



REPORT: Development Application D2012-145 for Demolition, Erection of a Building for Commercial Premises, Serviced Apartments, Hotel or Motel Accommodation and Shop-Top Housing for Macquarie, Bultje, Bligh and Cobra Streets, Dubbo

Applicant: Penrith Mega Homebase Pty Ltd
Owners: BAWD Holdings Pty Ltd, J and I Waldron, Josim Pty Ltd and Roads and Maritime Services

AUTHOR: Planning Services Supervisor
REPORT DATE: 18 July 2012
FILE: AU12/59

EXECUTIVE SUMMARY

Council is in receipt of a Development Application (lodged on 20 April 2012) that seeks consent to undertake demolition of a number of existing structures and to erect a building containing commercial premises (retail premises and office premises), shop top housing, serviced apartments, hotel or motel accommodation and associated vehicle parking areas on Lot 3, 4, 5 6 and Lot 10 DP 475, Lot 12 DP 601633, Lot 74 DP 736715 and Lot 1 DP 238053 Macquarie, Bultje, Bligh and Cobra Streets, Dubbo.

The Application has been referred to Council for information and notation prior to the matter being referred to the Western Joint Regional Planning Panel (JRPP). The Panel will make the final determination as the proposal meets the relevant criteria of having a capital investment value in excess of \$20 million. As such, this report is for notation purposes only.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That this report be noted and that Development Application No. D2012-145 be submitted to the JRPP for determination subject to the Conditions provided attached hereto as Appendix 1.

Steven Jennings
Planning Services Supervisor

BACKGROUND

The subject Development Application was lodged with Council on 20 April 2012 and was the subject of a number of pre-lodgement meetings with the Applicant during the six months prior to lodgement.

Council officers, in assessment of the Application sought additional information from the Applicant in correspondence dated 16 May 2012. The Applicant has continued to provide components of the further information requested from Council with information still being provided up until 11 July 2012.

REPORT

1. APPLICANT

Penrith Mega Homebase Pty Ltd

2. OWNERS

BAWD Holdings Pty Ltd, J and I Waldron, Josim Pty Ltd and Roads and Maritime Services

3. DEVELOPMENT DETAIL

The Application has sought development consent from Council to undertake demolition of a number of existing structures and to erect a building containing commercial premises (retail premises and office premises), shop-top housing, serviced apartments, hotel or motel accommodation and associated vehicle parking areas. Plans of the proposed development are included here in **Appendix 2**.

The Macquarie Street frontage of the development will consist of five (5) storeys. The retail component of the development will be provided on two storeys with 581 m² and 12,221 m² of gross leasable floor area provided on level 1 and level 3 respectively. The Applicant has proposed provision of the serviced apartments, shop top housing and hotel accommodation on the boundaries of the building and will consist of four storeys.

The proposed development will be provided in the following general arrangement:

- Levels 1 and 2:
 - Undercover vehicle parking, loading docks, garbage facilities, car detailing area.
 - Motel entrance fronting Bultje Street.
 - Retail premises on the perimeter of Level 1 fronting both Bultje and Bligh Streets.
 - Drive-through coffee shop.
- Level 3:
 - One storey of retail shopping extending from Macquarie to Bligh Streets consisting of 12,802 m².

- Restaurants extending from the retail shopping area over the Bultje and Bligh Streets road reserves consisting of 730 m².
- Levels 3a to 6:
 - Four stories of office space fronting Macquarie Street consisting of 2,946 m².
- Levels 4 to 7
 - Four stories of motel accommodation comprising 64 units and associated amenities fronting Bultje Street.
 - Four stories of serviced apartments comprising 32 units and associated amenities fronting Bultje Street.
 - Four stories of multi-unit residential development comprising 28 units and associated amenities fronting Bligh Street.
- The height of building fronting Macquarie and Bligh Streets is approximately 22 m and 26.5 m respectively.
- Level 3 of the development is proposed to be constructed over Poplars Lane which is a public road reserve. This issue is further discussed in this report.
- An open single storey carpark situated on land immediately south of the subject site is proposed to be provided which will include provision for 265 vehicle parking spaces.
- The development is proposed to have a number of vehicle ingress and egress points from Bultje and Bligh Streets. Issues in relation to traffic and vehicle parking are further discussed in this report.

Plans of the proposed development are provided attached here in **Appendix 2**.

4. SITE CHARACTERISTICS

The land is known as Lots 3, 4, 5 and 6 DP 475 No 199 Macquarie Street, Lot 10 DP 475 No 1 Bultje Street, Lot 12 DP 601633 No. 13 Bultje Street, Lot 74 DP 736715 No 211 Macquarie Street and Lot 1 DP 238053 Cobra Street, Dubbo.

The overall land area consists of 25,770 m² with an approximate frontage to Macquarie, Bultje and Bligh Streets of 56.865 metres, 155.45 metres (including 6.135 m width of Poplars Lane) and 127.625 metres respectively.

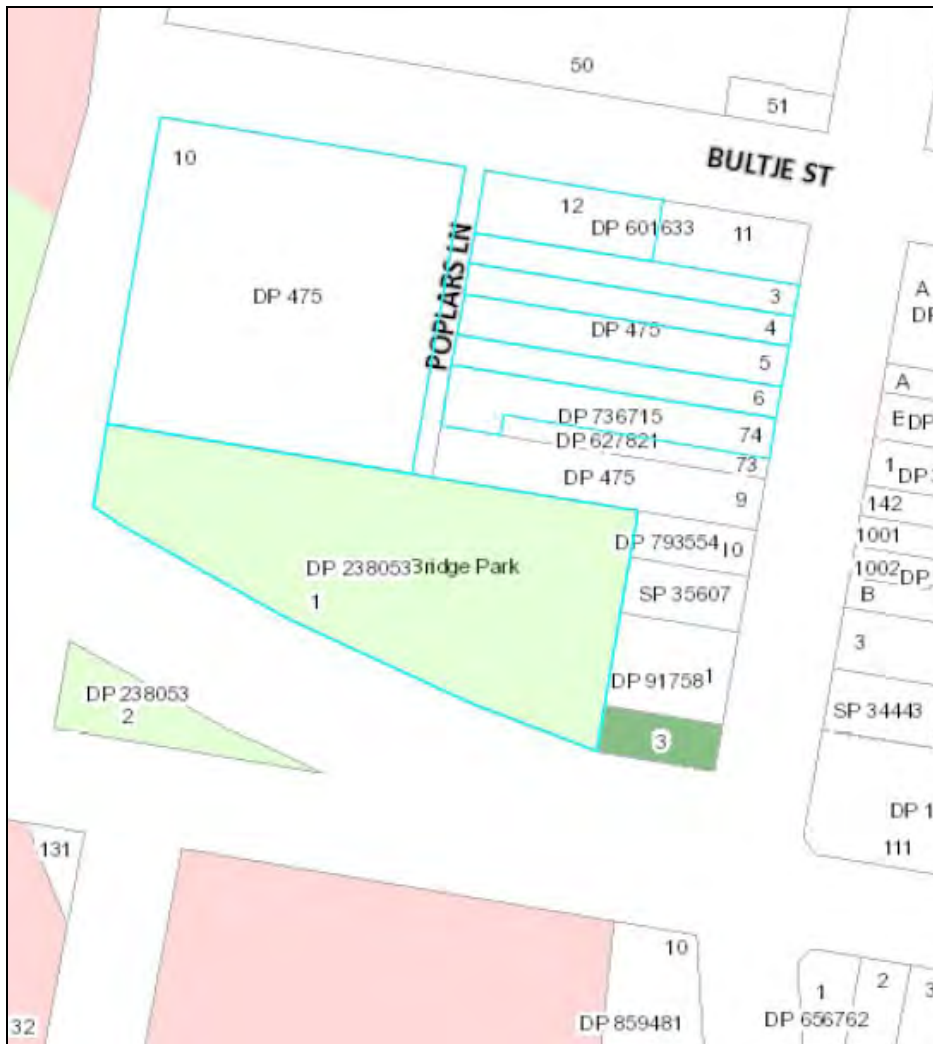


Figure 1 – Location of the subject land identified in blue

Slope

The subject land falls from east to west towards the Macquarie River between 3 and 3.5 metres. A substantial area of the site is subject to the impacts of the 1 in 100 year flood event. Issues in relation to flooding are further discussed in this report.

Vegetation

The land has some introduced trees and grasses with minimal flora or fauna value. Issues in relation to flora and fauna are further discussed in this report.

Access

Pedestrian access is available from Macquarie, Bultje and Bligh Streets and Poplars Lane. Vehicular access is available from Bultje and Bligh Streets and Poplars Lane. Issues in relation to pedestrian and vehicular access are further discussed in this report.

Drainage

Street frontages in Bultje and Macquarie Streets provide upright kerb and guttering and are connected to Council's stormwater drainage system. Issues in relation to drainage are further discussed in this report.

Services

All urban utilities are available to the land.

Adjoining uses

North: Milestone Hotel, the Centro Shopping Centre and the Dubbo Central Business District
East: Macquarie Street
South: Commercial activities, the Mitchell Highway (Cobra Street) and residential uses south of Cobra Street
West: Public recreation land and the Macquarie River

5. SITE HISTORY

Lot 1 DP 238053 is owned by the Roads and Maritime Services (RMS) and is under the care, control and management of Dubbo City Council as a reserve.

A review of Council's records identified a number of files relating to the subject land. Those pertinent to the proposed development are shown below:

File Number	Land	Proposed Development	Approval Date
PR1980-142	Lot 12 DP 601633	Installation of two petrol bowsers	29/10/1980
BR1985-689		Underground fuel storage tank	8/11/1985
PR1987-151		Change of use and upgrading of premises from filling station and fruit and vegetables shop to use as a service station. Existing use of part of premises as a pet shop to remain.	4/11/1987
D2009-279 (Parts 1 to 3)		Transportable coffee booth (The Fast Lane Drive Thru Coffee)	31/08/2009
E1999-45	Lots 3, 4, 5 & 6 DP 475	Demolition of John Oxley Motel and associated structures	10/08/1998
B1984-443	Lot 74 DP 736715 No 211 Macquarie St	Two storey commercial building. The file identified 19 off-street car spaces required.	29/8/1984
Property File 390.950	Lot 10 DP 475	Caravan park with 67 sites, amenities and office structures.	

Issues in relation to the files specified above are further discussed in this report where relevant to the subject Application.

6. LEGISLATIVE REQUIREMENTS OF THE EP&A ACT, 1979

The proposed development includes building over a public road under the authority of Council.

As the consent authority to build over the road differs from the consent authority for the Development Application, the proposed development is defined as Integrated Development pursuant to Section 138(1)(a) of the Roads Act, 1993 and Section 91(1) of the EP&A Act 1979.

Issues in relation to construction of the development over public land are further discussed in this report.

(a) What is the zoning of the land under the Dubbo Local Environmental Plan 2011?

The land is zoned B3 Commercial Core.

(b) What land use definition best defines the development proposal and is it permissible within the zone?

The Applicant has sought development consent to undertake construction of Commercial Premises, Shop-Top Housing, Serviced Apartments and Hotel or Motel Accommodation as defined in the Dubbo LEP 2011. Each component of the development is a permissible land use activity on the land.

(c) Does the development proposal conform to the objectives of the zone?

The B3 Commercial Core zone has the following objectives:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community;*
- *To encourage appropriate employment opportunities in accessible locations;*
- *To maximise public transport patronage and encourage walking and cycling;*
- *To reinforce the role of the Dubbo Central Business District as the commercial, office and retail core of Dubbo and the region;*
- *To encourage use of the Dubbo central business district for cultural, entertainment, leisure and dining activities;*
- *To achieve activation of the river corridor by encouraging land use activities that front Bligh Street; and*
- *To promote active street frontage within the Dubbo Central Business District by encouraging business and retail development on the ground floor of buildings facing the street.*

It is considered that the proposed development is consistent with the objectives of the B3 Commercial Core zone.

(d) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?

(i) *State Environmental Planning Policies (SEPPs)*

State Environmental Planning Policy No. 55 – Remediation of Land

A section of the subject land has been previously used for the purposes of a service station. The Development Application was referred to Council's Environment and Health officers for assessment in relation to possible contamination. The following comments were made in relation to contamination:

"The subject land is currently listed on Council's register of potentially contaminated land. A Preliminary Site Investigation has been carried out by GHD Consulting P/L dated February 2012 which found that the site is contaminated and recommendations have been included in relation to remediation prior to any construction works commencing. The Preliminary Site Investigation provides the following information:

6.1 Historical Data

6.1.1 Area 1 – Caravan Park

The caravan park site has been identified as a former service station with the identification of at least one underground storage tank (UST) in the enclosed garage area (western portion) of the administration/residential building. A filled in inspection pit was also noted in this area. The current status, size and contents of the UST are unknown. The site appears to have been used as a caravan park sometime between 1959 and 1971 and continuing to the present day.

6.1.2 Area 2 – Former Service Station

This site was formerly part of "The Rookery" Japanese Gardens and prior to 1952 developed and used as a car and tractor service station. The site has been used for various businesses including a service station, motor showroom/car dealership, fruit shop/mixed business, dress shop, pet shop, car rental business and take away food outlets (mobile seafood and café).

Three USTs are located in the eastern portion of the site with unknown age or products. The status of the tanks has not been confirmed but they are believed to have been abandoned in situ. Fuel bowsers were removed, however, it is unclear whether the associated fuel lines were also removed. GHD is not aware of any validation works associated with removal of the fuel bowsers. There is a potential for inspection pits, sumps and hoists within the building. The potential for additional tanks in other portions of the area cannot be discounted.

6.1.3 Area 3 – Macquarie Street

The former hotel/motel site was developed in the 1970's and remained in the same configuration until it burned down and was demolished sometime between 1995 and the present day. The adjacent retail/commercial premises appear to have been developed sometime between 1959 and 1971 and then potentially redeveloped between 1980 and 1988."

Council's Environment and Health officers have recommended that the Development Application be approved subject to the provision of appropriate conditions relating to the remediation of the land. Appropriate conditions are included in the conditions of development consent included here in **Appendix 1**.

State Environmental Planning Policy No. 64 – Advertising and Signage

The Statement of Environmental Effects provided with the Development Application provides information that the exact details of signage (including the location), has not been finalised.

To address this information, an appropriate condition is included in the conditions of development consent included here in **Appendix 1** which will require a separate Development Application to be lodged with and approved by Council for any advertising signage on the land.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The shop-top housing component of the proposed development is defined as a residential flat building under the provisions of the SEPP. As defined below:

“residential flat building means a building that comprises or includes:

- (a) three or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) four or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),*

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

***Note:** Class 1a and Class 1b buildings are commonly referred to as **town houses** or **villas** where the dwelling units are side by side rather than on top of each other.”*

A residential flat building is a prohibited form of development in the B3 Commercial Core zone. However, the Applicant has proposed to undertake provision of shop-top housing, which is defined below:

“means one or more dwellings located above ground floor retail premises or business premises.

***Note:** Shop-top housing is a type of residential accommodation - see the definition of that term in this Dictionary.”*

As the shop-top housing proposed by the Applicant is defined as a residential flat building, the permissibility of the residential component as shop-top housing will take precedence.

The Applicant provided a Design Statement prepared by a registered architect and additional information addressing the provision of the SEPP and the information required in accordance with Clause 50(1A) of the Environmental Planning and Assessment Regulation, 2000.

It is considered that the proposed Shop-Top Housing component of the development is consistent with the provisions of the SEPP and in particular the Design Quality Principles.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Determination of Development Applications—other development

In accordance with Clause 45 of the SEPP, written notice was given to the electricity supply authority to comment on the potential safety risks associated with the development proposal due to the close proximity of overhead powerlines.

Essential Energy have advised that the subject powerlines operate at a voltage of 11,000 and 415 volts and are an open wire cable construction. Essential Energy raised no objections to the proposed development, subject to the following steps being undertaken:

- *Extreme caution must be exercised during the construction of the buildings in close proximity to powerlines. All site activities must comply with the relevant WorkCover Codes of Practice to ensure that workers, plant and equipment are kept well clear of the powerlines.*
- *Completed buildings must comply with the requirements and distances specified in the enclosed brochure “Structures Near Powerlines”.*
- *Failure to observe these requirements may constitute a breach of statutory requirements and may require that Essential Energy needs to relocate the powerlines at the applicants expense.*

It would be Essential Energy’s preference to have all lots consolidated.

Essential Energy is still in discussions with the proponent with regards to the location of the electricity substation and any requirement to underground existing overhead electricity mains situated in Bultje St.

The three bullet points identified by Essential Energy above are included as notations in the conditions of development consent provided here in **Appendix 1**.

An appropriate condition is also included in the conditions of development consent, provided in **Appendix 1**, which requires the subject lots to be consolidated.

Clause 104 – Traffic-generating development

Clause 104(1) of the SEPP states the following:

This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) *new premises of the relevant size or capacity, or*
- (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

In accordance with the provisions of the SEPP, the Development Application was referred to the RMS for consideration. The RMS provided two separate responses to Council. The requirements of the RMS are further discussed in this report.

Orana Regional Environmental Plan No. 1 - Siding Springs (Deemed State Environmental Planning Policy)

The subject site is situated in excess of 100 km from the Observatory and it is considered that the development will not provide a significant level of light spill or glare.

The proposed development does not require referral to the Observatory under the provisions of the State Environmental Planning Policy.

(ii) *Dubbo Local Environmental Plan 2011*

The following clauses of Dubbo Local Environmental Plan 2011 (Dubbo LEP 2011) have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

It is considered that the proposed development is consistent with the aims of the LEP.

Clause 5.10 Heritage conservation

The subject land is situated in the vicinity of four (4) heritage items listed in Schedule 5 of the Dubbo LEP 2011. The subject heritage items are shown in the table below:

Address	Property Description	Item Name	Current Use	Significance
193 Macquarie St	Lot 51 DP 591672	Shire building (former)	Hogs Breath Café	State
195 Macquarie St	Lot 11 DP 601633	“Kemwah” now Milestone Hotel	Milestone Hotel	State
215 Macquarie St	Lot 9 DP 475	Brick house	(1) Sticks & Stones Restaurant (2) Two Doors Restaurant	Local
232 Macquarie St	Lot 1 DP 545488	Dubbo Museum (former)	Dubbo Museum	Local

A Heritage Impact Statement (HIS) was submitted with the Development Application. The HIS states that both local heritage items at Nos 215 and 232 Macquarie Street will not be affected by the proposed development.

The HIS identified the Milestone Hotel and the former Talbragar Shire Building as having moderate and high historical significance respectively, with both structures having an important contribution to the streetscape. The HIS also identified the Milestone Hotel as having social significance.

The HIS provided the following information in relation to the State Significance Items:

“The heritage impact of the proposed new development has been minimized by holding it back from its northern boundary with the Milestone Hotel. This avoids interference with the eaves of the hotel which overhang the boundary and enables the northern face of the office building on Macquarie Street to be fitted with open balconies that enliven a façade that forms a visual backdrop to the heritage item. On the western boundary (which is to the west of the hotel carpark) a new substation is visually screened from the hotel by enclosing walls that are of a similar height to the walls of the hotel. These devices ensure the impact of the new development on the Hog’s Breath Café is also minimized.

Overall, the heritage impact of the proposed development will be minor.”

The height and scale of the proposed development is greater than the surrounding heritage items. It is considered that the setback to the heritage items, building materials and design of the proposed development can create an adequate contrast to maintain a satisfactory level of historical, social and/or architectural contribution of each individual heritage listed building.

Clause 7.1 Flood planning

The majority of the subject site is located in the Flood Planning Area as depicted on the Flood Planning Map (Sheet FLD_008A of the Dubbo LEP 2011) and identified within the Flood Standard (1 in 100 year flood event) as depicted on the Dubbo Floodplain Management Plan, Urban Areas, Flood map (sheets 1 and 2).

Issues in relation to flooding are further discussed in this report.

Clause 7.3 Earthworks

The proposed development will include the provision of earthworks. Given the extent of the proposed earthworks and the location of the land, an appropriate condition is included in the draft conditions of development consent provided here in **Appendix 1**, which will require a Soil and Water Management Plan to be provided to Council for approval prior to the issue of any Construction Certificate.

Clause 7.4 Natural resource sensitivity - riparian land and water courses

Council’s Environment and Health officers provided the following information in relation to Clause 7.4 of the LEP:

- (1) *“The proposed development has a large footprint and extensive earthworks are proposed. It is considered that erosion and sediment control measures are required to be provided.*

- (2) *Surface water from the proposed undercover carpark drains directly to the river via the existing stormwater system. Wastewater from the car cleaning/detailing area located at ground level will need to be treated and discharged to Council's sewer system similar to the wash-down water from the garbage storage room.*
- (3) *Further information provided by the Applicant details that tanks for recycling, settlement etc have been added to the drawings of Level 1. Given that this is a technical issue and depends on specific finalised details, a condition requiring the details to be submitted prior to the Construction Certificate being issued is recommended."*

Appropriate conditions in relation to the requirements specified above are included in the conditions of development consent provided here in **Appendix 1**.

Clause 7.5 Groundwater vulnerability

Council's Environment and Health officers provided the following information in relation to Clause 7.5 of the LEP:

"Clause 7.5 of Dubbo Local Environmental Plan 2011 applies to this proposal as the land has been included on the Natural Resource – Groundwater Vulnerability Map with high and moderately high groundwater vulnerability.

It is considered that the proposed development, which is situated on a highly disturbed site, is unlikely to further impact the quality or quantity of infiltration to groundwater. The proposed remediation will remove potential sources of soil and water contamination while existing rates of infiltration will be reduced by the reuse and discharge of stormwater.

The proposed development is therefore considered to be designed, sited and capable of being managed to avoid any significant adverse environmental impact."

Clause 7.7 Airspace operations

The Dubbo Airport Obstacle Limitation Surface (OLS) map identifies a maximum height for any development to ensure the effective and ongoing safety operations of the airport.

The OLS map identifies an RL of 325 metres AHD for the subject land. The highest roof RL of the proposed development is approximately 284.86 metres AHD. It is considered that the proposed development will not impact airport operations.

- (e) Do any draft environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?

No draft environmental planning instruments apply to the land to which the Development Application relates.

- (f) Does the proposed development rely on the ‘existing use’ provisions of the EPA Act?

The proposed development does not rely on the ‘existing use’ provisions.

- (g) Does any Development Control Plan apply to the land to which the Development Application relates?

Development Control Plan G2.2 Flood prone Lands – Urban Areas

Council’s Development Control Plan No. G2.2 Flood prone Lands – Urban Areas applies to development on the land.

As previously discussed in this report, the majority of the land is situated below the level of the 1 in 100 year flood event. The Applicant provided a Flood Impact Assessment with the Development Application to assess the impact of the development on the floodplain and in particular, flood behaviour.

Council’s Technical Services officers have undertaken consideration of the Flood Impact Assessment and provided the following information:

“The Applicant had submitted a Flood Impact Assessment undertaken by Cardno Pty Ltd for the proposed development.

Cardno undertook hydraulic modelling of the Macquarie River for pre and post development scenarios to determine the impact of the proposed development on flood levels and velocities. The following information was provided in conclusion of the report:

- The proposed development has a negligible impact on the 100 year ARI flood levels.*
- The planned development reduces the flow velocities through the site and slightly reduces the extent of higher velocities adjacent to several downstream properties.*
- The planned development removes an island of lower velocity depths less than 0.6m²/s within the site and a section of Bultje Street under existing conditions.*
- The planned development has no discernible impact on the extent of high hazard flooding in the vicinity of the site.*

It is considered that based on the information provided by the Applicant and the location of the land, the proposed development will not have a significant impact on flood behaviour in the locality.”

Council’s Building Services Officers provided appropriate conditions in relation to the construction of the development on flood prone land. The conditions are included in the conditions of development consent provided here in **Appendix 1**.

