The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.
- 62) Operation of food premises to comply with the Food Act 2003 and Standard 3.2.3 of Australia New Zealand Food Standard Code.
- 63) To confirm the measures to mitigate noise have achieved the intended results, a Noise Validation Report prepared by an Acoustic Consultant shall be submitted to Council following six (6) months of operations and before 12 months of operations.

Please note that this approval remains effective from the original date of consent, 13 October 2011.

Under the provisions of Section 97 of the Act you may (within six (6) months from the date of this development consent) appeal to the Land and Environment Court against conditions imposed should you feel they are unreasonable.

Yours faithfully



David Lewis

Manager, Development and Approvals

Contact: Sam Lobsey (02) 6767 5432

Reference: SL/dl/MOD0025/2013

Dated: 27 September 2012