Appendix B of the DCP provides specific provisions for commercial land situated in the CBD. The objective of Appendix B is to maximise development opportunities by providing the following Urban Design Objectives:

- (1) *Provision of high quality urban design treatments of building facades to all street frontages. This may include a combination of quality architectural design, facade articulation, variations in building setback and height, window treatments and landscaping.*
- (2) *Buildings to present a commercial elevation to all street frontages (ie use of display windows, awnings, lighting and decorative features).*
- (3) *Use of a combination of landscaping and architectural detail to screen car parking areas while at the same time presenting a high level of streetscape attractiveness.*
- (4) *Provide clearly defined pedestrian access ways linking car parking areas with Macquarie and Bligh Streets. These access ways are to also function as paths of pedestrian movement between the river foreshore and Macquarie Street.*
- (5) *Buildings with frontage to Bligh Street should provide a visual connection to the Macquarie River when viewed from within the building form.*

To facilitate achievement of the objectives provided above, the following guidelines are included in the DCP to guide the design of development within the CBD:

(1) *Street Setback to Bligh Street*

The building setback to Bligh Street shall be 10m. The facades of each upper floor are to be set back an additional 3m per floor commencing at a height of 10m from ground level.

(2) *Building Design*

- (a) *Facades are to be articulated to street frontages with commercial recognition to Bligh Street through use of sensitive treatment of window, lighting, signage and open deck areas. Large flat facade plains will not be accepted;*
- (b) *Car parking areas are to be screened using a combination of building forms and landscaping;*
- (c) *Lighting and signage are to be integrated with the building design;*
- (d) *A variety of finish and colour is to be utilised; and*
- (e) *Development proposals are to be in accordance with an agreed design concept for the site. This must be prepared and discussed with Council prior to the preparation and lodgement of a Development Application. This requirement shall apply in circumstances where the existing floor space is to be extended by more than 15%.*

(3) *Access and Parking*

- (a) *Pedestrian access pathways, free of stairs, are to be provided from car parking areas to street entrances;*
- (b) *Pathways shall extend between the car parking areas and the Bligh Street and Macquarie Street footpaths;*
- (c) *The predominant use of ground level areas lying in the high hazard flood area are to be for car parking; and*
- (d) *Parking and pedestrian areas are to be clearly signposted and well lit.*

The proposed development, including the variation to the 10 metre setback to Bligh Street, is considered appropriate in the context of the subject site and the Dubbo CBD for the following reasons:

- The shop-top housing, Level 3 restaurants and retailing premises fronting Bligh Street (including the dining areas) actively engage the river corridor.
- Landscaping along the road reserve of Bultje and Bligh Streets links the river corridor in accordance with Council's Street Beautification Program.
- The well-articulated design of the building provides a number of building forms and variations throughout the structure.
- The vehicle parking areas provided on Level 1 and 2 of the development are screened from Bligh Street.
- The predominant use of land below the Flood Planning Level is for the purposes of vehicle parking.
- The proposed development provides for the appropriate movement of pedestrians between the different land use activities.

Development Control Plan G3.1 – Designing for Access and Mobility

Council's Development Control Plan No. G3.1 Designing for Access and Mobility applies to development on the land.

The Statement of Environmental Effects provides the following information in relation to compliance with the provisions of the DCP:

"The development has been designed to meet the requirements of the DCP and all relevant Australian Standards with respect to access and mobility."

Design Criteria

Commercial buildings, retail and business premises with a public accessible total floor area of greater than 500 m² are identified as Group 2 Developments under the provisions of the DCP which require a wider range of enhanced design requirements for people with a disability.

Taking into consideration the scale, gross floor area and use of the proposed development, an appropriate condition is included in the proposed conditions of development consent, provided attached as **Appendix 1**, which will require the development to provide Group 2 Design Requirements in accordance with the provisions of the DCP.

Adaptable, Accessible and VISIBLE Accommodation

The DCP requires medium density development, motels and serviced apartments to be provided with adaptable accommodation at the rate as shown below:

Land Use	Required rate of Adaptable/Accessible units under DCP G3.1	Required number of Adaptable/Accessible Residential units under DCP G3.1
Shop Top Housing 28 units	One Adaptable Housing Unit for every five or part thereof	5.6 Part thereof = 6
	One VISIBLE Housing Unit for every 10 dwellings or part thereof	2.8 Part thereof = 3
Motel 64 units	One Accessible Unit per 10 units or part thereof	6.4 Part thereof = 7
Serviced Apartment 32 units	One Accessible Unit per 10 units or part thereof	3.2 Part thereof = 4

An appropriate condition is included in the conditions of development consent, provided attached as **Appendix 1** which will require adaptable housing accommodation in accordance with the requirements specified above.

Vehicle Parking

A total of 12 off-street car parking spaces for people with a disability are proposed to be provided within the development. All 12 spaces are located on Level 1, west of Poplars Lane and are associated with the retail component only. .

Under the provisions of the DCP the required number of off-street car parking spaces for people with a disability is based on a ratio of the total number of off-street car parking spaces per land use.

The number of off-street car parking spaces for people with a disability required per land use is calculated in the table below:

Land Use	Car Parking Requirement based on DCP G3.1	Number required of spaces based on DCP G3.1	Proposed number of spaces for people with a disability
Retail 648 car spaces provided (including 12 spaces for people with a disability)	1 to 10 Spaces: 1 accessible space to AS4299	1	12
	11 to 100 spaces: One additional accessible space per 20 spaces or part thereof. The width of such additional spaces being at a 50:50 ratio AS4299: AS2890.1	$= (100-10)/20$ $= 4.5$ $= 5$	
	101 + Spaces: One additional accessible space per 100 spaces or part thereof. The width of such additional spaces being at a 50:50 ratio AS4299: AS2890.1	$= (648-100)/100$ $= 5.48$ $= 6$	
	Subtotal:	12	
Office 64 car spaces provided. Commercial rate from DCP G3.1 used	1 to 10 Spaces: 1 accessible space to AS4299	1	0
	11 to 100 spaces: One additional accessible space per 20 spaces or part thereof. The width of such additional spaces being at a 50:50 ratio AS4299: AS2890.1	$= (64-10)/20$ $= 2.7$ $= 3$	
	Subtotal:	4	
Shop-Top Housing	Each adaptable housing unit shall have a parking space in conformity with AS4299;	6	0
	Each Visitable housing unit shall have a parking space in conformity with AS2890.1	3	0
Motel	50% of Accessible units shall have a parking space in conformity with AS4299 and; The remaining 50% of Accessible units shall have a parking space in conformity with AS2890.1	4 spaces in conformity to AS 4299 and 3 spaces in conformity to AS 2980.1	0
Serviced Apartment	50% of Accessible units shall have a parking space in conformity with AS4299 and; The remaining 50% of Accessible units shall have a parking space in conformity with AS2890.1	2 spaces in conformity to AS 4299 and 2 spaces in conformity to AS 2980.1	0
Existing Building No 211 Macquarie Street	1 to 10 Spaces: 1 accessible space to AS4299	Given that zero off-street car parking spaces are required (refer to Section 6(i) of report), it is inferred no additional car spaces for people with a disability are required.	0
	11 to 100 spaces: One additional accessible space per 20 spaces or part thereof. The width of such additional spaces being at a 50:50 ratio AS4299: AS2890.1		

An appropriate condition is included in the proposed conditions of development consent, provided here in **Appendix 1** which will require the car parking layout to be modified to provide off-street car parking for people with a disability in accordance with Australian Standard 2890.6.2009 in the following manner:

- Four car spaces in the office car parking area on Level 2 in the immediate proximity of the passenger lift;
- Six car spaces in the area identified for shop-top housing on Level 1;
- Four car spaces in the motel car park on Level 1 in the immediate proximity of the motel lift; and
- Two car spaces in the Motel and Serviced Apartment car parking area on Level 2.

Standards for the Off-Street Parking of Motor Vehicles

Council's Standard for the Off-Street Parking of Motor Vehicles applies to development on the land. The information provided below details the vehicle parking requirements and provision for the development:

Level 1 - Undercover Parking	
West side of Poplars Lane - retail	81
West side of Poplars Lane - retail (parcel pickup)	2
West side of Poplars Lane – shop-top	44
West side of Poplars Lane – motel	42
East side of Poplars Lane – retail	110
Level 1 Subtotal	279
Level 2 - Undercover Parking	
West side of Poplars Lane – retail	176
East side of Poplars Lane - office	64
East side of Poplars Lane - motel	66
Level 2 Subtotal	306
Total Under Cover Parking on Levels 1 and 2	585
Roads and Maritime Services carpark	279
Total	864

The information provided below details the vehicle parking requirements for the proposed development:

Land use	Usable floor area (m ²)	Car parking requirement based on Council Policy No 3	Car parking requirement based on RTA guidelines (Issue 2.2, Oct 02) Gross Leasable Floor Area (GLFA)	Off-street car parking required by Council policy	Off-street car parking required by RTA guidelines using GLFA
Restaurant + Retail	13,532*	1 space per 20m ²	5.6 spaces per 100m ²	676.6 Say 677	757.792 Say 758
Office	2,946	1 space per 40m ²	1 space per 40m ²	73.65 Say 74	73.65 Say 74
Shop-top housing (28 units)	12 x 3 bedroom apartments	1.5 spaces per 3 bedroom unit	1.2 spaces per 3 bedroom unit	18	14.4
	8 x 2 bedroom apartments	1.3 spaces per 2 bedroom unit	0.7 spaces per 2 bedroom unit	10.4	5.6
	8 x 1 bedroom apartment	1 space per 1 bedroom unit	0.4 spaces per 1 bedroom unit	8	3.2
	Total units: 28	1 space per 4 units for visitor parking or part thereof	1 space per 7 units for visitor parking	7	4
	Sub-total:			43.4 Say 43	27.2 Say 27
Motel rooms (64 units, 15 staff)	N/A	Not specifically defined. RTA rates applied	1 space for each room + 1 space per 2 employees (15 staff)	71.50 Say 72	71.50 Say 72
Serviced apartments (32 units, 5 staff)	N/A	Not specifically defined. RTA rates applied	1 space for each room + 1 space per 2 employees	34.50 Say 35	34.50 Say 35
Existing building No 211 Macquarie Street	N/A	N/A	N/A	19	19
Total:				920	985

Using a combination of the most conservative values from the table above (ie Council car parking rate for retail and the RTA guidelines for non-retail development), the proposed development generates 904 car spaces. This creates a short fall of 40 off-street car parking spaces (ie 904 – 864).

The table below identifies the conservative demand for each land use compared to the number of allocated car parking spaces provided:

Land use	Required car spaces	Number of car spaces provided*	Surplus/Deficit
Restaurant + Retail	677	648 (369 Undercover + 279 RMS carpark)	-29
Office	74	62	-12
Shop-top Housing	27	40	13
Motel rooms	72	105	-2
Serviced apartments	35		
Existing building No 211 Macquarie Street	19	0	-19
Total:	904	855	-49

* **Note:** Inclusive of off-street car parking for people with a disability

The assessment of traffic and parking impacts undertaken by Council's traffic consultant provided the following recommendation:

"Provision of additional spaces to comply with Council requirement unless alternative arrangements are agreed with Council."

The recommendations of Council's traffic consultant would require a total of 920 vehicle parking spaces which is a further 65 vehicle parking spaces.

Section 5.7.1 of the RTA's Guide to Traffic Generating Developments (Issue 2.2, dated October 2002) states that the car parking rate for shopping centres based on gross lease floor area is:

"based on unrestrained demand for parking, in isolation to adjacent development. When it can be demonstrated that the time of peak demand for parking associated with the shopping centre and the adjacent land uses do not coincide, or where common usage reduces total demand, a lower level of parking provision may be acceptable. Provision of public transport may also reduce the demand for car parking spaces."

Council's Section 94 Contribution Plan Roads, Traffic Management and Car Parking requires the payment of \$23,743 per parking space not physically provided by a development in the CBD. Using a combination of the most conservative car parking requirements, the development has an overall parking shortfall of 40 spaces.

The following factors can be taken into consideration for vehicle parking requirements.

- The multi-use nature of the proposed development and their varying hours of operation and peak demands;
- The proximity of the development to public transport and parking; and
- The increased likelihood of pedestrian movement and shared trips between the proposed and surrounding land uses in the CBD.

However, the provisions of the Section 94 Plan require Council to levy contributions in lieu of vehicle parking not being provided. The contribution for the development will consist of the following:

\$23,473 (per vehicle parking space) x 40 (vehicle parking spaces not provided) = \$949,720.00

An appropriate condition included in the conditions of development consent provided here in **Appendix 1**, which will require the Applicant to pay a contribution of \$949,720.00 to Council for vehicle parking.

- (h) Is there any matter prescribed by the Environmental Planning and Assessment Regulation 2000 (Regulations) that applies to the land to which the Development Application relates?

There are no matters prescribed by the Regulation which require further consideration in the Development Application.

- (i) Does the development require the payment of a contribution pursuant to Section 94 of the EP&A Act or Section 64 LG Act?

As discussed earlier in this report, the site is currently used and/or has been previously used for the following activities:

- Caravan park consisting of 67 sites;
- Business premises;
- Vehicle repair station;
- Food and drink premise;
- Motel (John Oxley Motel);
- Two storey commercial building (commercial premises on first floor and retail premises on ground floor).

Based on these uses the relevant contributions have been calculated as follows:

i. Water Supply And Sewerage Services

Council's Contribution Plan for Water Supply and Sewerage Services applies to development on the subject site.

Water

Under the provisions of the Plan, water headworks are calculated on the basis of litres per day for specific activities. The following provides an assessment of the requirements of the proposed development.

Commercial (excluding motel):

Flushing toilet = 30L/day	= 83 x 30 = 2,490L
Washing hands (taps) = 55L/day	= 48 x 55 = 2,640L
Food preparation, cooking and drinking = 10L/day	= 15 x 10 = 150L
Car washing = 2L/day	= 2 x 1 = 2L
Plus 10% for leakage	= 528.2L = 5,810L
5,810L x 101 staff	= 586,830.2/5,000 (1 ET) = 117.36604 ETs

Water headworks are calculated for motels on the basis of 300 litres per day, per unit and one (1) ET of one permanent occupancy house.

96 units	= 96 x 300L = 28,800L
= 28,800L + 5,000L (1 ET of permanent occupancy house)	= 33,800L = 33,800/5000 (1ET) = 6.76 ET

Residential:

Under the provisions of the Plan, water headworks are calculated for residential flats, town houses containing more than three units on the basis of 0.5ET.

28 units	= 0.5 x 28 = 14 ET
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The subject site enjoys a credit of 11.6708 ETs due to the various land uses discussed earlier in this report.

As per Council's Revenue Policy 2012/2013, water headworks are charged at \$5,176 per ET. Therefore, the total amount required for water headworks is \$654,532.32 based on 126.45524 ETs.

An appropriate condition is included in the proposed conditions of development consent provided here in **Appendix 1** which will require payment of a contribution of \$654,532.32 for water headworks.

Sewerage

Under the provisions of the Plan, sewer headworks are calculated on the basis of:

Commercial (excluding motels): 0.125 ET per 1,000 m² floor space and 0.5 ET per public WC or urinal.

Motels: 0.250 ET per unit.

Residential (flats, town houses
containing more than three units): 0.5 ET per unit

Commercial (excluding motel):

On the basis of there being 17,286 m² of floor space and 83 public toilets, this equals a total of 43.66075 ETs. There are 41 shops and offices proposed, equalling a total of 43.14 ETs for the commercial development, excluding motels.

On the basis of there being 96 motel units proposed, a total of 24 ETs are generated from this development.

Residential:

On the basis of there being 28 residential units proposed, a total of 14 ETs are generated from this proposed development.

Due to the subject sites past uses, the site enjoys a credit of 23.4 ETs.

As per Council's Revenue Policy 2012/2013, sewer headworks are charged at \$5,176 per ET. Therefore, the total amount required for sewer headworks is \$301,557.64 based on 58.26075 ETs.

An appropriate condition is included in the proposed conditions of development consent provided here in **Appendix 1** which will require payment of a contribution of \$301,557.64 for sewerage headworks.

ii. Urban Roads

Council's Section 94 Contributions Plan for Urban Roads applies to the proposed development. The Plan requires provision of the applicable contribution to be calculated on the basis of vehicle trips generated to and from the development. The following provides a breakdown of the relative sections of the development, the number of trips generated and the applicable contribution:

Commercial Shopping Centre

Shopping centres greater than 10,000 m² and less than 20,000 m² generate 43 trips per 100 m² minus 20% as per Section 3.6.1 of the RTA Guide to Traffic Generating Development.

Retail shops	= 12,802 m ² /5,504 trips
Storage	= 80 m ² /3.2 trips
Restaurant	= 730 m ² /313.9 trips
Subtotal	= 5,821 trips
Minus 20% for multi-purpose trips	= 1,164 trips
Total	= <u>4,657 trips</u>

Office

CBD commercial offices generate 25 trips per 100 m² GFA. The proposed development consists of 2,946 m² GFA of office space. This equates to 736.5 trips.

Motel

Motels generate three trips per unit. The site proposes 96 motel units. This equates to 288 units.

Due to the sites previous uses, the site has a credit of 744.958 trips.

Therefore, 4,649 commercial trips are generated and \$1,677,312.71 is required for urban roads headworks for the proposed commercial development.

Residential

The Plan indicates trip rates based on the number of bedrooms per proposed residential dwelling. Four trips are generated by one bedroom units, five trips for two bedroom units and six for three bedrooms and more.

The proposed development consists of 12 x three bedroom units, eight x two bedroom units and eight x one bedroom units. Therefore, 144 trips are generated and \$77,542.56 is required for urban roads headworks for the proposed residential component of the development.

Total contribution = \$1,677,312.71 + \$77,542.56 = \$1,754,855.27

An appropriate condition is included in the proposed conditions of development consent provided here in **Appendix 1** which will require payment of a contribution of \$1,754,855.27 for Urban Roads Contributions.

iii. Stormwater

Council's Section 94 Contributions Plan for Urban Stormwater Drainage Headworks applies to the proposed development. The subject site is located within Catchment Areas 1.6 Bultje Street Drain and 1.7 Cobra Street Drain.

Within Catchment Area 1.6 Bultje Street, an area of 1.746275Ha will drain into the street stormwater system. This generates 1.746275 ETs as 1 ET is equal to one (1) hectare.

This area has a credit of 9,145 m²/0.1945 ET due to the site's previous buildings and uses.

Within Catchment Area 1.7 Cobra Street, an area of 0.923821Ha will drain into the street stormwater system. This generates 0.923821 ET as one ET is equal to one (1) hectare.

This area has a credit of 1,887 m²/0.1887 ET due to the site's previous buildings and uses.

Both catchment areas charge Urban Stormwater Drainage Headworks at \$7,354 per ET. Therefore, a total of \$11,522.95 is payable in regards to stormwater contributions based on Council's Revenue Policy 2102/2013.

An appropriate condition is included in the proposed conditions of development consent provided here in **Appendix 1** which will require payment of a contribution of \$11,522.95 for Stormwater Headworks Contributions.

iv. Open Space and Recreation Facilities

Council's Section 94 Contributions Plan for Open Space and Recreation Facilities applies to the proposed development. Contributions are charged in relation to the dwelling occupancy rate for the proposed residential units.

Twelve x three bedroom units are proposed with a dwelling occupancy rate of 3.2 persons. This equates to 38.4 people to be charged contributions.

Eight x two bedroom units are proposed with a dwelling occupancy rate of two persons. This equates to 16 people to be charged contributions.

Eight x one bedroom units are proposed with a dwelling occupancy rate of 1.4 persons. This equates to 11.2 people to be charged contributions.

Council's Revenue Policy 2012/2013 charges \$1,531.74 per person for Open Space and Recreation Facilities. A total of \$100,482.144 is therefore payable based on a total of 65.6 people.

An appropriate condition is included in the proposed conditions of development consent provided here in **Appendix 1** which will require payment of a contribution of \$100,482.00 for Open Space Contributions.

(j) Is the property heritage listed?

Issues in relation to heritage have been previously discussed in this report.

7. LIKELY IMPACTS OF THE DEVELOPMENT

(a) Flora/fauna habitat

- (i) *Is there any native vegetation on the site or adjoining sites? Will the development impact/or require removal of native vegetation.*

Council's Environment and Health officers have undertaken an assessment of the impact of the development on vegetation on the land. It is considered that the proposed development will not provide any significant flora and fauna impacts.

- (ii) *Has the Seven Part Test under Section 5A of the EP&A Act 1979 been considered to determine whether development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats?*

A Seven Part Test was not required to be provided for the proposed development.

8. SUITABILITY OF THE SITE S79C(1)(c)

(a) Context, setting and public domain

- (i) *Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?*

It is considered that the height, bulk and scale of the development will provide the greatest impact to the Milestone Hotel situated on the corner of Macquarie and Bligh Streets.

However, it is considered that the proposed development provides a large setback to the Milestone Hotel which allows the building to maintain its prominence in Macquarie Street.

It is considered that the proposed development will not unreasonably impact the public domain.

- (ii) *Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of development in the locality?*

It is considered that the external appearance of the development is appropriate having regard to the character of the immediate locality and the appearance, bulk and scale of the building.

The design of the building presents a modern and contemporary structure, which will integrate with development situated on Macquarie Street.

It is also considered that the overall building design with the provision of accommodation components on the boundaries of the building, provide a suitable design outcome, which allows for further articulation and variation in the northern and western elevations.

- (iii) *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

It is considered that the size and shape of the land is suitable for the proposed development.

- (iv) *Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

It is considered the proposed development is unlikely to have an adverse effect on the amenity of surrounding development in the locality.

- (v) *Will the development design be sensitive to environmental conditions and site attributes?*

It is considered the proposed development will be sensitive to environmental conditions and site attributes subject to the recommended conditions of development consent.

- (vi) *Will the development have an adverse effect on the public domain?*

The Applicant has proposed the provision of two sections of the building extending over the Bligh Street and Bultje Street footpath areas. Both areas are proposed to provide food and drink premises and will have access from the third floor level of the building.

Both sections of the building are within the public footpath area and will be subject to separate approval from Council.

The proposed development will also result in construction of the building over the existing extent of Poplars Lane at third floor level.

To inform Council of specific requirements relating to the construction of private activities over Council-owned land, Council engaged the services of Complete Urban Pty Ltd to provide a Stratum Airspace Advisory Report. The report provides the following recommendations in relation to the use of public land:

“Dubbo City Council is considering the leasing of a public road (Poplars Lane) in conjunction with a Shopping Centre development as well as leasing the airspace stratum over the whole and part of the footpaths (part of the public road) in Bultje and Bligh Street, Dubbo.

Following the information and analysis incorporated in this report the following conditions of consent are recommended to Council for consideration:

Stratum Lease over Poplars Lane

Conditions of consent are included for Council consideration in sections 2.1 to 2.6.

These sections can be applied to the Conditions of Development Consent along with the normal conditions for the development should Council agree to the leasing of the Poplars Lane to the Developer. This will include the obligation for the Developer to pay all rates, taxes and charges applicable as well as rent for the property.

Sale of Poplars Lane

Should Council sell the road to developer, then the condition of consent would require the developer to agree to the revised concept, then Council would need to acquire title to the road and negotiate with the developer once the new lot became "Operational Land".

Stratum lease over the whole and part of the footpaths (part of the public road) in Bultje and Bligh Street

Conditions of consent are included for Council consideration in sections 1.31 to 1.34 above. This will include the obligation for the Developer to pay all rates, taxes and charges applicable as well as rent for the property.

An additional condition of development consent can require "that a detailed topographical and cadastral survey be provided to Council and that a subsequent subdivision survey be carried out to establish the details of each stratum over the footpath to facilitate a separate lot being created".

A further condition of consent is recommended as follows. "The stratum over the footpath shall be cantilevered over the footpath with no columns supporting the structure being located into the footpath".

Also it is recommended a condition shall also be imposed ensuring that no food preparation area has ventilation, exhaust or waste disposal services discharging onto or across the footpath area."

The Applicant has proposed to enter into a Stratum Lease with Council for Poplars Lane and for Bultje and Bligh Streets. Appropriate conditions in accordance with the report as referred to above have been included in the proposed conditions of development consent provided here in **Appendix 1**.

(b) Landscaping

- (i) *Has adequate provision been made for the landscaping of the subject land?*

An appropriate condition is included in the proposed conditions of development consent, provided here in **Appendix 1** which will require a landscaping plan to be submitted to the satisfaction of Council's Parks and Landcare Division for the subject land and the trees lining the road reserve.

(c) Environmental considerations

- (i) *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

Council's Environment and Health officers provided the following information in relation to air pollution impacts:

"Air pollution impacts have not been satisfactorily addressed in the Statement of Environmental Effects. It is considered that based on the fine alluvial soil on the site, that air pollution impacts must be managed during construction of the development. It is considered that appropriate management regimes can be implemented to ensure impacts are minimised.

Air pollution impacts during the remediation stage will be addressed in the Remedial Action Plan (RAP) that is required prior to any remediation.

Air pollution impacts on the roof top residential units from the exhaust vents at the retail level are possible. These vents will need to be sited and constructed in accordance with AS 1668."

Appropriate conditions in relation to the requirements specified above are included in the draft conditions of development consent provided here in **Appendix 1**.

- (ii) *Is the development likely to cause soil erosion?*

Issues in relation to soil erosion have been previously discussed in the report.

- (iii) *Is the development likely to cause noise pollution? If yes, indicate what control works are proposed or should be required.*

Council's Environment and Health officers provided the following information in relation to noise pollution:

"An Acoustic Assessment Report dated 6 March 2012, has been prepared by The Acoustic Group, Report No 42.498.R1:ZSC.

The report found that new residential development in the subject area will not comply with the State Environmental Planning Policy (Infrastructure) guidelines for internal noise levels (i.e.. 35dB(A) for bedrooms and 40dB(A) for habitable rooms) unless the windows and doors are closed. This means that the air conditioning system will need to reticulate fresh air into each unit.

The Building Services report prepared by Marline Newcastle Pty Ltd states that a mixture of roof mounted package systems and split systems will be located and screened to maintain visual amenity and comply with Council acoustic requirements.

Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012, which states that all residential units can be provided with a reticulated air conditioning system to supply fresh air when all windows and doors are closed. Details will be provided at Construction Certificate stage."

Appropriate conditions in relation to the requirement specified above are included in the proposed conditions of development consent provided here in **Appendix 1**.

- (d) Does the property(s) have a past use associated with contamination?

Issues in relation to contamination have been previously discussed in this report.

- (e) Will the development have an effect on conserving or using valuable land resources?

The proposed development will not use valuable land resources.

- (f) Is the development likely to generate any adverse cumulative impacts?

It is considered the proposed development will not generate any adverse cumulative impacts subject to the recommended conditions of development consent.

- (g) Social/economic

- (i) *Has the development the potential to have any adverse:*

- *Social effect?*
- *Economic effect?*

The proposed development has the potential to reinforce the retail core of the CBD, create significant job opportunities, provide diversity in residential, motel and serviced apartment accommodation and stimulate surrounding development to actively engage the river corridor.

- (h) Hazards

- (i) *Are there risks to people, property or the biophysical environment from natural or technological hazards?*

Council's Environment and Health officers provided the following information in relation to natural or technological hazards:

“Greenhouse Gas Emissions/Radiation Emissions

Greenhouse Gas Emissions have not been suitably addressed in the Statement of Environmental Effects, however, standard industry practices appear to be proposed.

Electro Magnetic Emissions (EMEs) from the sub-station located in the north-east corner have not been addressed however it is unlikely the World Health Organisation limit for general exposure to magnetic radiation (1000 milliGuass) will be exceeded given the relatively high maximum.

The proposed development will include sensitive receivers, however, the short term accommodation will provide a buffer to the dwelling units. Is it considered that natural or technological hazards will not impact the proposed development and that no further investigations are therefore considered necessary?”

(i) Access, transport and traffic

- (i) *Has adequate provision been made for vehicle entry/exit, loading/unloading, internal manoeuvring and parking of vehicles within the development?*

Council's Traffic Development Committee at its meeting on 11 May 2012 considered the Development Application. The Committee raised a number of concerns with the proposed development and general information deficiencies in relation to traffic impacts.

In addition, the Committee also resolved to engage the services of a traffic consultant to undertake a third party assessment of the proposed development.

Based on additional information provided by the Applicant and the report provided by the Third party traffic consultant, Council's Technical Services officers provided the following information:

“An assessment has been undertaken of the proposed development including responses in the revised M L Traffic Engineers, Consultants, Traffic and Parking Assessment Report June 2012 and associated plans and Gennaoui Consulting Peer Review and “Addendum Report” July 2012.

Overall, the response reports do not provide all of the additional information as requested, in particular to the traffic impacts on the local roads fronting the development of Macquarie, Bultje and Bligh Streets.

Responses were sought in relation to network traffic analysis, external road environment management analysis and on street traffic and movement management. As a consequence Council has, where possible, identified proposed treatments and actions which should have been undertaken by the developer and their consultants.

The developer's Consultants have given priority to the SIDRA intersection analysis. The developers Consultants have not undertaken an analysis of the traffic and pedestrian environment along the road frontages and the interaction with adjoining development and the road alignment in Bligh and Bultje Streets. The development proposes three (3) new additional access points promoting traffic and pedestrian conflict in Bultje Street with the adjacent Centro development.

Three (3) new access points are proposed in Bligh Street, which is a two (2) lane carriageway that will provide access for articulated delivery vehicles and multiple car park entry points immediately north of a horizontal curve approach in the road from the south. From 1998 Bligh Street has been identified as a higher order CBD access road and an intersection with Ian Drake Drive.

The intersection of Bultje Street and Bligh Street will experience a mix of traffic in the locality and the proposed development that will require traffic management to provide for the proposed active road frontage to the new development with increased traffic and pedestrian activity.

The report from ML Traffic Engineers predominantly focuses on the capacity of the road and intersection network rather than the management of Traffic and Pedestrians and the movement of vehicles to and from the development site and their interaction with adjacent development turning traffic. There is a generalisation in the report that the road network will operate satisfactorily. No allowances have been made for initial traffic growth in the locality.

An assessment of this development has been undertaken on the assumption that the proposed carpark on the Roads and Maritime Services land on the southern boundary of the development will be acquired and be part of the development.

Council is acutely aware of the safety implications of the internal parking arrangements and the potential conflicts between users. In principle the greatest safety is achieved by the separation of pedestrians and customer cars from goods delivery operations. This is seen as an important primary operational objective particularly as stated by the developer that the goods delivery arrangements are critical and central to the level 1 layout which means there is little scope for change.

To service the Video Ezy and 2 Doors external site which have access entitlements via Poplars Lane, results in customer car parking/deliveries to the external sites mixing with the Riviera Development goods delivery area. Secondly, there is a pedestrian pathway which crosses the goods delivery area to gain access to the customer car parking on the former Roads and Maritimes Services site. Both these issues are able to be addressed albeit at a cost.

To address the Video Easy/2 Doors issue requires the provision of an alternative legal access over the RMS car park to Bligh Street. To address the pedestrian link conflict would require the grade separation of the two activities by taking pedestrians over the top of the goods delivery area and accessing the retail development at level 2 or 3.

If Council was to require the code level of parking being provided, it is likely that a second level of parking would be provided over part of the RMS land which would make it significantly easier to attain the separation objective which can be found at the end of the report.

This report is structured to consider individual review elements. A précis/overview will provide context to the issues relating to each element.

Road Network

Bultje Street

The Consultant has not identified the traffic/turning and queuing conflict that will occur in Bultje Street between the proposed development and the adjacent Centro development. The consultant did not identify the correct number of driveway accesses in a short distance of Bultje Street or the on road parking environment.

Section 5.10 of the traffic report recommends “to minimise traffic conflicts on Bultje Street in the retail peak periods that the car park exit only lane is closed off during the main shopping periods while allowing the peak period for drive through coffee business (in the morning)”. Temporary closing of an exit on a daily basis is impractical. It will create confusion and potential driver frustration and increase circulating traffic throughout the carpark. Council’s Traffic Development Committee recommended that the coffee shop and exit driveway not be provided because of the concentration and number of driveways onto Bultje Street.

Bligh Street

The development proposes three (3) entry/exit driveways to Bligh Street immediately north of the LH Ford Bridge where there is a southern approach curve alignment in the vicinity of the intersection of Ian Drake Drive, on the western side of Bligh Street.

The driveways provide access to a southern surface level car park with separate entry/exit, a service vehicle entry/exit and four lane entry/exit to the undercover and multi level car parking area. Bligh Street in this locality has a two lane carriageway.

No consideration has been given on the impacts of the three driveways on the Bligh Street road environment, consideration of the adjacent intersection of Ian Drake Drive, the restricted sight distance south to the LH Ford Bridge and the adjacent horizontal curve. In addition, the service road access to the surface level carpark are within close proximity.

This arrangement is confusing to motorists given the reverse circulation of the entry/exit driveways of the car park. No consideration has been given to cyclists.

Heavy vehicle access to the Bligh Street service vehicle entry and exit is shown with articulated vehicles entering from the south in Bligh Street. At all times during pre lodgement the Applicant has been advised that all articulated services vehicles access to the development is to enter in a south bound direction from the intersection of the Newell Highway and return.

All access is to be undertaken on the correct side of the carriageway in Bligh Street and within the entry/exit service road and widened sufficiently to permit two articulated vehicles to pass simultaneously.

The four lane entry/exit proposed off Bligh Street to the internal and multi level car parking areas is considered unsatisfactory in promoting vehicle conflict and driver confusion with resultant irrational decision making as to which lane the driver should be in to access the Level 1 or Level 2 carpark ramp.

There is minimal distance between the Bligh Street carriageway promoting an unreadable situation with resultant limited manoeuvrability on entry and exit into the traffic aisles within the car park.

On exit, vehicles from the Level 2 car park will conflict with traffic turning around the base of the ramps from adjoining traffic aisles, lane changing on entry and exit to Bligh Street and adjoining lanes where two vehicles side by side can potentially turn left or right into a single traffic lane. Directional turn lane restriction will exacerbate lane change conflict in a short distance. A change in ramp arrangements is considered appropriate.

Macquarie Street

There is no direct access to Macquarie Street from the proposed development other than an operational access for a 1 in 20 year flood event. This access is proposed to be managed with traffic control that stops Macquarie Street traffic in both north and south bound directions when access is required.

The access is intended to allow development operations above the flood level including business, residential, apartment and motel operations to continue functioning. The report is unclear as to how the ongoing development operations can be fully serviced particularly for deliveries and removal of waste and other access requirements.

A typical flood event may last for several days that would require traffic control on a 24 hour basis to facilitate access to the residential apartment and motel functions of the development.

The report also recommends the provision of a mid-block pedestrian crossing facility in Macquarie Street. Whilst at this point there is no warrant/justification for such a facility, there is a considered benefit to this section of Macquarie Street which would provide a safer road crossing facility in harmony with existing mid block pedestrian facilities further north in Macquarie Street.

This section of Macquarie Street encompasses 2 traffic lanes southbound and 1 northbound. Multi lane crossing facilities are not encouraged. Consideration is required of an appropriate pedestrian facility to this environment.

Intersection Bultje and Bligh Streets

The Report indicates a satisfactory level of service at the T intersection of Bultje and Bligh Streets but does not recognise the increase in local road traffic in the medium periods following the opening of the development.

The intersection will facilitate a variable mix of traffic and pedestrian activity, including 19 metre articulated semi trailers, large rigid vehicles and variable sized service vehicles.

Pedestrian road crossing facilities have not been provided at the intersection and given the potential increased activity generated by the development that includes customers, diners, residents, cyclists and motel patrons there is a requirement to provide a road safe environment for traffic and pedestrians at the intersection and across Bligh Street.

The intersection of Bligh and Bultje Street needs to be traffic managed to accommodate the interaction of variable vehicle types and pedestrian and cyclist activity.

Poplars Lane

Earlier in the pre-lodgement meetings with the applicant, concerns were raised with goods delivery, customer traffic and pedestrian interaction between the adjoining western and eastern public car parking areas and Poplars Lane being a two-way service road between Bultje and Bligh Streets.

Poplars Lane is a 6 metre wide, narrowed carriageway where semi-trailer reversing movements are required from the lane (public road) to the delivery docks. Reversing movements will be undertaken to areas where pedestrians and vehicles enter and exit the laneway to the adjoining car parking areas. The need for separation of the loading and unloading activities from the general public access was an important objective to providing a safe road environment. The consultants have reviewed this matter and now propose to physically segregate Poplars Lane from the western and eastern car parks which now become independent car parking areas.

Consideration has also been given to the closure of Poplars Lane at its southern boundary to prevent access into the southern surface level car park with access to private property (Nos 217-219 Macquarie Street) being made available through the carpark from Bligh Street.

There is a substantial need to provide secured access to the adjoining private property at the southern end of Poplars Lane. A preferred option is a right of way access through the car park from Bligh Street.

Poplars Lane and the extension west to Bligh Street will then facilitate service vehicles only with no interaction with the southern surface level car park. The revised plan details a complete segregation of the Service Road from the eastern and western undercover car parking areas. In this instance, a reassessment is to be undertaken of the traffic distribution to all accesses of the proposed development.

Poplars Lane is a public road where the developer has several options of leasing or purchasing the road subject to legal right of access to the existing properties Nos 217-219 Macquarie Street at the southern end of Poplars Lane. This matter requires further investigation and a subsequent application from the applicant for the use of Poplars Lane to facilitate the operational aspects of a service delivery road to the development.

Public Transport

Public transport is in close proximity to the development with the local commercial bus service utilising Bultje and Macquarie Streets from the east and south.

The report indicates that to address the shortfall in parking spaces for the development a bus zone should be provided in Macquarie Street. There should be no reliance on Public Transport to offset the deficiencies in off street parking spaces. Appropriate off street car parking spaces within the development should be provided as required.

The report provides no details of any discussions with Dubbo Bus Lines or Dubbo Radio Cabs or commitment with Dubbo Bus Lines on services to the proposed development. The majority of bus services to Macquarie Street enter via Bultje Street from the east as there is a “no right turn” restriction at the intersection of the Mitchell Highway and Macquarie Street west bound. Limited bus services enter Macquarie Street from the south and west via the intersection of the Mitchell Highway.

No provision or reference has been made in the report of any Taxi services proposed to the development.

Undercover Car Parking Areas

Level 1 Car Park

The “order/speaker” location of the drive through coffee business is located on a traffic aisle intersection adjacent to the pedestrian access to public lifts. Positioning of the ordering vehicle may impede and conflict with circulating vehicles and vehicles reversing from the disabled car parking spaces.

Regarding the car detailing facility there is a discrepancy in the report Sec 3 that refers to 8 queued vehicle spaces where as in Sec 4.6 reference is made to 5 vehicle spaces.

Level 2 Car Parking Area

As identified, there is a need to appropriately manage movements at the Bligh Street undercover car park entry/exit. One means of achieving less conflict is to reverse the vehicular ramp so as not to ramp up/down immediately on entry but rather to have the rising level 1 ramp commence further to the east with the rise undertaken in a westbound direction.

Surface Level Car Park off Bligh

The matter of the application of Council’s parking requirements was raised in the overview of this report. Parking in the CBD is critical to the long term development of the CBD and its future survival. It is considered equitable that the development should meet its code requirements.

Similarly the overview raises the issue of grade separation of pedestrians from the surface level car park from activities in the goods delivery area. Again despite the cost it is responsible to provide this separation from a pedestrian safety perspective there can be turning two-way movement of heavy vehicles as well as reverse parking manoeuvres.

Appropriate conditions in relation to the information provided above by Council's Technical Services Division are included in the proposed conditions of development consent provided attached here in **Appendix 1**. The conditions provided will achieve the outcomes and alleviate the concerns raised in the information provided above.

Drive-through café

A drive-through coffee cafe is proposed on the perimeter of the Level 1 carpark fronting Bultje Street. The café will have separate ingress and egress to Bultje Street. Ordering will be undertaken from a speaker approximately 50 metres from the subject premises which is adjacent to a passenger lift and car parking for people with a disability. Queuing for the tenancy commences 50 metres from the subject premises and permits approximately eight (8) vehicles to queue.

The Applicant was advised by Council to remove the drive-through coffee cafe/shop from the proposed development for the following reasons:

"Council's existing consent for the drive-through coffee shop on a section of the subject land is, in part, based on the interaction of a small number of competitive land uses on the existing allotment and the expected number of cumulative car parking movements and available off-street car parking from those existing land uses. It is considered that the integration of a drive-through coffee shop with the proposed development is likely to create conflicts between circulating traffic and traffic associated with the coffee tenancy."

The report prepared by ML Traffic Engineers (dated June 2012) was submitted in support of the proposed development. With respect to the drive-through coffee cafe, the report stated:

"The existing drive-through and take-away coffee and café on Bultje Street will remain as part of the proposed development. The coffee/café business is in an area of 119 m² with frontage on Bultje Street."

The peak period for coffee purchases is in the morning period (7am to 9:30am) where people drink coffee as part of the start of their working day, part of breakfast etc. During this period other retail outlets are closed (opening after 9am) or have low patronage (even on weekends).

Council's previous concerns were that queuing for the coffee business is within the site and not onto Bultje Street. The proposed development will have seven queue spaces adjacent to a wall as well as queuing in the one way parking aisle. A speaker-microphone ordering system is in place well within the carpark area. Patrons are also able to park in the formally designated car spaces.

Since the business is an existing one, there will not be additional trips with the proposed development."

However, Council's Technical Services officers have provided information that the egress point from the café tenancy is likely to provide unacceptable traffic conflicts when considered in the context of the traffic environment on Bultje Street.

An appropriate condition is included in the proposed conditions of development consent provided attached in **Appendix 1** which will require the café tenancy to be removed from the proposed development.

(ii) *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

It is considered that based on the information provided by the Applicant and the assessment undertaken by Council's Technical Services officers that with the provision of appropriate conditions included in **Appendix 1**, the surrounding road network will have the ability to accommodate the traffic generated by the proposed development.

(j) Has adequate provision been made for access and parking for persons with a disability?

Issues in relation to parking for persons with a disability have been previously discussed in this report.

(k) If the development requires access to public transport services, are services available and adequate?

This issue has been previously discussed in this report. However, the land is within close proximity to an existing bus stop and taxi area situated on Macquarie Street and the Applicant will be required to provide a set-down area adjacent to the Macquarie Street entrance to the development.

An appropriate condition in relation to the requirement specified above is included in the conditions of development consent provided here in **Appendix 1**.

(l) Pedestrian access

It is considered that adequate pedestrian access is available to the development from Bligh, Macquarie and Bultje Streets.

To facilitate access from the adjoining Lot 1 DP 238053, the Applicant has proposed a raised threshold pedestrian crossing from the land across the southern service vehicle access. It is considered that a large volume of pedestrian traffic is expected between the open carpark and the travelator on Level 1 west of Poplars Lane. The pedestrian path near the travelator is obstructed by bicycle stands and supporting pylons as well as being reduced in width due to a nearby trolley bay and vehicular turning areas.

Council's Technical Services officers have also raised safety concerns in relation to the provision of pedestrian access within this area and the interaction with service vehicles. An appropriate deferred commencement condition is included in the proposed conditions of development consent provided here in **Appendix 1**, which will require the Applicant to further investigate the provision of safe pedestrian access within this area in addition to ensuring the area can be provided with appropriate treatments.

The condition specified above will also require the Applicant to provide a detailed plan to Council for consideration showing the pedestrian entrance to the Level 1 travelator re-designed to incorporate the safe flow of pedestrians.

(m) Utilities and waste considerations

(i) *Are utility services available and adequate for the development?*

It is considered that utility services are adequate for the proposed development.

(ii) *Does the development provide adequate sewer management facilities and controls?*

It is considered that the proposed development can provide appropriate sewer management facilities and controls.

(n) Any other requirements

(i) *Are there any other requirements which should be considered in determining the Application?*

It is considered that there are no other requirements which should be considered in determination of the Development Application.

9. SUBMISSIONS

(a) Has any representation been made to a public authority in relation to the Development Application or to the development of the area?

- Essential Energy

Issues relating to Essential Energy have already been addressed in this report.

- Roads and Maritime Services (RMS)

Council received correspondence from the RMS dated 16 May 2012 and 13 July 2012. The majority of the issues raised by the RMS have been considered by Council's Technical Services officers during assessment of the proposed development.

However, the correspondence provided by the RMS on 13 July 2012 included the following requirements:

- “1. The addition of a pedestrian crossing to the northern leg of the Cobra Street (HW7) and Macquarie Street intersection may involve considerable civil works and possible signage lantern relocation.*
- 2. RMS is aware of current level of congestion at the intersection of Cobra Street (HW7) and Macquarie Street, in particular, on the western leg of Cobra Street. It is expected that extra traffic associated with the proposed development will make this situation worse. To assist in managing the additional congestion CCTV should be installed. This will allow RMS staff to monitor traffic conditions at the intersection in real time and coordinate movements to maintain traffic efficiency.”*

The requirements of the RMS provided above are included as conditions in the conditions of development consent provided here in **Appendix 1**.

- NSW Office of Water (NOW)
 - The proposed development has greater than four activities generating liquid trade waste.
 - The Concurrence Classifications outlined in the Liquid Trade Waste Regulation Guidelines (dated April 2009) requires the concurrence of NOW for four or more activities generating liquid trade waste.
 - NOW was advised of the proposed development on 21 May 2012 and responded that insufficient details were available at this stage of development and recommended that Council work in association with the development to ensure all necessary pre-treatment is available.
 - Council’s Technical Services officers reviewed the proposed development and included appropriate conditions in the conditions of development consent provided here in **Appendix 1**.

(b) Are there matters of public interest which should be considered in determining the Application?

No.

(c) Have any submissions been received from the public with regard to the proposal?

- The proposed development was advertised for public exhibition in the Daily Liberal newspaper between 3 May 2012 and 31 May 2012.
- The adjoining owners were notified of the proposed development between 27 April 2012 and 31 May 2012.

- Two submissions have been received (refer to **Appendix 3**). One submission in support of the proposed development and one submission from an adjoining land owner objecting to the development.

The submission objecting to the proposed development provides information that a right of carriageway is situated on Lot 74 DP 736715 which benefits the adjoining Lot 73 DP 627821 to the south. Lot 74 is an allotment subject to the Development Application. Lot 73 is not subject to the Development Application however, the owners of Lot 73 are the same as the owners of other land subject to the Development Application. Lot 73 will continue to have access to Macquarie Street to the east. However, to allow vehicular access to Poplars Lane from Lot 74, a right of carriageway could be provided over Lot 73 which has direct access to Poplars Lane.

An appropriate deferred commencement condition is included in the proposed conditions of development consent provided attached as **Appendix 1** which will require the Applicant to undertake further investigation to provide an alternative vehicular access point to Lot 74 from Poplars Lane.

10. PUBLIC INTEREST S79C(1)(e)

- (a) Do any policy statements from the Federal or State Government have relevance to the proposed development or the site?

No.

- (b) Are there any other credible research findings applicable to the case that needs to be considered?

No.

- (c) Will the health and safety of the public be affected by the proposed application?

Council's Environment and Health officers provided the following information in relation to public health:

“Food Service

The Statement of Environmental Effects states that a dining room will be provided for motel and serviced apartment guests, however, no area has been shown on the floor plans. Clarification is required as to whether the motel will be a Bed and Breakfast or will any room service, or any breakfast be offered to guests.

Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012 which states that Restaurant 3 is designed to cater for motel and serviced apartment guests, as well as for the general public.

It is intended that there will also be a number of food premises located on Level 1 within the development as well as proposing alfresco dining on the Bligh Street footpath. The service area for each of these food premises will be located on Level 1 and the food preparation on Level 3.

The letter also states that it is intended that the retail food shops on Level 1 will only sell food that can be prepared or stored in equipment that can be easily removed in time of flood. Food that needs to be prepared in permanently located equipment will be prepared in the Level 3 portion of the restaurants and transported down to Level 1 in dumb waiters.

Restaurant 3 is designed to cater for motel and serviced apartment guests as well as for the general public.

Construction details for the food handling areas have not been provided which means that the first occupancy Development Applications for retail food premises will be required to demonstrate that it is feasible to comply with the NSW Food Regulations and the relevant Australian Standards prior to the Consent being issued."

Appropriate conditions are included in the proposed conditions of development consent provided attached here in **Appendix 1** which will require separate development consent for the restaurant areas and for the restaurant areas to achieve compliance with the NSW Food Regulations and associated Australian Standards.

Building Assessment

Council's Building Development officers have undertaken assessment of the Development Application. The assessment did not raise any issues that will impact determination of the Development Application. A copy of the report is attached here in **Appendix 4**.

Engineering Assessment

The key issues raised by Council's Technical Services officers have been included earlier in the report. A copy of the report is attached here in **Appendix 5**.

Environment and Health Assessment

The key issues raised by Council's Environment and Health officers have been included earlier in this report. A copy of the report is attached here in **Appendix 6**.

SUMMARY

The proposed development is permissible on the subject land and incorporates the river corridor in accordance with the Urban Design Objectives of DCP G2.2.

The articulated design and building materials are in contrast to the adjoining State-listed heritage items thereby minimising the impact on those heritage listed buildings.

Subject to the recommended conditions of development consent, the proposed development is generally in accordance with the development standards and objectives of the applicable Environmental Planning Instruments, as well as Council's Development Control Plans and Policies.

It is recommended that the development be submitted to the JRPP for determination subject to the conditions provided attached here in **Appendix 1**.

Appendices:

- 1 Conditions of Consent
- 2 Development Plans
- 3 Submissions
- 4 Building Assessment
- 5 Engineering Assessment
- 6 Environment and Health Assessment

DEFERRED COMMENCEMENT CONDITIONS:

The following deferred commencement conditions must be satisfied and evidence provided to the satisfaction of Council within six months of the determination date of this consent prior to operational consent being granted by Council.

- (A) This approval shall not commence to operate until the pedestrian access from the open car park on Lot 1 DP 238053 through the southern elevation of the building is modified to the satisfaction of Council with an objective to further separate vehicular traffic from pedestrian traffic.
{Reason: Council requirement in consideration of public safety}
- (B) This approval shall not commence to operate until the existing right of carriageway over Lot 74 DP 736715 in favour of Lot 73 DP 627821 has been extinguished and an alternative method of vehicular access is provided for Lot 73 DP 627821 to access Poplars Lane.
{Reason: To ensure the development does not unreasonably restrict access to Poplars Lane}

CONDITIONS

- (1) The development shall be undertaken generally in accordance with the submitted Statement of Environmental Effects (SEE) and the stamped approved plans (including amendments marked in red) except where modified by any of the following conditions:

Drawing Title: Site Analysis Plan
 Drawing No: DA 00 (Issue B)
 Drawn By: John Graham & Associates
 Date: 25 June 2012

Drawing Title: Level 1 Carparking & Loading
 Drawing No: DA 01 (Issue B)
 Drawn By: John Graham & Associates
 Date: 25 June 2012

Drawing Title: Level 2 Carparking & Loading
 Drawing No: DA 02 (Issue C)
 Drawn By: John Graham & Associates
 Date: 5 July 2012

Drawing Title: Level 3 Retail
 Drawing No: DA 03 (Issue B)
 Drawn By: John Graham & Associates
 Date: 25 June 2012

Drawing Title: Level 3a Office & Escape corridors
 Drawing No: DA 04 (Issue B)
 Drawn By: John Graham & Associates
 Date: 25 June 2012

Drawing Title: Level 4 Residential & Offices
Drawing No: DA 05 (Issue B)
Drawn By: John Graham & Associates
Date: 25 June 2012

Drawing Title: Level 5 Residential & Offices
Drawing No: DA 06 (Issue B)
Drawn By: John Graham & Associates
Date: 25 June 2012

Drawing Title: Level 6 Residential & Offices
Drawing No: DA 07 (Issue B)
Drawn By: John Graham & Associates
Date: 25 June 2012

Drawing Title: Level 7 Residential & Offices
Drawing No: DA 08 (Issue B)
Drawn By: John Graham & Associates
Date: 25 June 2012

Drawing Title: Level 8 Roof Plan
Drawing No: DA 09 (Issue B)
Drawn By: John Graham & Associates
Date: 25 June 2012

Drawing Title: Elevations (Stage 1)
Drawing No: DA 10.1 (Issue B)
Drawn By: John Graham & Associates
Date: 27 June 2012

Drawing Title: Elevations (Stage 2)
Drawing No: DA 10.2 (Issue B)
Drawn By: John Graham & Associates
Date: 27 June 2012

Drawing Title: Elevations (Stage 3)
Drawing No: DA 10.3 (Issue B)
Drawn By: John Graham & Associates
Date: 27 June 2012

Drawing Title: Sections
Drawing No: DA 11 (Issue B)
Drawn By: John Graham & Associates
Date: 25 June 2012

Drawing Title: Level 1 Maneuverability (sic) Plan
 Drawing No: DA 12 (Issue B)
 Drawn By: John Graham & Associates
 Date: 25 June 2012

Drawing Title: Level 2 Maneuverability (sic) Plan
 Drawing No: DA 13 (Issue B)
 Drawn By: John Graham & Associates
 Date: 25 June 2012

Drawing Title: Shadows
 Drawing No: DA 15
 Drawn By: John Graham & Associates
 Date: 13 April 2012

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The final landscaping plan(s) approved by Council shall be maintained to at least the standard specified on those stamped approved plans.
 {Reason: To maintain and improve the aesthetic quality of the development}
- (3) The stamped approved plans do not relate to, or infer, any development consent for signage. A separate Development Application for approval for any signage on the land shall be submitted to Council for consideration.
 {Reason: Requirement of the Environmental Planning and Assessment Act 1979}
- (4) Prior to any demolition works commencing the following matters/works must be undertaken and completed:
 - (a) The town water supply to the premises is to be disconnected. Note: If the water meter is to be removed it must be undertaken only by Council officers. Contact should be made with Council's Technical Services Division to arrange a meter's removal;
 - (b) The electricity supply is to be disconnected to the satisfaction of Essential Energy; and
 - (c) The erection and maintenance of a suitable fence, to prevent public access to the site and/or building.
 {Reason: Council requirement to protect public utilities and the public}
- (5) Prior to any demolition work commencing, the Applicant and/or Contractor must prepare a Work Plan in conformity with *AS 2601-2001: The Demolition of Structures* and submit such Work Plan to Council prior to any demolition work commencing.

The Work Plan must include, but not be limited to, the proposed measures to address dust generation; protection of the public; assessment, removal and disposal of hazardous materials and conditions (especially asbestos sheeting, lead-based paint and any organochlorine contaminated soil); noise control and protection of Council's services (including the capping of proposed abandoned sewer junction connections).

{Reason: Council requirement to prevent environmental contamination and creation of public nuisances arising from demolition works}

- (6) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the National Parks and Wildlife Service (NPWS) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the NPWS.
{Reason: Council and statutory requirement to protect Aboriginal heritage}
- (7) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.
{Reason: Council requirement to require compliance with the POEO Act}
- (8) Any proposed air handling systems, hot-water systems (>60°C), warm-water systems (20°C-60°C), or water-cooling system proposed to be installed in the subject building, shall be installed, operated and maintained in accordance with the requirements of the Public Health (Microbial Control) Regulation 2000.
{Reason: Statutory requirement of Public Health Act}
- (9) Prior to any Construction Certificate being issued certification for the proposed mechanical ventilation and exhaust systems demonstrating compliance with AS 1668 Parts 1 & 2 shall be submitted to and approved by Council. Such certification shall be prepared by an appropriately qualified person.

Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, the apartments will require mechanical ventilation to the sleeping areas so as to permit the doors and windows associated with sleeping areas to be closed to comply with internal noise requirements.

Noise mitigation measures may also be required for the mechanical plant under the noise provisions of the Protection of the Environment Operations Act 1997.

{Reason: Council requirement to prevent the pollution of the local environment}

- (10) Prior to the commencement of the development, including any demolition works, the Applicant shall prepare and submit to Council for approval a Waste Management Plan. Such Plan shall include, but not be limited to, the following information:
- (a) Assessment of types of waste;
 - (b) Classification of each type of waste;
 - (c) Volume of each type of waste;
 - (d) Management and storage of waste onsite:
 - Method of waste disposal and disposal sites;
 - Method of waste transport and disposal sites; and
 - (e) Record keeping.
{Reason: Council requirement to require compliance with the POEO Act}
- (11) Noise from the development (LA10/Leq,T) shall not exceed the background (LA90) by more than 5 dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.
- Note: Please be advised that occupants of the proposed apartments may in certain circumstances be considered as the most affected residents when assessing the impacts of the proposed shopping centre.
{Reason: Council requirement to prevent the generation of a noise nuisance}
- (12) The proposed swimming pool used by the public shall be continuously disinfected in accordance with the NSW Health Department's guidelines for Disinfecting Public Swimming Pools and Spa Pools. Water in all pools shall be tested at least every four (4) hours when the pools are in use and all results recorded in a log book kept onsite.
{Reason: To preserve and protect human health and comply with Public Health Regulations 1991}
- (13) Should the building contain a water-cooling system or warm-water system (20°C-60°C), the system must be registered with Council's Environmental Services Division within one (1) month of the building's completion.
{Reason: Statutory requirement of Public Health Act}
- (14) Construction work shall only be carried out within the following time:
- | | |
|-----------------------------|---|
| Monday to Friday: | 7.00 am to 6.00 pm |
| Saturday: | 7.00 am to 1.00 pm if inaudible on residential premises
otherwise 8.00 am to 1.00 pm |
| Sunday and public holidays: | No construction work permitted |
- {Reason: Council requirement to reduce likelihood of noise nuisance}
- (15) Prior to occupation of the proposed development, copies of all weighbridge or receipt dockets from the licensed waste disposal depot shall be provided to Council.
{Reason: Council requirement to require compliance with the POEO Act}

- (16) Remediation and validation of the contamination status of the soil at the subject premises shall be undertaken after the demolition is completed and prior to any construction works commencing. Such remediation and validation shall be undertaken in accordance with State Environmental Planning Policy No 55 – Remediation of Land (SEPP55) and any applicable Environment Protection Authority (EPA) guidelines, taking into consideration the due risk of exposure to contaminants.

Upon completion of the remediation and prior to any construction works commencing, a Validation Report or Site Audit Statement shall be submitted to Council for approval, certifying the contamination status of the land and include a clear statement from the appropriately qualified contaminated land consultant or Accredited Site Auditor that the site is suitable for its intended residential use.

{Reason: Council requirement for protection of the environment}

- (17) Prior to any remedial work being commenced, a suitable Remedial Action Plan (RAP) shall be prepared in accordance with State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) and any applicable Environment Protection Authority (EPA) guidelines, taking into consideration the due risk of exposure to contaminants. Such plan shall be prepared in accordance with the recommendations made in the report titled “*Dubbo Mega Homebase Project- Phase 1 Preliminary Site Investigation*” prepared by GHD Pty Ltd dated February 2012.

A copy of the RAP shall be submitted to and approved by Council prior to commencement of any remediation works.

{Reason: Council requirement to prevent the contamination of the environment}

- (18) No surface water from the proposed car cleaning and detailing area on Level 1 shall drain to the stormwater system. All wash down water from the proposed car cleaning and detailing business shall be treated and either reused or pumped to Council’s sewer in accordance with a Trade Waste approval. Construction details for the proposed recycling and effluent disposal system shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

{Reason: Council requirement to prevent the pollution of the local environment}

- (19) No surface water from the proposed garbage storage room on Level 1 shall drain to the stormwater system. All wash-down water from the proposed garbage storage room shall be pumped to Council’s sewer in accordance with a Trade Waste approval. Construction and drainage details for the proposed garbage storage room shall be submitted to and approved by Council **prior to the Construction Certificate being issued.**

{Reason: Council requirement to prevent the pollution of the local environment}

- (20) A Soil of Water Management Plan is required to be prepared and provided to Council for approval. Council shall provide written approval to the Soil and Water Management Plan prior to the commencement of any works on the land.

The Soil and Water Management Plan shall be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.

{Reason: Implementation of Council policy to reduce sediment pollution}

- (21) The water closet cistern installations shall not exceed a maximum 6 litre or 6/3 litre dual-flush suite.

{Reason: Statutory and Council requirement to conserve water}

- (22) Manually operated, sensor activated urinal cisterns or waterless urinal stalls shall be provided and installed.

{Reason: Council requirement to reduce water consumption and wastage}

- (23) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.

{Reason: Council requirement to preserve public hygiene}

- (24) A hoarding shall be erected between the construction site and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works. If necessary, an awning sufficient to prevent any material from, or in connection with the work falling onto the public place is also to be erected.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

Separate approval is required to be obtained from Council (as the relevant Roads Authority) if it is proposed to erect any hoarding upon and/or over a footpath or road under Council's control. Enquiries in this regard should be directed to Council's Technical Services Division.

{Reason: Council requirement for the protection of the public}

- (25) The sanitary plumbing and drainage and water plumbing (including fire services associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

{Reason: Statutory requirement of Local Government Act 1993}

- (26) A survey certificate indicating the position of the building's external walls and balconies in relation to the allotment boundaries and adjoining roads, shall be submitted to the Principal Certifying Authority (PCA) and Council prior to issue of the building's Occupation Certificate.
{Reason: To ensure setbacks/clearances have been achieved as approved in the development consent}
- (27) The full width of Council's footpath (excluding any approved hoarding) shall be kept free of all refuse, building materials and unnecessary traffic disturbance. Any unauthorised material found upon Council's footpath may be impounded or removed without notice.
{Reason: Council requirement as the relevant road authority}
- (28) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Environmental Services Division and quote Council's reference number located in the top left hand corner of this page.
- Internal and external sanitary plumbing and drainage under hydraulic test.
 - Water plumbing, including any proposed irrigation and lawn watering systems, under hydraulic test.
 - Fire services water plumbing under hydraulic test.
 - Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.
- {Reason: Statutory provision and Council requirement being the water and sewerage authority}
- (29) A site rubbish container(s) shall be provided on the site for the period of the construction works prior to commencement of any such work. Such containers shall be emptied on a regular basis to ensure deposited material does not overflow the container.
- The subject rubbish container(s) shall be provided with a cover, whether as an integral lid to the container, or as a separate material (ie shade cloth) secured to the container, to prevent the escape of light-weight materials under windy conditions.
{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}
- (30) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.
{Reason: Council requirement for protection of public}
- (31) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under EP&A Act}

- (32) If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation; and
- (b) Where necessary underpin the adjoining premises to prevent any such damage.

For the purposes of this condition, *allotment of land* includes a public road and any other public place. This condition does not apply if the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land has given consent in writing to this condition not applying.

{Reason: Prescribed condition pursuant to clause 98E of the EP&A Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places}

- (33) Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- (b) The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

Note: In respect of (a) above, where Council is engaged as the Certifying Authority and appointed PCA, the Applicant can either prepare their own sign, or alternatively affix onsite the sticker that will be enclosed with the Council issued Construction Certificate. A larger sign in lieu of utilising the sticker is available upon request from Council's Civic Administration Building.

{Reason: Statutory condition imposed by Clause 98A of the EP&A Regulations 2000}

- (34) The person having the benefit of this Development Consent, if not carrying out the work as an owner-builder, must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act 1979}

- (35) All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation 2005. In this regard, prior to the issue of the Occupation Certificate, the licensee is required to submit to Council a Certificate of Compliance for the stormwater work associated with the construction certificate to which the occupation certificate relates.
{Reason: Statutory and Council requirement}
- (36) The subject building shall be made more accessible for people with a disability by:
- (a) Provision of signage, both identification and directional, to indicate the location of the accessible facilities provided at the development. Such signage to be in conformity with AS 1428.1 and AS/NZS 2890.6;
 - (b) To each commercial sole-occupancy unit, the provision of the customer and cashier counters, or a part thereof, at a height conforming with AS 1428.2 (ie 850 mm \pm 20 mm) such that it is accessible by a wheelchair bound person. Such requirement should be conveyed to prospective tenants to facilitate its incorporation into their fit-out designs; and
 - (c) To each food and drink premise sole-occupancy unit (SOU) and common mall areas where food and/or drink is consumed, the provision of at least one (1) accessible table for patron use having a design and height conforming with AS 1428.2 for use by a wheelchair bound person. Where the number of tables provided in the SOU/mall area exceeds twenty (20), additional accessible tables shall be provided at the rate of one per twenty (1:20) or part thereof.
- {Reason: Council requirement in consideration of Section 79C of the EP&A Act, DCP G3.1 and the DDA 1992}
- (37) The proposed building shall be designed and constructed in conformity with the design criteria applicable under the BCA and the *Disability (Access to Premises — Buildings) Standards 2010* of the Disability Discrimination Act
- In this regard the Developer shall submit with the Construction Certificate application a Schedule listing the development's compliance, exemption or non-applicability to the following clauses of the Access Code under the *Disability (Access to Premises — Buildings) Standards 2010*:
- (i) Clauses D3.1 – D3.12;
 - (ii) Clause E3.6; and
 - (iii) Clauses F2.2 and F2.4.
- {Reason: Council requirement to ensure compliance with the Premises Standards under the DDA is demonstrated}
- (38) To facilitate Council's inspection of the water plumbing and sanitary plumbing and drainage work associated with the proposed development, a copy of such building's final hydraulic and fire service drawing(s) and/or floor plan shall be submitted to Council's Environmental Service Division prior to such works commencing.
{Reason: Council requirement as the water & sewerage authority to permit the inspection and accurate plotting and subsequent drafting of the installed and inspected plumbing and drainage work}

- (39) The Applicant must forward to the Certifying Authority with the Construction Certificate application, specifications, drawings and hydraulic design calculations of the proposed fire services system, prepared by a practicing hydraulics engineer. Such details shall form part of the building's Construction Certificate.

The submitted design information must include relevant details relating to:

- (a) Pipe sizes, materials, bedding and cover requirements, thrust blocks;
- (b) Positions of any valves, hydrants, hose reels, pumps, booster valves, branch off-takes, storage tanks, meter and backflow devices;
- (c) Location and size of any connection to Council's water mains and proposed draw-off rate;
- (d) Diagrammatic design and elevation view of the meter stand assembly and fire brigade booster assemblies (hydrant & sprinkler), ensuring the direction of flow from the Council water main is clearly indicated;
- (e) Design calculations indicating:
 - (i) Residual outlet pressure achieved at the most disadvantaged fire hose reel as stipulated under AS 2441-2005;
 - (ii) Residual outlet pressure achieved during the simultaneous operation of the required number of most disadvantaged hydrants as stipulated under AS 2419.1-2005;
 - (iii) If applicable, the written advice of the NSW Fire & Rescue granting any reduction in the standard residual pressure they require to be achieved to meet their operational requirements;
 - (iv) Written advice of the water supply authority as to the minimum and maximum static pressures expected from its supply, as well as the pressures expected at fire flow rates;
- (f) Specifications/diagrams indicating design and installation information appropriate for:
 - (i) Type of hydrants and valves, provision of hydrant blanking caps, etc.; and
 - (ii) In relation to the fire brigade booster assemblies, the required notices, markings and system block plan stipulated by AS 2419.1-2005 and Clause 8.3 of AS 2118.1. In particular, a diagrammatic representation of the proposed system block plans are to be provided, together with the system's stated designed working pressure; and
- (g) Specifications/diagrams and calculations indicating the design and installation information for the proposed sprinkler system as detailed under Clause 2.1 of AS 2118.10.

{Reason: Council requirement as the water authority to ensure compliance with the BCA is demonstrated}

- (40) All subject allotments being Lot 10 DP 475, Lot 12 DP 601633, Lot 3 DP 475, Lot 4 DP 475, Lot 5 DP 475, Lot 6 DP 475, Lot 74 DP 736715 and Lot 1 DP 238053 shall be consolidated into one (1) allotment.

Evidence of registration of the plan of consolidation or lodgement of such plan with Land and Property Management, shall be provided to Council prior to the release of any Occupation Certificate.

{Reason: Council requirement to remove the fire source features posed by the multiple allotment boundaries to ensure BCA compliance; The car park on Lot 1 DP 238053 totally supports the car parking demand of the multi-unit development; Provisions of the DDA 1992 require car parking for people with a disability to be wholly contained on the one allotment}

- (41) To facilitate emergency egress of occupants from the residential accommodation areas situated within the development from Levels 4 to 7 during flood events having a frequency approximately of 10% AEP and greater when the Basement Level exits are inundated, one of the following options shall be undertaken and incorporated into the development's design. Details of such are to be submitted to Council for appraisal and approval, prior to the issue of any Construction Certificate relating to the building above Level 3.

Option 1

Provide and install the following to the subject building:

- (a) Provide a fire-isolated passageway at Level 3a linking Fire Stairs FS3 and FS4 to Fire Stair FS5, which has access to Level 3, in order to provide egress to Macquarie Street; and
- (b) Provide a fire-isolated passageway at Level 3a from Fire Stair FS1 to link to a new fire stair to discharge at Level 3 in the vicinity of Retail Tenant 4, to provide egress to Macquarie Street;
Note: It is preferable that such new fire stair connect into the fire-isolated passageway proposed along the southern side of the building, as it provides direct and unobstructed afterhours egress to Macquarie Street for residents;
- (c) The provision of appropriate signage to the entry doors from fire stairs FS3, 4 and 1 into the above linkage fire-isolated passageways, indicating that such access routes are to be used principally during flood events. Additional measures to facilitate easier and quicker egress movements and limit occupant confusion arising from the alternative exit routes, may be incorporated into the building's Flood Management Plan, as conditioned separately in this consent.

Or,

Option 2

In lieu of the above requirements identified in Option 1, Council is prepared to consider, and if acceptable to Council, approve a Building Solution Report prepared by an appropriate building/fire safety consultant addressing the provision of an alternative means of emergency egress from the residential accommodation floor levels to Macquarie Street, than utilising the fire-isolated stairways that discharge into the Basement Levels of the development which will be obstructed by a minor flood event.

{Reason: Council requirement for provision of adequate fire safety in the building for residents of the building's accommodation floor levels; In consideration of the NSW Government's Floodplain Development Manual, Clause 7.1(3)(a) & (b) of Dubbo LEP 2011 & DCP G2.2}

- (42) A Flood Management Plan shall be developed for the subject development in relation to the following stages of the building-
- (a) An initial Plan for the first construction stage of the development comprising Basement Levels 1 and 2; and the Commercial premises on Levels 3 to 6; and
 - (b) A comprehensive Plan incorporating the first stage plus the residential accommodation on Levels 4 to 7.

Prior to any Occupation Certificate being issued for the Commercial premises on Levels 3 to 6 of the development, the required Flood Management Plan shall have been prepared, submitted to and approved by Council.

Prior to any Occupation Certificate being issued for any residential accommodation areas contained within Levels 4 to Level 7, the comprehensive Flood Management Plan (incorporating the stage 1 provisions) shall have been prepared, submitted to and approved by Council.

The subject Flood Management Plan must include, but is not limited to, the following aspects as relevant to the development's staging-

PreparednessActivation

- detail the circumstances (river heights, level of flooding etc) upon which the Plan is activated, the authority to activate it and the organizations/persons (internal and external) that must be notified;

Warning

- describe the warning arrangements to be provided to tenants, residents and relevant external agencies/persons;

Education

- outline flood preparedness information to be provided to tenants operating in the basement levels;

Responsibilities

- list responsibilities for various actions;

Preliminary Actions/Deployments

- detail actions required to be implemented, resources to be notified, placed on stand-by, marshalled and deployed in advance of flooding.

Response*Control*

- detail who is in charge/in control of the development's flood response;

Operations Centre

- nominate the location for the co-ordination of the development's response operations;

Liaison

- detail person or persons responsible for maintaining contact with external agencies (ie SES, Police, Council, media etc). Outline arrangements for recording tenant and resident evacuations and off-site/forwarding contact details;

Communications

- detail any special requirements and any dedicated communication channels for internal and external use;

Information

- detail arrangements for the passing of information to and from tenants/residents;

Actions/Deployments

- list/detail critical flood heights/levels and required responses. Identify where, when and how infrastructure and services must be removed or shut-down and areas evacuated, including resources and likely time required to implement. Identify the critical level/point at which the development must be evacuated and closed down. Outline resources required to effect evacuations, having regard to the likely unavailability of significant resources from the emergency services; and list alternative accommodation locations. Note: it is preferable that critical levels be correlated to gauge heights at the Dubbo Pump Station gauge site, being the principal flood warning gauge for Dubbo;

Resupply Logistics

- detail arrangements required to be implemented to facilitate loading and unloading of supplies to the development upon basement road access being unavailable;

Road Arrangements

- detail arrangements with the local Roads Authority for alternative loading/unloading areas, vehicle parking, refuse collection etc upon basement road access becoming unavailable.

Recovery*Co-ordination*

- outline who is to co-ordinate the inspection, repairs and reinstatement of the development's services and infrastructure;

Cleaning

- outline arrangements for removal of flood debris, damaged furnishings etc and cleaning/hosing down; list of recommended and specialist contractors;

Reinstatement of services

- outline arrangements for inspection of services to determine damage, repairs and reinstatement; list of recommended and specialist contractors;

Repairs

- outline arrangements for repairs, list of recommended and specialist contractors;

All-clear

- outline arrangements for authorizing reoccupation/use of flood affected areas.

{Reason: Council requirement to ensure that the subject facility can effectively operate and maintain occupant health and safety during flood events by undertaking appropriate flood management planning}

- (43) Prior to each Occupation Certificate being issued, Council is to be given at least 48 hours notice for Council to carry out an inspection of the completed stormwater drainage, sanitary drainage and water plumbing installations associated with the area of work to which the occupation certificate relates.
{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed to the satisfaction of Council as the Water & Sewerage Authority}
- (44) Prior to the issue of any Occupation Certificate for the proposed building work, the development's external works, which includes landscaping, car parking and hardstand areas, traffic signage and line marking, vehicular cross-overs, and any conditioned road/footpath upgrading must have been completed in conformity with this development consent.
{Reason: To ensure the development is completed prior to its occupation and use}
- (45) All electrical and mechanical equipment such as main power supply, heating/air conditioning units and the like shall be located above the Flood Planning Level, which for this site is RL 263.66 m AHD. All fittings below such level shall be designed to be flood compatible and of flood compatible materials having an order of preference of 'suitable' in accordance with Appendix A 'Dubbo Flood Proofing Guidelines' of Council's Development Control Plan G2.2 (refer to Table 10 of Appendix F in the Floodplain Development Manual 1986).
{Reason: Council requirement having regard to Council's DCP G2.2 to minimise property damage}
- (46) The structural details of the proposed commercial building shall be designed and certified by an appropriately qualified structural engineer familiar with the design of buildings on floodplain lands ensuring that the structure can withstand the likely buoyancy, velocity and debris impact forces that may result as a consequence of inundation during a flood event. The Certifying Authority shall satisfy itself that compliance with this condition has been met, prior to release of the Construction Certificate.
{Reason: Council requirement to ensure structural stability of the building on flood prone land}
- (47) The lower two storeys of the subject building, being Basement Levels 1 and 2, shall not subsequently be designed, used or converted for additional commercial purposes other than as approved by this development consent, without prior approval.

Approval of this Development Application shall not be construed as permitting the currently approved commercial premises on such Levels to be expanded, extended or changed to an alternative use. Those parts of the building situated below the Flood Planning Level of RL 263.66 m AHD which are not specifically nominated on the approved plans as commercial premises, are not approved for such purposes.

{Reason: Council requirement to limit property damage due to flood liability}

- (48) All utilities, services and infrastructure necessary to maintain and permit the continued safe and healthy occupation and operation of the development's commercial and residential storey Levels 3 to 7, shall be located above and/or flood-proofed to at least the Flood Planning Level, which for this site is RL 263.66 m AHD. Services associated with Basement Levels 1 and 2 whilst having to be flood compatible, must also be designed to be shut-down/disconnected/isolated in advance of inundation without detrimentally affecting the rest of the building's services.

Prior to any Occupation Certificate being issued for the building's Level 3 storey, each relevant service design engineer (ie electrical, hydraulic, mechanical, fire safety etc) shall provide a design statement to the effect that their respective service designs will in their opinion achieve compliance with the requirements of this condition.

{Reason: Council requirement to ensure the building is designed to be able to continue to function after flood inundation of its two basement levels}

- (49) Prior to any construction works commencing on the site, and in conjunction with lodgement of the relevant Construction Certificate(s), a Soil and Water Management Plan (SWMP), prepared by a suitably accredited person, shall be submitted for approved in accordance with Council's adopted Urban Stormwater Management Guidelines, Volume 2: Erosion and Sedimentation. Such plan shall then be implemented pre, during and after construction of the proposed development. The approved erosion and sediment control measures are to remain (and be maintained) in place until such time as all ground disturbed by the subdivision construction works have been stabilised, revegetated and rehabilitated so that they no longer act as a source of sediment.

{Reason: Implementation of Council's erosion and sedimentation guidelines}

- (50) A separate application will be required to be made to Council's Water Supply and Sewerage Client Services Coordinator (Technical Services Division) with the appropriate fee(s) being paid for a suitably sized metered water service connection for the proposed development.

Note: Council's Water and Sewer Branch has addressed that pumping from Council's water line is not permitted for fire fighting purposes. So the capacity of the proposed water storage tanks may need to be amended to make adequate provisions.

{Reason: Council policy in respect of industrial, commercial and residential developments}

- (51) Industrial standard concrete vehicular cross-overs, and kerb and gutter vehicle entrances, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the developer at the locations shown on the approved development plan.

However, prior to any construction works being undertaken on these access driveways a detailed (fully dimensioned) site plan is to be lodged with and approved by Council. Each access driveway is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that a Design Prime Mover or Semi Trailer, 19.0m in length (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of Bligh Street and Bultje Street without the need to cross over onto the wrong side of the road at any time.

Such works shall also include the reinstatement of the redundant kerb and gutter vehicle crossing back to 'upright' kerb and gutter at full cost to the developer, including the reinstatement of the kerb and guttering along Poplars Lane; this work is to also include restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

Should Council's Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of industrial/commercial developments }

- (52) All loading and unloading of goods from commercial vehicles, as defined by *AS 2890.2-2002 Part 2: Off-Street Commercial Vehicle Facilities*, related to the proposed development (ie Retail, Shop Top Housing, Offices, Motel Accommodation and Serviced Apartments) shall be carried out from the four (4) loading docks identified on the stamped approved plan (DWG No: DA01; Issue: B; Date: 25 June 2012).

Under no circumstances will the loading or unloading of goods from any vehicle on the public roadway system be permitted.

{Reason: Commercial vehicular access to the undercover car parking area on Level 1 and/or 2 cannot be achieved due to insufficient clearance heights as defined by AS 2890.2-2002 and the only remaining location is the identified loading dock areas; Requirement of Council so as not to create adverse traffic conditions }

- (53) All road areas, driveways, hard stand areas and parking areas shall be drained to Council's satisfaction and in accordance with Section 6 of Council's adopted Policy Code No 1, noting that all stormwater drainage discharge from the proposed development shall be undertaken in accordance with the principles outlined in the submitted proposed Concept Stormwater Management Plan by NORTHROP dated 14 June 2012.

In this respect the developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and revised drawings of the proposed development's stormwater drainage system including the relocation of existing Council bio-swales.

Prior to the discharge into Council's system, the developer will be required to install at their own expense a "pollution control device(s)" which will collect all oil, sediment and litter from the development proposal.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (54) The construction by and at full cost to the developer of concrete paving block footpaths at the full frontage of the development onto Bultje Street, Bligh Street and Macquarie Street including the reconstruction of kerb & gutter as appropriate such to provide kerb and gutter along the whole of the Macquarie Street, Bultje Street and Bligh Street frontages of the development.

Perambulator ramp(s) suitable for disabled access (and in accordance with Council's standard STD 5166) are to be located at each kerb and gutter / roadway crossing(s).

However, prior to any construction works being undertaken, a detailed (fully dimensioned) site plan is to be lodged with and approved by Council.

All construction works associated with this condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards and to Council's adopted standard drawing STD 5251.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of these footpaths, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Implementation of Council policy}

- (55) A separate application is required to be made to Council's Water Supply and Sewerage Client Services Coordinator (Technical Services Division) with the appropriate fee(s) being paid for a suitably sized sewer connection to service the proposed development.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with detailed engineering plans being submitted to, and approved by Council prior to any construction works commencing.

Note: In accordance with Council's adopted policy requirements, any construction works required to be undertaken on 'live' sewerage main(s) must be undertaken by Council at full cost to the Developer.

{Reason: Implementation of Council Policy No 2}

- (56) No buildings or structures of any standard (including advertising structures) shall be erected over Council's existing sewerage main(s) or are to be located within the existing 'easement(s) to drain sewage' other than in accordance with Council's adopted Policy "Building Over or Adjacent to Council's Sewerage Pipeline".
{Reason: Implementation of Council's adopted Policy "Building Over or Adjacent to Council's Sewerage Pipeline"}
- (57) **All vehicles** must enter and exit the subject land and proposed development in a forward direction. **No reversing** of vehicles onto the public roadway system will be permitted EXCEPT for delivery and service vehicles, up to a "Design Prime Mover and Semi Trailer" 19.0m in length, in Poplars Lane.
{Reason: To provide safety for the travelling public utilising the public roadways}
- (58) No advertising, advertising sign(s) or structure(s) of any standard will be permitted to be displayed within (or overhang onto) the road reserve area(s). Note: This area also includes the footpath reserve area.

If required by Council, a registered surveyor is to verify location of the proposed sign in relation to the allotment boundaries.
{Reason: To protect the amenity of the travelling public utilising the surrounding roadways}
- (59) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area and air space) until such time as a 'Air Space Lease and Street Trading' application(s) has been lodged with and approved by Council. As part of the proposed works appears to encroach onto the Bligh Street, Bultje Street and Macquarie Street footpath (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) will be required to be made to Council's Technical Services Division, plus payment of any appropriate fee(s).
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}
- (60) The conveyance of the effluent from the proposed Development to Council's sewer constitutes a trade waste discharge. **In this regard a Trade Waste Application must be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), submitted to Council's Water Supply and Sewerage Client Services Coordinator before the issue of the Construction Certificate.** No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.
{Reason: Statutory requirement of the Local Government (General) Regulation 2005}
- (61) Prior to the issue of the Construction Certificate, written correspondence confirming the concurrence from the NSW Office of Water shall be submitted to the satisfaction of Council for all activities generating liquid trade waste. All details provided to the NSW Office of Water shall also be provided to Council.
{Reason: Statutory requirement of the Local Government Act 1993, Concurrence Classifications outlined in the Liquid Trade Waste Regulation Guidelines (dated April 2009)}

- (62) Any advertising signage (and any content contained thereon) shall not replicate or be of a similar content to any 'Traffic Regulatory Sign(s)'. The signage is not to flash, move or be objectionably glaring or luminous. The advertising signage must not be a distraction to drivers, in respect to dynamic displays, inappropriate advertising or excessive numbers of advertising sign(s).
{Reason: To maintain the integrity of Traffic Advisory/Regulatory Signage and to protect the amenity of the travelling public utilising the surrounding roadways}
- (63) All vehicles, plant and equipment involved in the proposed demolition activities must enter and exit the subject land in a forward direction, unless specified otherwise in an approved Traffic Control Plan which is being implemented under the direction of an authorised Traffic Controller.
{Reason: To provide safety for the travelling public utilising the public roadway system}
- (64) All loading and unloading of plant, machinery, plus all material(s) involved in the proposed demolition activities shall be undertaken within the confines of the allotment's boundary, unless specified otherwise in an approved Traffic Control Plan which is being implemented under the direction of an authorised Traffic Controller.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (65) No material(s), goods, plant or vehicles associated with the proposed demolition activities shall be stored, displayed or placed outside the allotment's boundary.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (66) Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.
- Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).
{Reason: Implementation of Council policy}
- (67) Should any of the proposed demolition activity works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the Applicant/Developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) with Council's Technical Services Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Traffic Engineer, demonstrating that the proposed demolition works can be undertaken in a safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (68) Should any of the proposed demolition activity works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the Applicant is to ensure that any sub-contractor(s) working on the site have current public liability insurance policy(ies) to cover Council to an amount of not less than \$20 million in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council, which ensures that Council is indemnified against any possible action.
{Reason: Implementation of Council's policy}
- (69) Prior to any demolition works commencing on the site, the following are required to be completed and carried out to Council's satisfaction:
- (a) The existing metered town water supply service connection(s) is required to be disconnected by Council. Council's Water Supply and Sewerage Client Services Coordinator must be contacted requesting removal of the disused water service and meter; and
 - (b) Disconnection of the sewer drainage and capping of Council's sewerage main junction. An inspection by Council's Development Engineer in regard to this condition is required prior to the "capped" sewerage junctions being backfilled.
{Reason: Requirements of Council to protect its Civil Infrastructure Assets}
- (70) The contribution by the developer of a sum of \$100,482.00 in accordance with Council's Section 94 Contributions Plan - Open Space and Recreation Facilities, December 1998 (Amended June 2008). Such contribution shall be paid to Council prior to the issue of the Occupation Certificate. Such contribution will be increased in accordance with the Fees, Charges and Contributions Formula as calculated at 30 June each year.
- Note 1: The sum was based on the dwelling occupancy rate and the contribution rate at the time was an ET equivalent of \$1,531.74 including administration fee. Based on a dwelling occupancy rate of 3.2 persons per three (3) bedroom unit, two (2) persons per two (2) bedroom unit and 1.4 persons per one (1) bedroom unit, a total of 65.6 ETs are generated.
{Reason: Implementation of Council's Section 94 Contributions Plan - Open Space and Recreation Facilities}
- (71) Prior to the issue of the Occupation Certificate, the contribution by the developer of Urban Stormwater Drainage headworks contributions for a sum of \$11,522.95 in accordance with Council's adopted Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995. Such contribution is calculated on the total area draining into the catchments of 1.6 Bultje Street and 1.7 Cobra Street Drainage Scheme.

Such a contribution is adjusted annually in accordance with Section 7.0 of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2012/2013 financial year rate is \$7,354.00 per Ha. A total area of 1.746275 Ha will drain into catchment 1.6 Bultje Street Drainage Scheme and a total area of 0.923821 Ha will drain into catchment 1.7 Cobra Street Drainage Scheme.

Note 2: A credit of 0.9145 ET has been applied for catchment 1.6 Bultje Street Drainage Scheme and 0.1887 ET has been applied for catchment 1.7 Cobra Street Drainage Scheme.

Note 3: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's Section 94 Urban Stormwater Drainage Headworks Contributions Plan, as amended October 1995}

- (72) Prior to the issue of the Occupation Certificate, the contribution by the developer of water supply headworks contributions for a sum of \$654,532.32, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Such a contribution rate is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2012/2013 financial year rate is \$5,176.00 per ET. The development generates a total of 126.45524 ETs

Note 2: A credit of 11.6708 ETs has been applied.

Note 3: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy, November 2002, operating from 1 January 2003}

- (73) Prior to the issue of the Occupation Certificate, the contribution by the developer of sewerage services headworks contributions for a sum of \$301,557.64, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, and in accordance with Council's adopted Combined Water Supply and Sewerage Contributions Policy dated November 2002.

Such a contribution rate is adjusted annually in accordance with Section 3 of the Combined Water Supply and Sewerage Contributions Policy becoming effective from 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2012/2013 financial year rate is \$5,176.00 per ET.

Note 2: A credit of 23.4 ETs has been applied.

Note 3: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of Council's adopted Combined Water Supply and Sewerage Contributions Policy November 2002 operating from 1 January 2003}

- (74) Prior to the issue of the Occupation Certificate, the contribution by the developer of urban roads headworks contributions for a sum of \$1,754,855.27 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, dated October 2007.

Such a contribution rate is adjusted annually in accordance with Section 6.0 of the Section 94 Contributions Plan becoming effective from the 1 July each year and as adopted in Council's Annual Revenue Policy.

Note 1: Council's adopted 2012/2013 financial year contribution rate is \$538.49 per residential trip (including administration fee). The required urban roads headworks contributions are calculated on six (6) daily trips per three (3) bedroom unit, five (5) daily trips per two (2) bedroom unit and four (4) daily trips per one (1) bedroom unit equalling a total of 28 units that generate 144 daily trips.

Note 2: Council's adopted 2012/2013 financial year contribution rate is \$360.79 per commercial trip (including administration fee). The required urban roads headworks contributions are calculated on Shopping Centres having a GFA greater than 10,000m² but less than 20,000m² at 43 daily trips per 100m² GFA minus 20% according to Section 3.6.1 in the RTA's Guide to Traffic Generating Developments. The Shopping Centre generates a total of 4,960.48 daily trips.

Note 3: Council's adopted 2012/2012 financial year contribution rate is \$360.79 per commercial trip (including administration fee). The required urban roads headworks contributions are calculated on CBD Commercial sites generating 25 daily trips per 100m² GFA. The offices generate a total of 736.5 daily trips.

Note 4: Council's adopted 2012/2012 financial year contribution rate is \$360.79 per commercial trip (including administration fee). The required urban roads headworks contributions are calculated on three (3) daily trips per motel unit. A total of 96 motel units generate 288 daily trips.

Note 5: A credit of 744.96 commercial daily trips has been applied.

Note 6: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Car Parking dated October 2007}

- (75) Prior to the issue of the Construction Certificate and to the satisfaction of Council, the Applicant is to provide a Traffic and Parking Management Plan of Bultje Street that addresses the turning, through traffic, pedestrian conflict, provision for cyclists and on street parking management that shall incorporate such facilities as a median turn lane, mid-block pedestrian refuge, single east/west traffic and parking lanes and parallel parking detailing the proposed on-street parking restrictions to both sides of the carriageway.

Note: Traffic management needs to extend beyond the existing carriageway width (kerb to kerb). Road carriageway widening will be required on the Riviera Development side of Bultje Street to facilitate the proposed traffic management reducing of the building envelope in the airspace over the road reserve.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (76) All vehicular exits from the development onto Bultje Street are to be permanently open.
{Reason: To enable full, free and unimpeded access to members of the public (clientele) utilising the business/commercial enterprise}
- (77) The retail coffee business and its exit access onto Bultje Street shall not be provided at the location proposed. Prior to release of the Construction Certificate amended elevation plans detailing the infill development in this location shall be submitted to the satisfaction of Council
{Reason: To provide a satisfactory means of entry/exit to the proposed development}
- (78) All articulated goods service vehicles entering or leaving via the Bligh and Bultje Street goods service vehicle entry/exits do so directly via the Bultje Street/Bligh Street intersection from/to the Bligh Street/Newell Highway intersection respectively.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (79) All articulated service vehicles are to enter and exit Bultje Street and Poplars Lane on the correct side of the carriageway. Unimpeded simultaneous ingress and egress for articulated goods vehicles within Poplars Lane and Bultje Street shall be available at all times.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (80) Prior to the issue of the Construction Certificate and to the satisfaction of Council the Applicant is to provide a Traffic, Parking and Pedestrian Management Plan of Bligh Street that provides separate turning and through traffic lanes to all access points, addressing safe intersection site distance requirements and the interaction with the intersection of Ian Drake Drive and the Service Road and surface level car park entrance/exits. Widening of Bligh Street will be required to accommodate the traffic management, cyclist and pedestrian activity to and from the development including access to the River corridor.
{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}
- (81) Following the Bligh Street entrance management design finalisation, the through traffic lanes shall comply with the Austroads standards for a 60kph design speed for horizontal alignment, stopping sight distance and intersection sight distance for all entrances and intersections.

Note: To comply with this condition Bligh Street south of the development may require realignment and reconstruction to comply with the Austroads standards.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (82) All articulated goods service vehicles are to enter and exit Bligh Street and the Service Road on the correct side of the carriageway. Unimpeded simultaneous (two way) ingress and egress by way of articulated goods vehicle entry/exit within the Service Road and Bligh Street is to be available.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (83) Eastern kerb alignment of Bligh Street fronting the development is to be continued on an appropriate alignment through the intersection of Bultje Street with the existing kerb line on the northern side of Bultje Street. Details to be clearly provided to the satisfaction of Council prior to issue of the Construction Certificate.
{Reason: Implementation of Council policy}
- (84) Prior to the issue of the Construction Certificate a 1 in 20 year flood event Traffic Management Plan is to be developed by the Developer for approval by Council. This will incorporate the full operational aspects of the ingress and egress activity across the Macquarie Street footpath and includes the functionality of businesses, residential apartments and motel accommodation including the serviceability by vehicles of such operations, the time of operations and the need for 24 hour access. The Traffic Control Plan also needs to complement pedestrian control and the existing or proposed parking and on road traffic facilities that will be provided as a consequence of the development at no cost to Council.
{Reason: To ensure appropriate traffic control measures are being implemented for the proposed '1 in 20 year flood event'}
- (85) A mid block pedestrian facility is to be provided in Macquarie Street between Bultje Street and the Mitchell Highway prior to issue of any Occupation Certificate. Prior to the issue of the Construction Certificate and to the satisfaction of Council a plan is to be provided for Council's consideration detailing a mid-block pedestrian facility that will only provide a single (in each direction) north and south bound carriageway in Macquarie Street. This will require carriageway narrowing and conversion of the car parking lane to angle parking whilst retaining an immediate two lane southbound approach to the Mitchell Highway traffic signals. A SIDRA (Signalised and unsignalised Intersection Design and Research Aid) analysis is to be undertaken of the requirement for a pedestrian phase at this location and to determine the vehicle storage queue length required. These works are required to be undertaken prior to the issue of any Occupation Certificate.
{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}
- (86) In association with the mid block pedestrian facility in Macquarie Street between Bultje Street and Mitchell Highway, one additional angled disabled car parking space shall be provided prior to the issue of any Occupation Certificate on each of the western and eastern sides of Macquarie Street at no cost to Council.
{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (87) Prior to the issue of the Construction Certificate and to the satisfaction of Council the Applicant is to provide a plan detailing the intersection management that incorporates a roundabout, pedestrian facility and provides for cyclists movements at the intersection of Bligh Street and Bultje Street. The items identified in the intersection management plan shall be provided prior to the issue of any Occupation Certificate at no cost to Council.
{Reason: Implementation of Council policy}
- (88) Prior to the issue of the Construction Certificate the Applicant is to provide a Pedestrian Footpath Management Plan of the Bultje, Bligh and Macquarie Street road frontages detailing driveway crossover treatments to all development accesses with the exception of the Poplars Lane access in Bultje Street and the western Service Road access in Bligh Street that will be at surface level road access. Provision of these works are to be at no cost to Council.
{Reason: Implementation of Council policy}
- (89) Prior to the issue of the Construction Certificate and to the satisfaction of Council the Applicant is to reach agreement as to the continuing use of Poplars Lane and the terms of compensation to Council for its proposed use, disposal, stratum easement or other.
- Note: There are options for exclusive, partial, elevated easement and uses in public or private ownership to be resolved.
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}
- (90) Prior to the issue of the Construction Certificate and to the satisfaction of Council the Applicant is to provide a Traffic and Parking Management Plan of Macquarie Street that takes into consideration the potential need for bus and taxi services to the development and the impacts of the emergency access requirements across the footpath and onto the carriageway including the provision of a mid block pedestrian facility and traffic lane reduction showing all the on street parking restrictions existing and proposed. The works arising from this plan are to be implemented prior to the issue of any Occupation Certificate at no cost to Council.
{Reason: Implementation of Council policy}
- (91) A no parking zone is to be provided on the western side of Macquarie Street adjacent to the development immediately in front of the emergency flood access area to facilitate set down and pick up activities. These services are to be provided prior to the issue of any Occupation Certificate and without cost to Council.
{Reason: Implementation of Council policy}
- (92) Prior to the issue of the Construction Certificate and the satisfaction of Council, the Applicant is to provide a fully dimensioned and detailed Traffic Management Plan of the car parking areas showing all regulatory traffic and advisory signage and line marking as proposed.
{Reason: Implementation of Council policy}

- (93) Prior to issue of the Construction Certificate an Operational Management Plan for the garbage area is to be provided to the satisfaction of Council for approval. The plan is to detail the safe and convenient access by tenants and the swept path required for the largest vehicular types to be used for garbage removal by contractors.
{Reason: Implementation of Council policy}
- (94) In the eastern level 1 car parking area immediately adjacent to and between the car cleaning/detail area and the vehicle ramp to level 2 the proposed one way traffic aisle that directs traffic into the car cleaning/detail operations is to be designated as two way with selected car clean/detail traffic only at the eastern end of that traffic aisle.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (95) Prior to issue of the Construction Certificate a Traffic Management Plan for the operations of the western vehicular ramp between level 1 and 2 in the vicinity of the Bligh Street undercover car park entry/exit which provides to Council's satisfaction for safe operations for users and for implementation.
- Note: This will involve realigning of the ramp to reduce conflicts at the Bligh Street entrance, realigning to one exit lane and splaying the exit to incorporate left hand turning movement on exit.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (96) The proposed separated entry and exits to Bligh Street from the surface level car park on Lot 1 DP 238053 shall be reversed to provide for a conventional alignment of entry being to the left of the exit on entry.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (97) Prior to the issue of any Occupation Certificate, the contribution by the developer of a sum of \$949,720.00 in accordance with Council's adopted Section 94 Contributions Plan - Roads, Traffic Management and Car Parking, dated October 2007. Such contribution will be increased in accordance with the Fees, Charges and Contributions Formula as calculated at 30 June each year.
- Note 1: The sum was based on a deficit of 44 off-street car parking spaces not being physically provided to support the car parking demand of the proposed development. Council's adopted 2012/2013 financial year contribution rate is \$23,743.00 for each car space not being physically provided.
{Reason: Implementation of Council's Section 94 Contributions Plan - Roads, Traffic Management and Car Parking dated October 2007}
- (98) No vehicles larger than a "Design Prime Mover or Semi Trailer" 19.0 m in length, utilising the Austroads design templates, are permitted to access the proposed development.
{Reason: The internal manoeuvrability and access to this area will only facilitate Design Prime Mover or Semi Trailer 19.0m in length or vehicles of lesser dimensions at this location}
- (99) Off-street car parking shall be provided in accordance with *AS/NZS 2890.1.2004 Parking Facilities – Off-street car parking*.
{Reason: Requirement of the Roads and Traffic Authority and Implementation of Council Policy}

- (100) Signage in accordance with *AS/NZS 2890.1.2004 Parking Facilities – Off-street car parking* shall be suitably erected and displayed to clearly identify the separate off-street car parking locations for Retail, Shop Top Housing, Offices, Motel Accommodation and Serviced Apartments.

{Reason: To minimise traffic conflict}

- (101) Off-street car parking must be provided for both customers and staff of the subject development and not exclusively for private purposes.

{Reason: Implementation of Clause 1.5 of Council Policy No 3: *Standards for Off-Street Parking of Motor Vehicles*}

- (102) Free and uninterrupted access to car parking areas shall be maintained at all times.

{Reason: Implementation of Clause 2.5 of Council Policy No 3: *Standards for Off-Street Parking of Motor Vehicles*}

- (103) Off-street car parking for people with a disability shall be provided in accordance with *AS/NZS 2890.6.2009 Parking Facilities – Part 6: Off-street parking for people with disabilities*.

Note: In accordance with Clause 2.4 of *AS/NZS 2890.6.2009*, the path of vehicular travel from the car park entrance to all car parking spaces for people with disabilities and from those to the car park exist shall have a minimum headroom of 2.2 metres. The headroom above each dedicated space and adjacent shared area, measured from the level of the dedicated space shall be a minimum of 2.5 metres.

{Reason: Implementation of DCP G3.1 Designing for Access and Mobility}

- (104) Prior to release of any Occupation Certificate for the proposed development, the car park located on Lot 1 DP 238053 shall be completed to the satisfaction of Council. Relevant matters to be completed to the satisfaction of Council are, but not limited to:

- Ingress and egress to Bligh Street;
- Onsite landscaping;
- Access to the proposed adjoining multi-storey development;
- Provision of additional trolley bays;
- Any other conditions of this development consent related to said car park.

{Reason: The car park on Lot 1 DP 238053 is required to support the off-street car parking demand of the multi-use development}

- (105) Prior to the release of the Construction Certificate, additional trolley bays shall be provided to the satisfaction of Council on the open car park on Lot 1 DP 238053.

{Reason: The car park on Lot 1 DP 238053 is required to support the off-street car parking demand of the retail component of the multi-use development}

- (106) Any proposed landscaping, signage or fencing shall not impede sight lines of traffic and/or pedestrians within or when passing, entering or departing from the development.

{Reason: Requirement of the Roads and Maritime Services}

- (107) A Road Occupancy Licence is required prior to any works commencing within 3 m of the travel lanes of the Mitchell Highway (Cobra Street). A Road Occupancy Licence can be obtained by contacting the Roads and Maritime Services.

Note: Submission of a Traffic Management Plan incorporating a Traffic Control Plan is required as part of this licence.

{Reason: Requirement of the Roads and Maritime Services}

- (108) The proposed works identified with the submitted documentation at the intersection of Macquarie Street and Cobra Street (Mitchell Highway) are located on a highway and the developer will be required to undertake full construction of such works on a road in which the Roads and Maritime Services (RMS) has a statutory interest at their full cost. A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and the RMS prior to such works commencing.

{Reason: Requirement of the Roads and Maritime Services}

- (109) All consulting planning, designing, investigating, reviewing and works associated with the development are to be at no cost to the Roads and Maritime Services.

{Reason: Requirement of the Roads and Maritime Services}

- (110) Prior to the release of any Occupation Certificate, additional CCTV (closed-circuit television) shall be installed at the intersection of Cobra Street (HW7) and Macquarie Street to the satisfaction of the Roads and Maritime Services (RMS). Written confirmation from the RMS shall be submitted to Council detailing the adequacy of the CCTV.

{Reason: Requirement of the Roads and Maritime Services}

- (111) Prior to release of the Construction Certificate for the proposed development, amended plans shall be submitted to the satisfaction of Council clearly identifying that all access to and from the car park on Lot 1 DP 238053 shall be from Bligh Street only.

Reason: To improve public safety by reducing traffic volume on Poplars Lane}

- (112) No public pedestrian access pathway or vehicular driveway shall be constructed or permitted on the undercover Level 1 car parking area that enables such movement between the area east of Poplars Lane and the area west of Poplars Lane.

{Reason: To restrict public vehicular and pedestrian movement over Poplars Lane in an east/west direction due to the movement of service and delivery trucks in this location}

- (113) No retail uses shall be located on the public area of the shopping mall. Any proposal to establish a use on the public area of the shopping mall shall be considered an intensification of the proposed development and require a Development Application to be submitted to, and approved by Council. Such a Development Application will require a modified car parking assessment of the entire development as part of the development assessment process.

{Reason: Implementation of Section 79C of the EP&A Act 1979}

- (114) Prior to release of any Occupation Certificate, a positive covenant pursuant to Section 88B of the Conveyancing Act, 1919 shall be created to the satisfaction of Council which clearly identifies the following:
- (i) The southern portion of the newly created consolidated allotment (previously Lot 1 DP 238053) shall be used for the purposes of a car park only in association with Development Application No D2012-145;
 - (ii) No vehicular access between Lot 9 DP 475 and existing Lot 1 DP 238053; and
 - (iii) The positive covenant can only be modified with the consent of Council.
- {Reason: To ensure all future land owners of Lot 1 DP 238053 are aware that the subject car park supports the proposed development; (ii) To restrict indirect increased vehicular movements to Poplars Lane from Lot 1 DP 238053}

- (115) Prior to release of the Construction Certificate, a Landscaping Plan for the subject land (including Lot 1 DP 238053), the road reserve and the public footpath must be submitted to Council and approved by Council's Parks and Landcare Division.

Details of the Landscaping Plan shall include, but not limited to: Plant species (scientific and common name); Height of the plant species at maturity; Root barrier and direction devices of trees planted within the footpath and/or road reserve; Irrigation methods, Streetscape furniture (eg bollards), and Water Sensitive Urban Design (WSUD) principles for the tree pits within Lot 1 DP 238053. Components specified in the Landscaping Plan shall be consistent with the existing landscaping treatment in Macquarie Street.

Consultation with Council's Parks and Landcare Division is advised prior to the submission of the Landscaping Plan.

{Reason: To maintain and improve the aesthetic quality of the development}

- (116) The development shall be designed, constructed and maintained in conformity with the design criteria applicable for a 'Group 2' development under Council's *Development Control Plan G3.1 - Designing for Access and Mobility*.

Prior to release of the Construction Certificate, the Developer shall submit to Council a schedule listing the development's compliance with each 'Design Element' from DCP G3.1, indicating how compliance with each 'Objective' and 'Performance Criteria' has been provided and incorporated into the development's design. The release of the any Construction Certificate shall not occur until Council is satisfied the above matters have been satisfactorily addressed.

{Reason: Implementation of Council Policy requirement in accordance with DCP G3.1}

- (117) Prior to release of the Construction Certificate, the following number of Adaptable, Visitable and/or Accessible Housing Units shall be provided as part of the development:
- Of the 28 Shop Top Housing units, six (6) units shall be constructed as Adaptable Housing and three (3) units shall be constructed as Visitable Housing;
 - Of the 64 motel units, seven (7) units shall be constructed as Accessible Housing; and
 - Of the 32 serviced apartment units, four (4) units shall be constructed as Accessible Housing.

The design requirements for Adaptable, VISIBLE and Accessible accommodation are defined by *DCP G3.1 – Designing for Access and Mobility* and *AS 4299 Adaptable Housing*.

A schedule listing the development's compliance with the Adaptable, VISIBLE and Accessible requirements shall be submitted to the satisfaction of Council prior to release of the Construction Certificate.

{Reason: Council requirement in consideration of Section 79C of the EP&A Act 1979, DCP G3.1 and the Disability Discrimination Act 1992}

- (118) A continuous accessible path of travel for people with a disability shall be provided from the allotment boundary and from the nominated car parking space(s) for people with a disability, to the doorways of the Adaptable, VISIBLE and Accessible accommodation units (as identified within the conditions of this development consent), in accordance with Council's Development Control Plan G3.1 "Designing for Access and Mobility".

{Reason: Council requirement in consideration of Section 79C of the EP&A Act 1979, DCP G3.1 and the Disability Discrimination Act 1992}

- (119) Prior to release of the Construction Certificate, the undercover car parking area shall be modified in the following manner to the satisfaction of Council:

- 4 car spaces for people with a disability shall be provided on Level 2, east of Poplars Lane, in the area identified for 'Office Car Spaces';
- 6 car spaces for people with a disability shall be provided on Level 1, west of Poplars Lane, in the area identified for 'Shop Top Housing';
- 4 car spaces for people with a disability shall be provided on Level 1, west of Poplars Lane, in the area identified for 'Motel car spaces' and in close proximity to the motel lift;
- 2 car spaces for people with a disability shall be provided on Level 2, east of Poplars Lane, in the area identified for 'Motel and Serviced Apartment' car parking.

The design, construction and associated signage of each car parking space for people with a disability shall be in accordance with *AS/NZS 2890.6.2009 Parking Facilities – Part 6: Off-street parking for people with disabilities*.

{Reason: Implementation of DCP G3.1 Designing for Access and Mobility}

- (120) A separate Development Application shall be submitted to Council to establish the first occupancy of each sole occupancy unit within the office and retail component only of proposed development.

{Reason: Implementation of Section 79C of the EP&A Act, 1979}

- (121) Prior to the release of the Construction Certificate, the colour of the external building materials shall be submitted to and approved by Council. Colours and materials that have a high contrast, bright and reflective surfaces are not acceptable.

{Reason: To maintain and improve the visual amenity of the surrounding area; To minimise the visual impact on adjoining items of state heritage significance}

- (122) A detailed lighting plan for the development shall be provided to Council for assessment. The plan must be submitted to and approved by Council prior to the issue of any Construction Certificate by any Principal Certifying Authority.

The lighting plan shall be prepared by a suitably qualified individual and shall provide effective lighting throughout vehicle parking areas and sections of the site, which are utilised by both the public and staff.

{Reason: To ensure lighting of the site will provide users with a reasonable level of safety and security and to ensure lighting of the site will not unreasonably impact the amenity of the surrounding locality}

- (123) Any external lighting erected on the property (eg security lighting) shall be directed towards the ground at the appropriate lumens so as to minimize any potential impact on night time flying operations.

{Reason: Ensuring the safety night time flying operations in accordance with Clause 7.7 of the Dubbo LEP 2011}

- (124) A Certifying Authority must not issue a Construction Certificate for the Shop Top Housing unless the Certifying Authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

The Shop Top Housing design quality principles referred above do not need to be verified to the extent to which they aim:

- (i) To reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
- (ii) To improve the thermal performance of the building.

{Reason: Provision of Clause 154A of the EP&A Regulations 2000}

- (125) No building work associated with the proposed development shall occur on or over Lot 73 DP 627821.

{Reason: No building work is identified on Lot 73 DP 627821}

- (126) The 'Preparation Area' fronting Bultje Street identified on Level 3 (DWG No: DA01; Issue: Dated: 25 June 2012) shall not be used in association with the restaurant for public seating or a public bar area. Such a use is an intensification of the site and will require a Development Application to be submitted to, and approved by Council. Such a Development Application will require a modified car parking assessment of the entire development as part of the development assessment process.

{Reason: Implementation of Section 79C of the EP&A Act 1979}

- (127) Prior to the issue of any Occupation Certificate, the addition of a pedestrian crossing to the northern leg of the Cobra Street (HW7) and the Macquarie Street intersection. This may involve considerable civil works and possible signal lantern relocation. All works to be undertaken at this location must involve prior consultation with the Roads and Maritime Services and Council.

NOTES

- (1) The following requirements prescribed by Essential Energy shall be observed in respect of any work proposed to be undertaken:

- Extreme caution must be exercised during the construction. All site activities must comply with the relevant WorkCover codes of practice to ensure that workers, plant and equipment are well clear of the powerlines; and
- Completed buildings must comply with the requirements and distances specified in the brochure “Structures Near Powerlines”.

Failure to observe these requirements may constitute a breach of statutory requirements and may require that Essential Energy relocate the powerlines at the Applicant’s expense.

- (2) EXTRACT OF:

PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005

CLAUSE 42 - SPECIAL REQUIREMENTS RELATING TO ASBESTOS WASTE

- (1) *This clause applies to any activity that involves the transportation, disposal, re-use or recycling of any type of asbestos waste, regardless of whether the activity is required to be licensed.*
- (2) *A person who carries on an activity to which this clause applies must comply with the requirements specified in this clause in relation to the activity concerned. Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.*
- (3) *The requirements relating to the transportation of asbestos waste are as follows:*
- (a) *bonded asbestos material must be securely packaged at all times,*
 - (b) *friable asbestos material must be kept in a sealed container,*
 - (c) *asbestos-contaminated soils must be wetted down,*
 - (d) *all asbestos waste must be transported in a covered, leak-proof vehicle.*
- (4) *The requirements relating to the off site disposal of asbestos waste are as follows:*
- (a) *asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste,*
 - (b) *when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos,*
 - (c) *when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust,*

- (d) *asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence:*
 - (i) *initially (at the time of disposal), to a depth of at least 0.15 metre, and*
 - (ii) *at the end of each day's operation, to a depth of at least 0.5 metre, and*
 - (iii) *finally, to a depth of at least 1 metre (in the case of bonded asbestos waste or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.*
- (5) *A person must not cause or permit asbestos waste in any form to be re-used or recycled.*
- (6) *In this clause:*
bonded asbestos material *means any material (other than friable asbestos material) that contains asbestos.*
friable asbestos material *means any material that contains asbestos and is in the form of a powder or can be crumbled, pulverised or reduced to powder by hand pressure when dry.*
- (3) Please note that first occupancy Development Applications for retail food premises will be required to demonstrate that it is feasible to comply with the NSW Food Regulations and the relevant Australian Standards prior to any such development consent being issued.
- (4) Please note that those portions of buildings used for the manufacturing, preparing, storing or handling of food need to be constructed and operated in accordance with the requirements of Food Act 2003, Food Regulations 2010 and the Food Safety Standards.
- (5) Please note that exhaust air discharges from retail food premises located in the Level 3 Food Court will need to comply with Australian Standards AS 1668 Parts 1 & 2 and may in some instances need to discharge above Level 8 roof top.
- (6) Please note that the swimming pool will need to comply with the Public Health Act 2010 and the Public Health (Swimming Pools and Spa Pools) Regulation 2000 particularly in regards to being continually disinfected with an automatic dosing system and the keeping of records. Regular inspections will be carried out by Council Officers in this regard.
- (7) The Applicant is advised that Part 1 of Schedule 2 to the Local Government (General) Regulation 2005 (standards for places of shared accommodation) applies to the extensions and can be enforced by Council if necessary.

- (8) Please note that any areas to be used for hairdressing or skin penetration procedures need to be fitted out in accordance with the minimum requirements of Schedule 2 under the Local Government (Order) Regulation, 1999 for Hairdressing Salons and the Public Health Regulations.
- (9) It should be noted that drop-in panel ceilings in food preparation areas do not comply with the food regulations and it is recommended that the developer discuss the construction standards and materials of the food preparation areas with Council's Environmental Services Division prior to fit-out commencing.
- (10) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development. Please note that occupants of the proposed apartments may in certain circumstances be considered as the most affected residents when assessing the impacts of the proposed shopping centre.
- (11) Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
- (12) Please note that consideration of this application involved no assessment of compliance with the provisions of the Smoke-free Environment Act 2000 and the Applicant is advised to obtain their own expert advice in this respect.

Regulatory responsibility for the Smoke-free Environment Act 2000 and the Smoke-free Environment Amendment (Enclosed Places) Regulation 2006 lies with NSW Health and its associated enforcement officers situated in Public Health Units throughout NSW.

- (13) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed building.
- (14) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
- A list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

- (15) Details of the disabled facilities (including accessways, signage, doorway and corridor widths, doorway luminance contrast, lifts, ramps and location of any tactile ground surface indicators, sanitary compartments) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the BCA and the Access Code to the *Disability (Access to Premises — Buildings) Standards 2010* (the Premises Standards) as adopted under the Disability Discrimination Act.

Note: The Premises Standards and Access Code and the Australian Human Rights Commission's 'Guideline on the Application of the Premises Standards' can be viewed and download from the following website links-

- <http://www.comlaw.gov.au/Details/F2011C00214>
- http://www.humanrights.gov.au/disability_rights/standards/Access_to_premises/Premises%20Standards%20Guideline_Final_2.pdf

Note: The conditions of development consent should be checked as to whether any additional and/or higher requirements to that mentioned above, have been specified and must be incorporated into the development's design.

- (16) Prior to occupation or use of the subject building, an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) appointed for the subject development.
- (17) On completion of the erection of the subject building, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate must be received by the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the PCA) and the Commissioner of Fire and Rescue NSW, and displayed within the subject building in a prominent position (if not otherwise stipulated by the PCA).

- (18) The subject land is flood liable, being completely inundated by a 1 % AEP event (1 in 100 years) to a depth of approximately 3.8 m. It is estimated that the building's Basement Level 1, curtilage and surrounding access roads would be inundated by a flood event of approximately 1 in 10 years (10% AEP).

The following Table K1 extracted from the NSW Government's Floodplain Development Manual April 2005, highlights the probability of a particular flood event occurring within a period of seventy (70) years.

Size of Flood (Chance of occurrence in any year) ARI/(AEP)	Probability of Experiencing the Given Flood in a Period of 70 Years	
	At least once (%)	At least twice (%)
1 in 10 (10%)	99.9	99.3
1 in 20 (5%)	97.0	86.4
1 in 50 (2%)	75.3	40.8
1 in 100 (1%)	50.3	15.6
1 in 200 (0.5%)	29.5	4.9

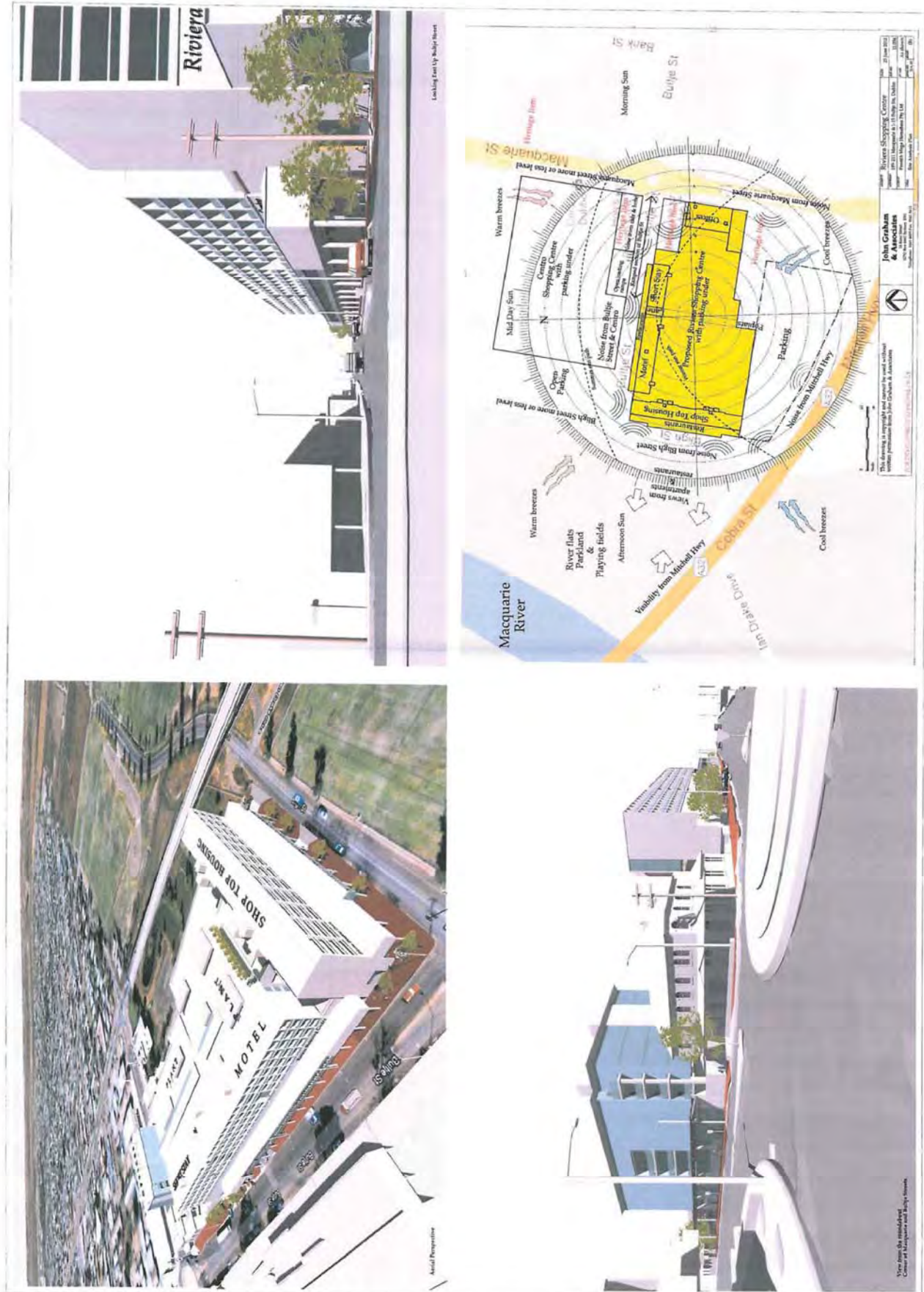
*TABLE K1 - Probabilities of Experiencing a Given
Size Flood Once or More in a Lifetime
(predicted by statistical theory for random events)*

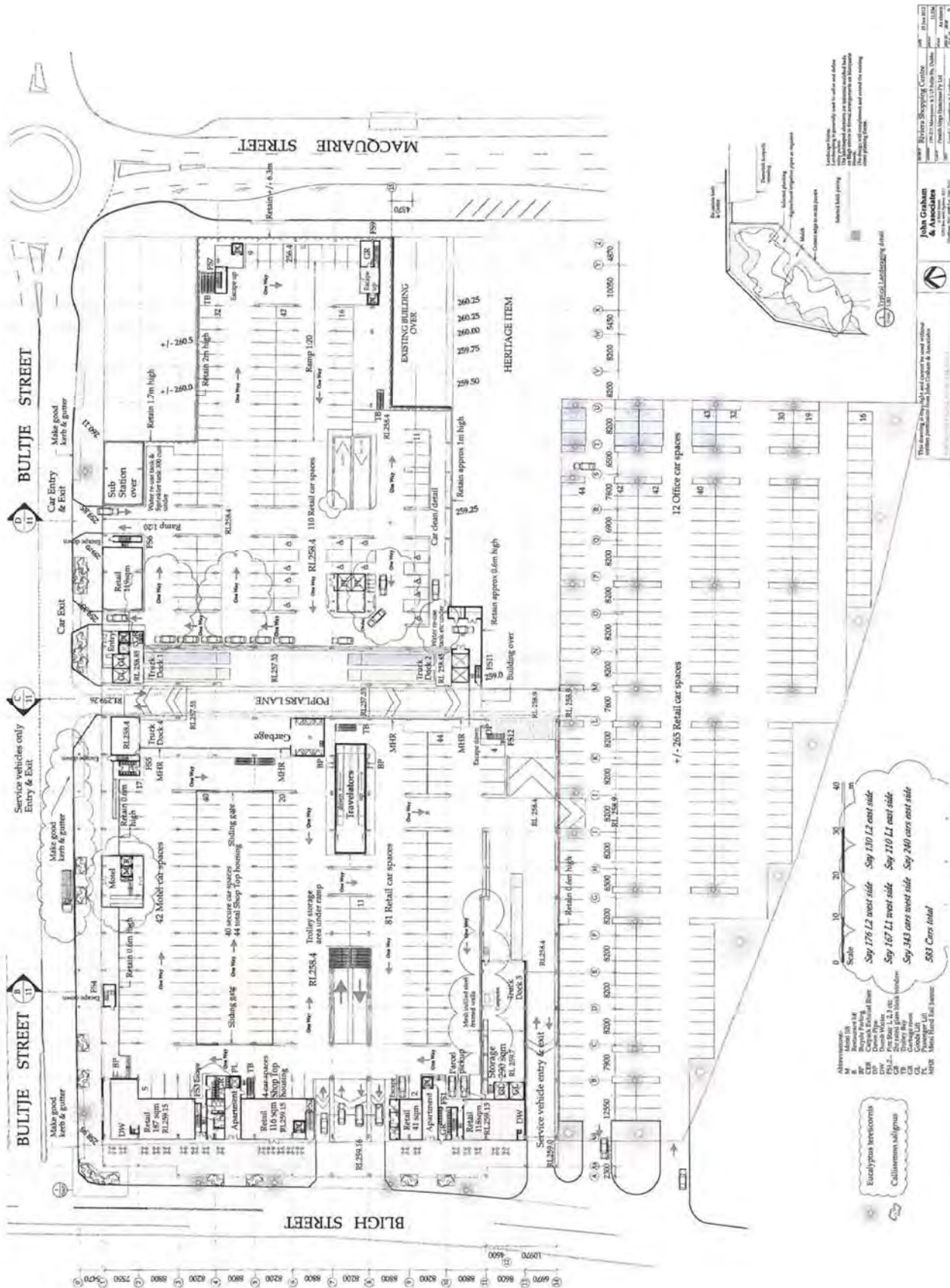
- (19) Owners and occupants of buildings erected on flood liable land need to be aware of and acknowledge the risks inherent with residential occupation on flood prone land. In this regard, floods can still occur at a magnitude greater than that for which the proposed building's Macquarie Street floor level is set to.

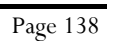
Depending of the characteristics of a particular flood event and the degree of involvement of the Macquarie Valley in such an event, the local emergency services cannot give assurances that resources will be available at a particular point in the future to assist individual occupants with evacuation and removal of contents. Therefore, owners/occupants need to have prepared in advance their own evacuation plan and procedures, and the sourcing of any required external assistance necessary to limit their own losses.

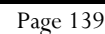
Further, it is emphasised that the extent of advance warning of an impending flood is largely determined by catchment characteristics, rainfall quantity and the distribution of such rainfall. Consequently, the warnings provided by the Bureau of Meteorology of a particular future flood event may or may not be sufficient to effect a complete evacuation of contents and equipment prior to inundation.

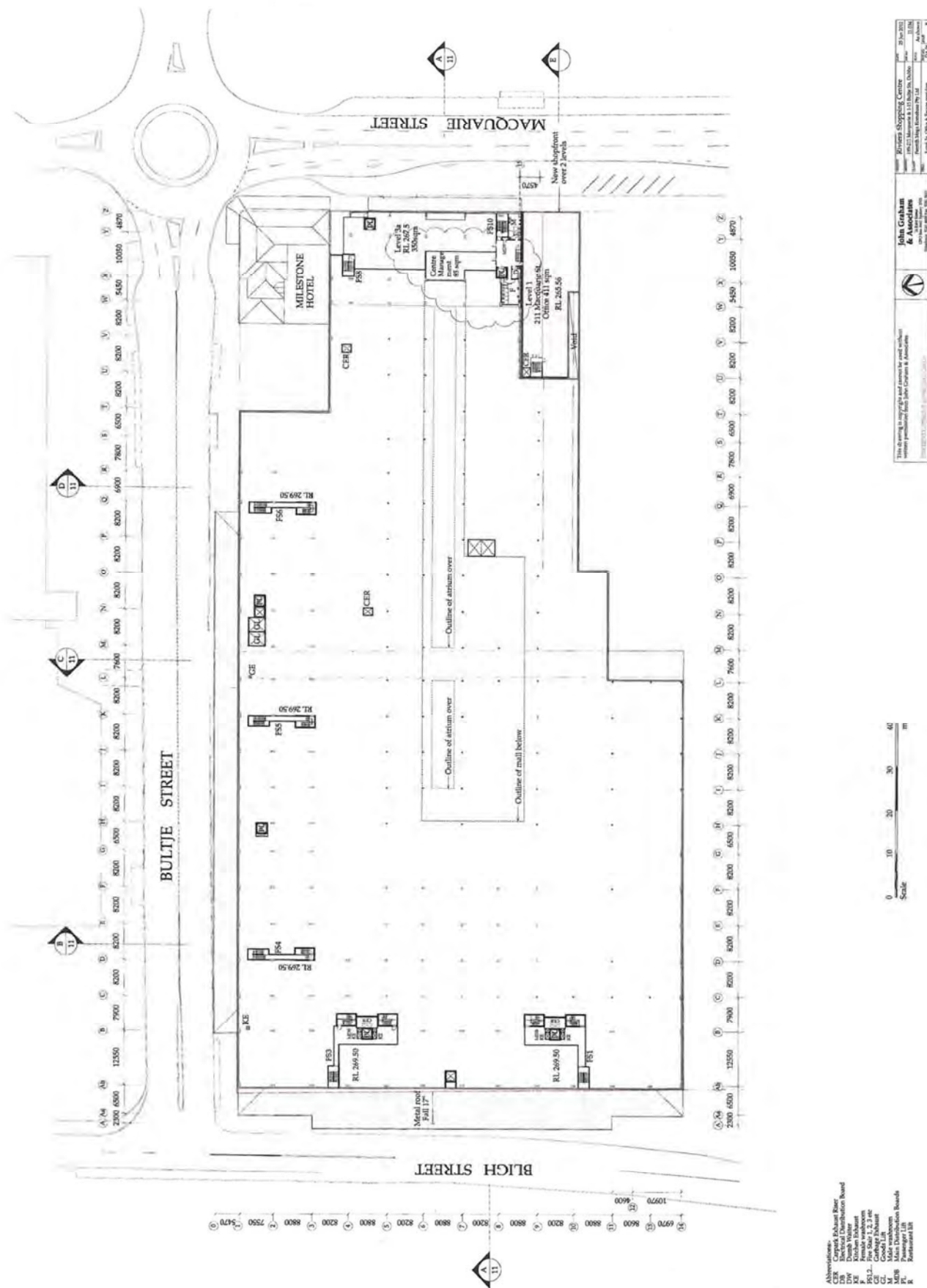
- (20) The development has been assessed with its principal retail floor space level being above Council's adopted Flood Planning Level of RL 263.66 m AHD (ie 1 in 100 year flood event level + 500 mm). However, the Flood Planning Level does not represent the maximum flood level or the maximum extent of potential flooding over the land.

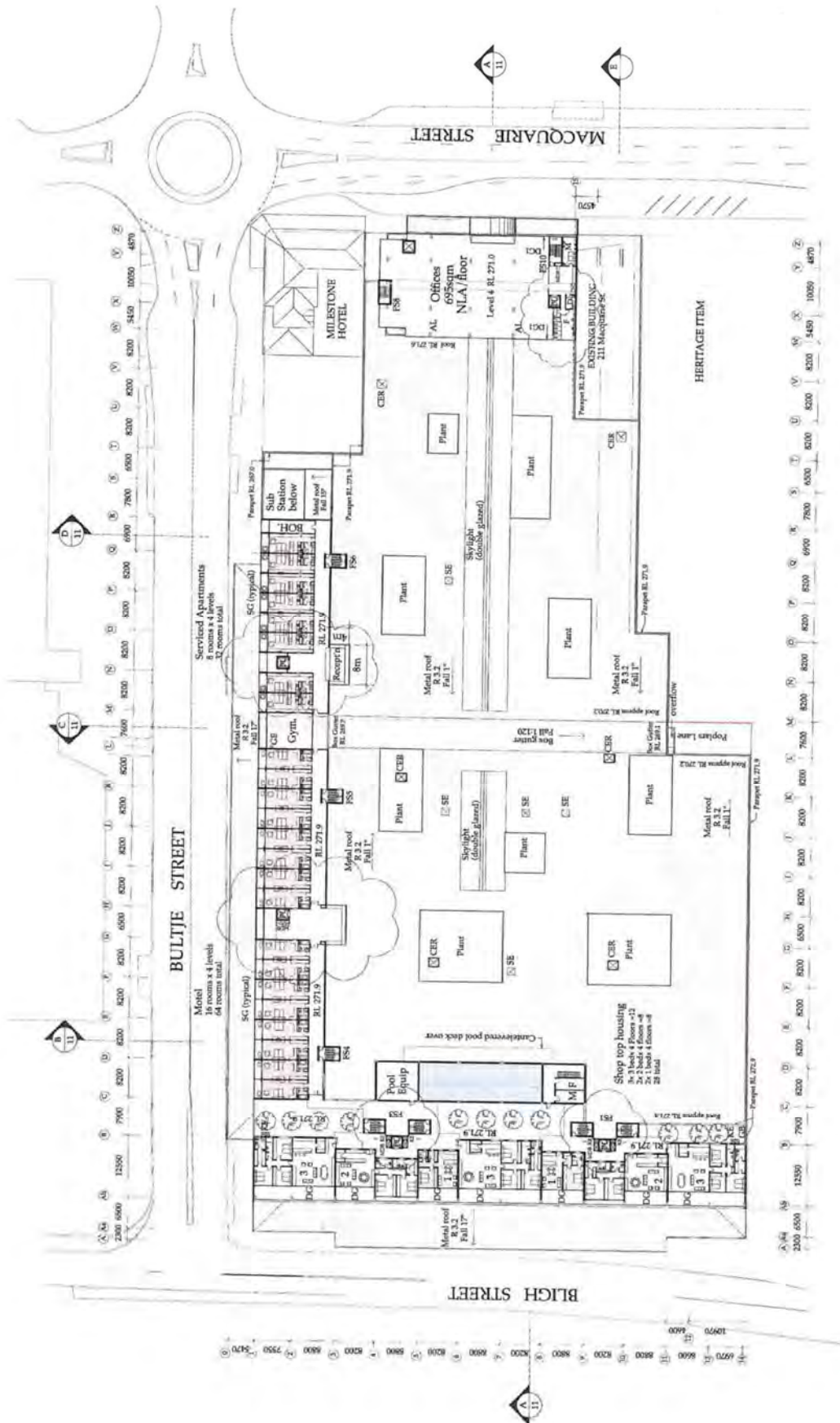








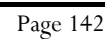


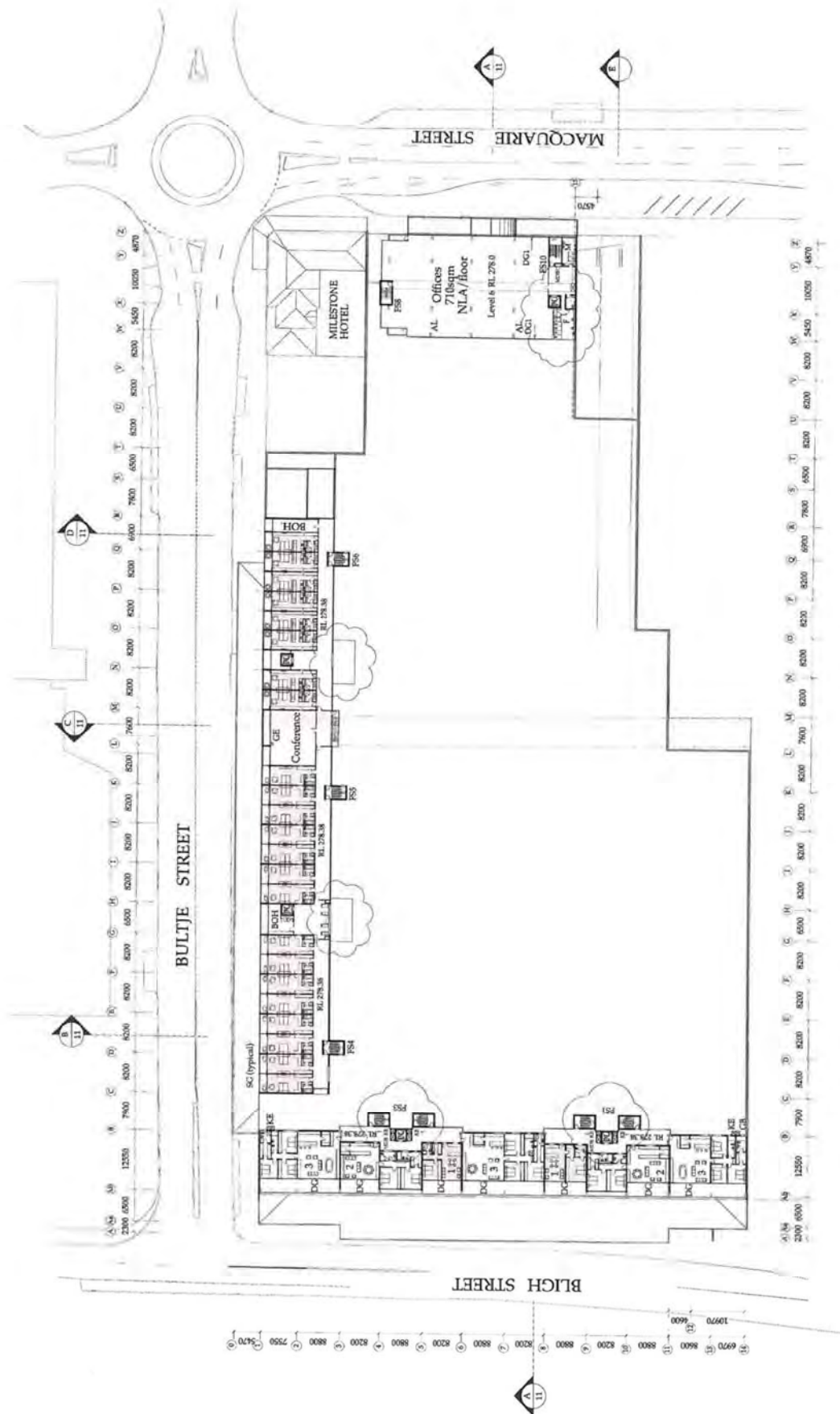


Abbreviations:
BG Single Glazed, 2.1 m high 6.6 m Comfortplus Grey Glaze or similar approved
DG Double Glazed, 2.1 m high Comfortplus Grey / team Air gap/ team clear Glazing or similar approved
DG1 Double Glazed, 1.8 m high Comfortplus Grey / team Air gap/ team clear Glazing or similar approved with compliant shading device
M. 900/350 outside Air Louvre

Abbreviations:
M Model lift
R Resources lift
K Bicycle parking
CEB Carpark Exhaust Blower
DZ Down Pipe
DW Down Waller
PSL2.2 Five star 1, 2, 3 etc
CB Air rated glass block window
TB Trellis Rly
GK Carriage room
CL Goods Lift
PL Passenger Lift
MHU Mixed Access Rail house

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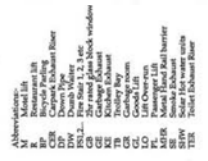


Abbreviations:
 M Milestone Hotel
 B Bultje Street
 CCR Carpark & Exhaust Riser
 DRY Dry Room
 CH CH
 TRB Timber Riser
 CR Crane Room
 MCR Metal Roof & Rain Water

Abbreviations:
 SC Single Glazed 2.1m High x 1.8m Glazed Glass or similar approved
 DG Double Glazed 2.1m High x 1.8m Glazed Glass or similar approved
 DGL Double Glazed 2.1m High x 1.8m Glazed Glass or similar approved
 AL 800/200 extruded Aluminium

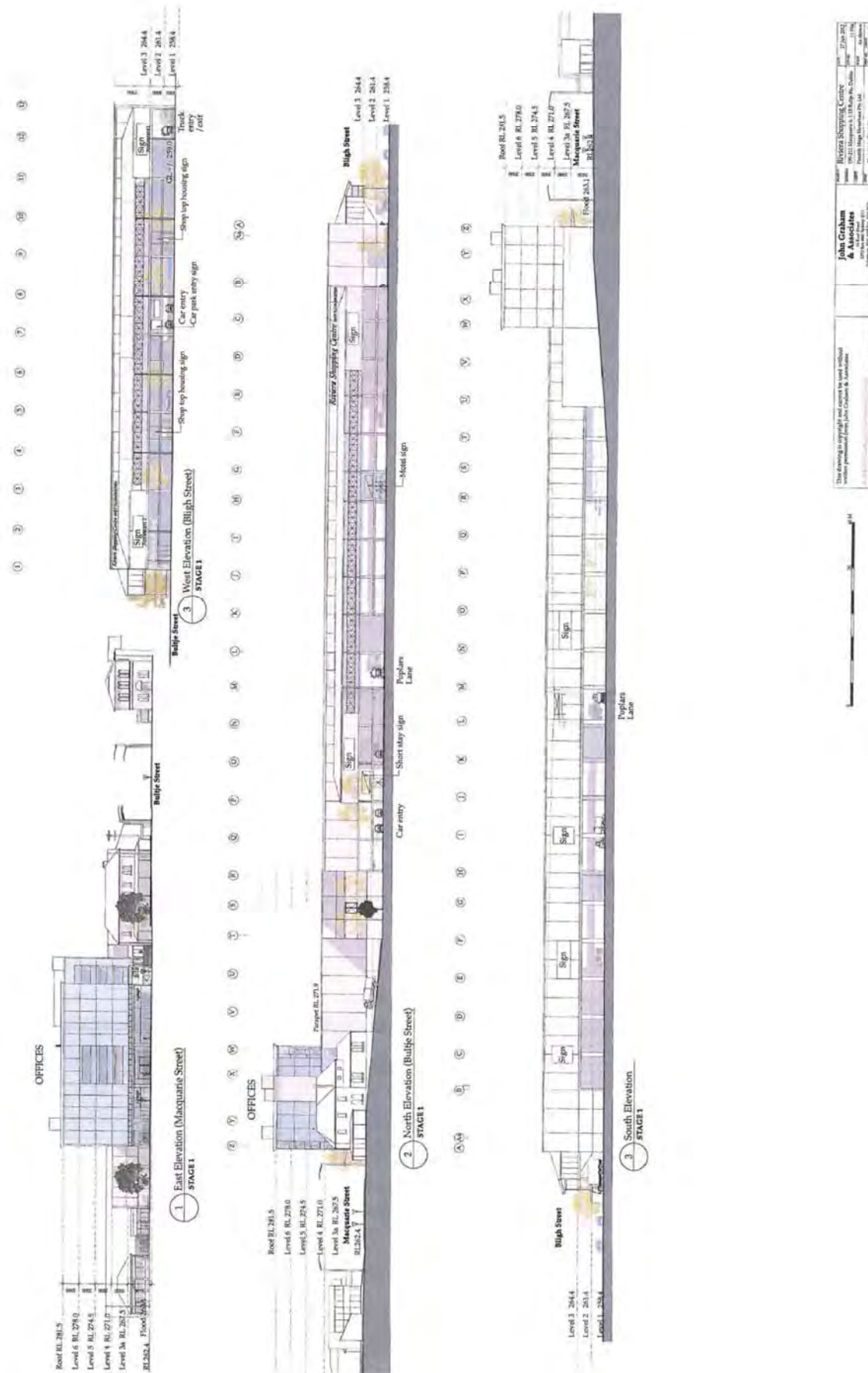
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 100-111 Macquarie Street, Dubbo, NSW 2880
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 Fax: (08) 9422 1112
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 Website: www.jga.com.au

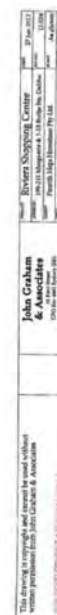


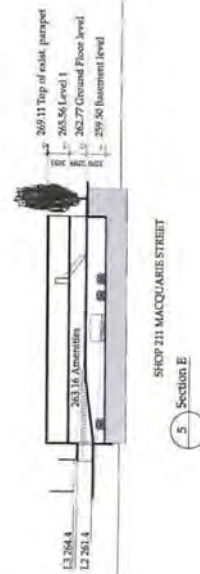
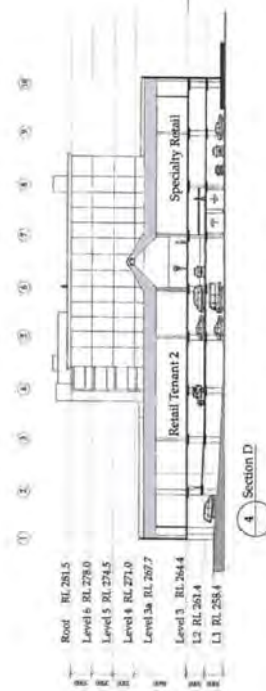
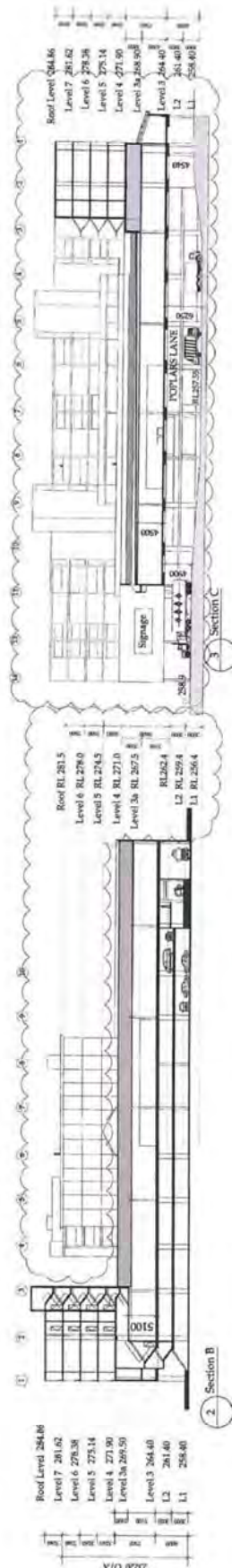
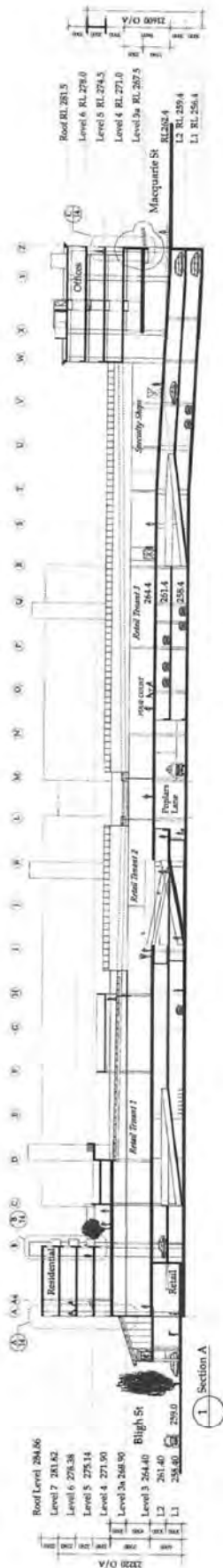


**John Graham
& Associates**
18 Royal Avenue
L20 1NF, Liverpool, England



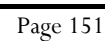


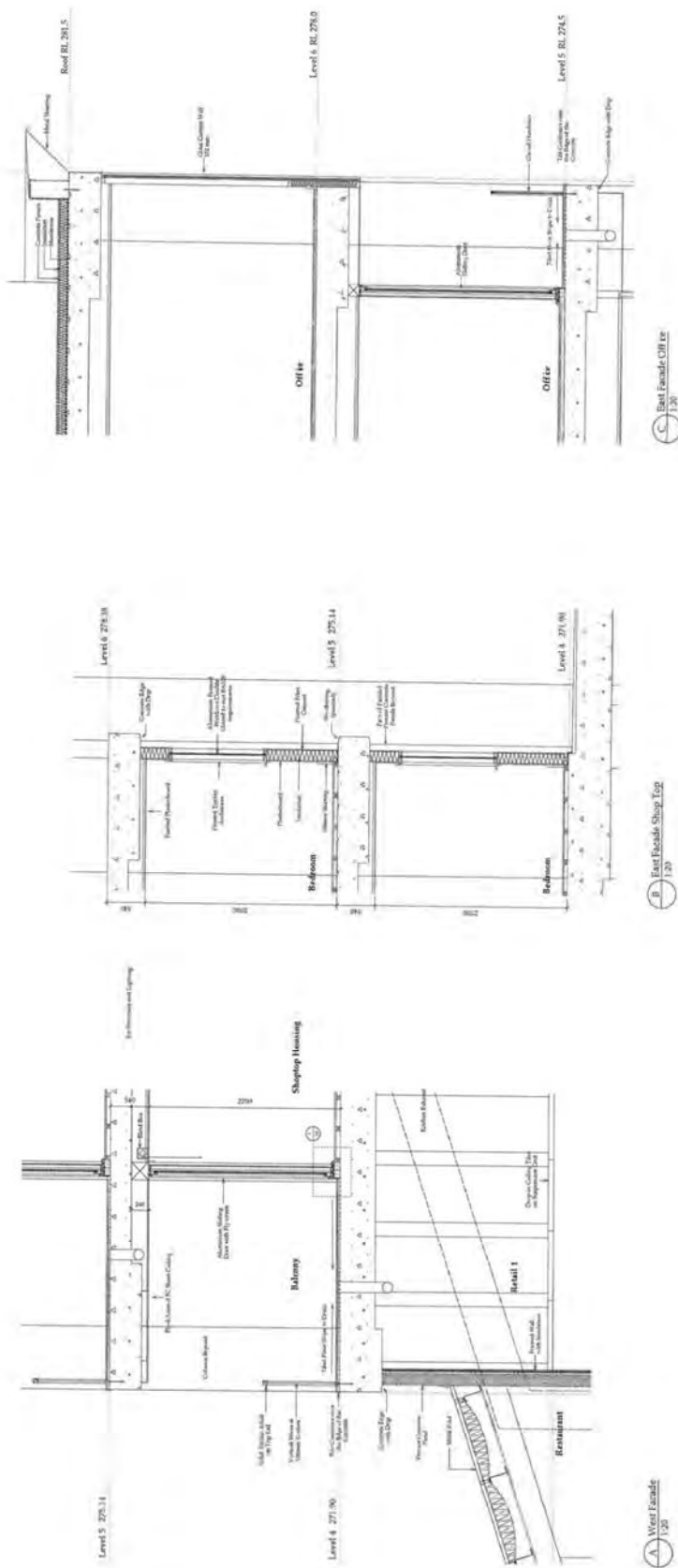




This drawing is prepared by and subject to the approval of the Dubbo City Council. It is not to be used for any other purpose without the written permission of the Dubbo City Council.	
Author	John Graham & Associates
Client	Kivra Shopping Centre
Project Name	Kivra Shopping Centre
Project Address	211 Macquarie Street, Dubbo, NSW 2880
Project Stage	Final Design
Project Date	12/01/2012
Project No.	12/01/2012

[illegible]





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<p>John Graham & Associates</p> <p>275-285 New Street, Suite 101 Dubbo NSW 2880</p>	<p>Rivers Shopping Centre</p> <p>100-110 Macquarie St, Dubbo NSW 2880</p>
<p>Project Manager: John Graham</p> <p>Project Engineer: John Graham</p> <p>Project Designer: John Graham</p> <p>Project Checker: John Graham</p>	<p>Scale: 1:1000</p> <p>Date: 12/11/22</p>

49 Tamworth St

Dubbo

2830

NSW

5/5/12

To

Stephen Wallace

Manager

Building - Development

D.C.C.

Dear Sir

As Secretary & Director of
Archlyd P/L I would like to
say that I agree with the proposed
Development Application No D2012-145

I think it will be a good
development & benefit Dubbo greatly.

Regards

Mr. Kelly

Ph - 68878221



ABN 94 208 929 708

27th June 2012

Attention: Melissa Watkins

The General Manager
Dubbo City Council
PO Box 81
DUBBO N.S.W. 2830

**Pending application for Development Approval
199 Macquarie Street and Bultje Street, Dubbo
Penrith Mega Homebase Pty Ltd**

The BAWD Property Trust (BAWD) is the owner of Lots 3, 4, 5, and 6 in DP 475 (199 Macquarie Street, Dubbo) and Lot 12 in DP 601633 (13-17 Bultje Street, Dubbo). As owner of the land, it has consented to the lodgment of a Development Application in respect of the land by Penrith Mega HomeBase Pty Ltd.

BAWD is also the owner of Lot 73 DP 627821 (213 Macquarie Street, Dubbo) and Lot 9 DP 475 (215 Macquarie Street, Dubbo). This land is outside the development, and is not subject to any agreement with the developer, or consent in relation to the development application.

I have recently seen a plan of what I understand to be the proposed development for the Macquarie Street/Bultje Street/Poplars Caravan Park site. The development appears to incorporate car parking development at the rear of 213 Macquarie Street, and the rear of 215 Macquarie Street, as well as extensive development at the rear of the building next door to 213 Macquarie Street (currently occupied by Sharica). That building is built on the land in Lot 74 DP 736715.

This proposal is of great concern to BAWD, and must not proceed in its present form. BAWD does not consent to any development over Lot 73 (213 Macquarie Street) or Lot 9 DP 475 (215 Macquarie Street)

There is another aspect of the matter which is more serious.

Lot 73 DP627821 was created in 1982 by the subdivision of prior titles. I enclose a copy of DP 627821, which creates lots 71, 72 and 73. Lots 71 and 72 were later consolidated into Lot 74 and I enclose for completeness a copy of DP 736715 by which that was achieved.

Lot 73 has frontage to Macquarie Street, but does not extend all the way to the laneway at the rear. For its rear access, Lot 73 relies on a Right of Carriageway created in 1982 over Lot 72, but still subsisting over Lot 74. Without that Right of Carriageway, Lot 73 has no legal access to a public street.

Further, the exact design and placement of the easement for Right of Carriageway is significant. Lot 73 is narrow. Its width is 6.709 metres. The easement for Right of Carriageway over Lot 74 was created to operate as the driveway to permit the parking of vehicles at the rear of Lot 73, as well as general access.

BAWD Property Trust | Suite 12, 36 Darling Street, Dubbo NSW Australia 2830 | PO Box 774, Dubbo NSW Australia 2830 | T: +61 2 6882 8608 F: +61 2 6881 6549 E: brett@bawd.com.au



ABN 94 208 929 708

This is the reason that there is a significant overlap between the Right of Carriageway and the Northern boundary of Lot 73. The Right of Carriageway is not just for access alone. Lot 73 requires the Right of Carriageway over the whole of its created area, because it permits legal access to the whole of the parking area from the common driveway.

The plan of the proposed development which I have seen shows a retaining wall, columns supporting the upper floor of the proposed development and indeed even some ground level construction over the Right of Carriageway. This is not legally permissible. This development would prevent physical access to Lot 73, and also prevent the use of Lot 73 for the purposes of parking. Lot 73 would be landlocked, and its amenity and valued significantly diminished. The Right of Carriageway appertains to Lot 73 and Lot 73 requires the easement for its continued amenity. As owner of Lot 73, BAWD does not consent to any development work taking place on the Right of Carriageway over Lot 74.

Furthermore, there is also an Easement to Drain Water over the rear of Lot 74 which would also be infringed by the proposed development.

BAWD has conveyed directly to the proponent of the development that it does not consent to the development in its present form. The proposed development would infringe BAWD's property rights and involves construction which infringes the Right of Carriageway benefiting Lot 73.

BAWD will defend its property rights vigorously. The development in its present form infringes these, and must not proceed. BAWD will seek an injunction and costs if the development is approved or attempted to be approved in its current form.

I ask that you pass a copy of this letter to the joint regional planning panel which is to consider this proposal.

Yours faithfully
BAWD Property Trust

A handwritten signature in black ink, appearing to read 'B. Anderson', is written over a horizontal line.

Brett Anderson
Managing Director

BAWD Property Trust | Suite 12, 36 Darling Street, Dubbo NSW Australia 2830 | PO Box 774, Dubbo NSW Australia 2830 | T: +61 2 6882 8608 F: +61 2 6881 6549 E: brett@bawd.com.au

This negative is a photograph made as a permanent record of a document in the custody of the Pedrosir General this day.

16th September, 1946

From: R015418 /cc:DP 0527821 P /Rev:10-Dec-1992 /SEA:ON:OK /ETC:01-Nov-2004 15:56 /Pg:ALD /Seq:1 of 1
Ref: 37785 /REC:1

MEMO

SUBJECT: Proposal: Demolition, Earthworks, Commercial Premises, Shop-Top Housing, Serviced Apartments, Hotel or Motel Accommodation, Signage and Car Park

Premises: Lot: 10 DP: 475, Lot: 12 DP: 601633, Lot: 3 DP: 475, Lot: 4 DP: 475, Lot: 5 DP: 475, Lot: 74 DP: 736715, Lot: 6 DP: 475 No 1-11 Bultje Street Dubbo

Applicant: Penrith Mega Homebase Pty Ltd

TO: Responsible Officer (S. Bell)

FROM: Building Services Supervisor

DATE: 11 July 2012

FILE: D2012-145 Part 1

I refer to the above application and submit the following comments.

My previous reports dated 16 May and 28 June 2012 highlight deficiencies in the submitted application's BASIX Commitment compliance. In this regard the BASIX commitments nominated and required to be shown on the Development application plans had not all been provided (see table below).

BASIX COMMITMENTS NOT EVIDENT ON DA PLANS	
Item	Required To Be Specified on Plans
Hot water heaters	Solar (electric boosted) 26 – 30 REC's
Central hot water system	Solar collector area (min 21 m ²). Piping insulation (ring main & supply risers): (b) Piping internal to building – R0.45 (~20 mm)
Lift (No. 1)	Geared traction with VVAC motor
Lift (No. 2)	Geared traction with VVAC motor
Pool (No. 1)	Heating source: no heating, pump controlled by timer
Alternative energy supply	Photovoltaic system with min. rated electrical output of 10 peak kW

The amended plan Drawing DA02 dated 5 July 2012 has subsequently been submitted to address each of the above items. Such plan now incorporates all the absent BASIX Commitments as listed in the table above. This matter is now considered to have been satisfactorily resolved and poses no impediment to the application's determination.

Peter Griffith
Building Services Supervisor

MEMO

SUBJECT: Proposal: Demolition, Earthworks, Commercial Premises, Shop-Top Housing, Serviced Apartments, Hotel or Motel Accommodation, Signage and Car Park
Premises: Lot: 10 DP: 475, Lot: 12 DP: 601633, Lot: 3 DP: 475, Lot: 4 DP: 475, Lot: 5 DP: 475, Lot: 74 DP: 736715, Lot: 6 DP: 475 No 1-11 Bultje Street Dubbo
Applicant: Penrith Mega Homebase Pty Ltd

TO: Responsible Officer (S. Bell)
FROM: Building Services Supervisor
DATE: 28 June 2012
FILE: D2012-145 Part 1

My previous report dated 16 May 2012 highlight a number of deficiencies in the submitted application's design.

Amended plans and documentation have subsequently been submitted to address such issues. The following Table 1 outlines my appraisal of the Applicant's amended documentation and responses to such issues.

TABLE 1			
NO.	ISSUE	COMMENT	Resolved
1	<i>The proposed sprinkler storage tank and roofwater reuse tank are shown in the submitted stormwater management plans being located on and obstructing the proposed car detailing driveway on Level 1.</i>	The tanks have been relocated and will be buried, thus removing any obstruction. ¹	Yes
2	<i>The reuse storage tank design will allow during a moderate to major flood inundating Level 1, flood waters to enter such storage tank upon reaching the emergency overflow weir level and thus contaminate the stored stormwater.</i>	The reuse storage tank is now designed as a sealed unit with its overflow level shown on Level 2 above the 1% AEP. ²	Yes
3	<i>A wet well design is shown for a stormwater pit located at the lowest point in the Level 1 car park, being at the eastern end next to Macquarie Street. This wet well will be the only means of draining this part of the car park following a flood, which is 2m lower than the rest of the Level 1 car park, and about 2.6 - 2.76 m lower than Blight Street.</i> <i>There is an issue with the submitted wet well design with respect to its control panel. Whilst the wet well's pumps are submersible and those designed to be inundated, its control panel is not. The control panel is shown being located within Level 1 and thus will not be flood-proofed.</i>	The wet well's pump's control panel will now be located on Level 2 above the 1% AEP. ³	Yes

1 Northrop Pty Ltd, Letter dated 14 June 2012 with attached drawing C03-DA, Rev C

2 Northrop Pty Ltd, Letter dated 14 June 2012 with attached drawing C03-DA, Rev C

3 Northrop Pty Ltd, Letter dated 14 June 2012 with attached drawing C03-DA, Rev C

MEMO

TABLE 1			
NO.	ISSUE	COMMENT	Resolved
4	<i>An issue which was raised early during the prelodgement meetings with Council was to ensure that the building's required exits did not discharge into the car park levels if it was intended to maintain the continuing operation of the shopping centre and residential accommodation whilst the basement levels were flooded. The submitted plans however, show the fire-isolated stairwells from the residential accommodation levels and Retail Tenancies 1 - 3 discharging into the basement levels. Consequently, these means of required egress would become blocked during a flood, which would then necessitate the closure of the development as the building's required fire exits are compromised.</i>	<p>No change has been made to the development's design. The written response by Anthony Daintith Town Planning⁴ for this item was "The issue of the point of discharge of required exits was discussed with the consultant BCA advisor and Fire Engineer and their advice was adopted."</p> <p>No further details or explanation has been provided. Consequently, it is presumed that the verbal comments that were made during the meeting between Council Officers and the proponent and his consultants on 31 May 2012, being that consideration of emergency egress from a fire during a flood event was not specified under the BCA. This would imply that the proponent has no intention to effectively address the issue.</p> <p>Whilst it is true that the BCA does not contain specific requirements for egress from flooded buildings, that is because the BCA does not address flooding at all, even though it occurs. That is while flooding impacts are legislated in NSW to be addressed at the development application stage.</p> <p>Further consideration of this matter is provided latter in the report.</p>	No

4 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 4

MEMO

TABLE 1

NO.	ISSUE	COMMENT	Resolved
5	<p><i>It was previously mentioned in the prelodgement meetings, the building's services have to be flood-proofed (ie located above the 1% AEP) if the development was to be permitted to remain open and operate during a flood. In this regard it was advised that if this could not be achieved, a condition would be imposed requiring the facility to close down upon commencement of inundation by flood waters, as has already been imposed upon both the Riverdale and Centro developments.</i></p> <p><i>The submitted documentation has failed to adequately address this important and critical design constraint and provides no detail that the development will be designed and be capable of operating following inundation of the car park Level 1. It will be necessary for the developer to detail the design actions that will be implemented and/or specified to ensure all services to the retail Level 3 and storeys above, can continue to operate under conditions of a 1% AEP event.</i></p>	<p>Whilst a response has been provided by Anthony Daintith Town Planning⁵, it is not a detailed response.</p> <p>The comment made was "Essential services will be located above the 1% AEP. See also Point 6."</p> <p>Whilst the response is not as thorough as I would have hoped, it is sufficient to indicate that their design will be addressing the flood-proofing of the building.</p>	Yes
6	<p><i>The building's car park Levels 1 and 2 are below the 1% AEP level. The Level 1 floor plan shows the provision of retail sole-occupancy units fronting Blight and Bultje Streets. The provision of such facilities below the Flood Planning Level (FPL) is in contravention of Council's Development Control Plan G3.1 and no justification and departure request has been provided to substantiate such proposal in terms of the DCP. Further, no details have been provided as to how property losses are intended to be minimised as a consequence of such retail areas being below the FPL.</i></p>	<p>Whilst a response has been provided by Anthony Daintith Town Planning⁶, it is not a detailed response.</p> <p>The comment made was "All equipment below the 1% AEP will be designed to be removable in time of flood. See also Point 7."</p> <p>It is observed that the proponent still has not submitted a Departure request under clause 2.4 of DCP G2.2 in relation to the development's non-compliance with clauses 4.1.3 and 4.1.4 of such DCP.</p> <p>As departure requests from the DCP are a planning matter, and not a building regulatory issue, I have made no further comment in relation to the subject.</p>	No

5 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 5

6 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 6

MEMO

TABLE 1

NO.	ISSUE	COMMENT	Resolved
7	<i>The concept plans submitted by Marlin Newcastle P/L show a sewage pump station and grease arrestors being installed in car park Level 1, which is well below the 1% AEP flood level. As Level 1 has sanitary fixtures installed at that level, the pump station will not be able to be raised. The provision of sanitary facilities below the 1% AEP flood level also raises the issue of how flood water is to be prevented from being pumped into Council's sewer when such fixtures are inundated. Is the pump station going to be deactivated before inundation of the basement car park? Is it going to be independent of the sanitary services serving the Level 3 and the higher storeys?</i>	<p>The sewage package pump station serving the sanitary drainage from Level 1 is specified as being a stand-alone, independent system from the rest of the building's sanitary drainage.</p> <p>It is further stipulated that such pump station will be shut-down and isolated prior to inundation by a flood event.⁷</p>	Yes
8	<i>It is observed that a 30 kL emergency storage tank is being provided in case of power failure to the pump station. However, as the submitted detail shows the sanitary drainage being conveyed to such storage tank before discharge into the pump station, it begs the question as how effective it will be as emergency overflow storage, when it will already be filled with sewage. It is suggested that such tank should have no sanitary drainage pipework draining into it other than the overflow from the sewage pump station.</i>	<p>The emergency storage tank is now shown being separated from the upstream sanitary drainage pipework such that it will be able to operate as emergency storage tank.⁸</p>	Yes
9	<i>It is not clear whether the proposed residential flats are being provided with kitchens and laundries, as there is no typical detailed floor plan of one of the flats. The Dts BCA requires each flat to be provided with a kitchen and either individual laundries or a communal laundry.</i>	<p>The response provided by Anthony Daintith Town Planning⁹ has adequately resolved this matter.</p>	Yes
10	<i>It is observed that although each proposed Office storey (Levels 3a – 7) have a separate bank of sanitary facilities on each storey, none appear to have a unisex disabled toilet provided. This is a non-compliance with Table F2.4(a) of the Dts BCA with requires at least one (1) accessible closet pan on every storey containing sanitary compartments.</i>	<p>The response provided by Anthony Daintith Town Planning¹⁰ has adequately resolved this matter.</p>	Yes
11	<i>It is observed that a 1 in 20 walkway (40 m run over 2 m rise) is being provided in the main entry off Macquarie Street. However, AS 1428.1-2009 requires that landings must be provided at maximum intervals of 15m for a 1 in 20 walkway. This means that the subject entry 'ramp' will need at least two (2) landings 1200 mm wide. This will require such entry 'ramp' having to be extended by at least another 2.4 m.</i>	<p>The response provided by Anthony Daintith Town Planning¹¹ has adequately resolved this matter.</p>	Yes

7 Marline Newcastle Pty Ltd, Feasibility Study Building Services Report, dated 15 June 2012, Revision 2, Page 6

8 Marline Newcastle Pty Ltd, Feasibility Study Building Services Report with attached drawing HSK-04, Issue 2

9 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 9

10 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 10

11 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 11

MEMO

TABLE 1

TABLE 1																			
NO.	ISSUE	COMMENT	Resolved																
12	<p><i>BASIX Certificate No. 423831M, dated 18 April 2012, has been provided for the proposed residential flats. However, the BASIX commitments nominated and required to be shown on the Development application plans have <u>not</u> all been provided.</i></p> <table border="1"> <tr> <th colspan="2">BASIX COMMITMENTS NOT EVIDENT ON DA PLANS</th> </tr> <tr> <th>Item</th> <th>Required To Be Specified on Plans</th> </tr> <tr> <td>Hot water heaters</td> <td>Solar (electric boosted) 26 – 30 REC's</td> </tr> <tr> <td>Central hot water system</td> <td>Solar collector area (min 21 m²). Piping insulation (ring main & supply risers): (b) Piping internal to building – R0.45 (~20 mm)</td> </tr> <tr> <td>Lift (No. 1)</td> <td>Geared traction with VVAC motor</td> </tr> <tr> <td>Lift (No. 2)</td> <td>Geared traction with VVAC motor</td> </tr> <tr> <td>Pool (No. 1)</td> <td>Heating source: no heating, pump controlled by timer</td> </tr> <tr> <td>Alternative energy supply</td> <td>Photovoltaic system with min. rated electrical output of 10 peak kW</td> </tr> </table>	BASIX COMMITMENTS NOT EVIDENT ON DA PLANS		Item	Required To Be Specified on Plans	Hot water heaters	Solar (electric boosted) 26 – 30 REC's	Central hot water system	Solar collector area (min 21 m ²). Piping insulation (ring main & supply risers): (b) Piping internal to building – R0.45 (~20 mm)	Lift (No. 1)	Geared traction with VVAC motor	Lift (No. 2)	Geared traction with VVAC motor	Pool (No. 1)	Heating source: no heating, pump controlled by timer	Alternative energy supply	Photovoltaic system with min. rated electrical output of 10 peak kW	<p>The response provided by Anthony Daintith Town Planning¹² states the subject missing commitments are provided on the amended plans. However, following perusal of the amended plans I have not been able to locate any added commitments.</p>	No
BASIX COMMITMENTS NOT EVIDENT ON DA PLANS																			
Item	Required To Be Specified on Plans																		
Hot water heaters	Solar (electric boosted) 26 – 30 REC's																		
Central hot water system	Solar collector area (min 21 m ²). Piping insulation (ring main & supply risers): (b) Piping internal to building – R0.45 (~20 mm)																		
Lift (No. 1)	Geared traction with VVAC motor																		
Lift (No. 2)	Geared traction with VVAC motor																		
Pool (No. 1)	Heating source: no heating, pump controlled by timer																		
Alternative energy supply	Photovoltaic system with min. rated electrical output of 10 peak kW																		
13	<p><i>There is a conflict with a BASIX Certificate commitment that the car park must not be provided with mechanical ventilation, yet the BCA Assessment Report and the Building Services Feasibility Report specifically indicate mechanical ventilation is proposed.</i></p>	<p>The response provided by Anthony Daintith Town Planning¹³ and the amended BASIX Certificate No. 423831M_02 dated 14 June 2012 have adequately resolved this matter.</p>	Yes																
14	<p><i>The two car park levels are inundated by the 1% AEP event but have to be provided with services ie sprinklers system, lighting etc. During inundation there is the expectation that such services will be damaged by flood debris as it passes through the car park deck levels. If any sprinkler heads protecting the undercroft areas are broken it will result in the uncontrolled discharge of town water with a significant wastage of reticulated water. It may be necessary for stop valves to be provided in accessible areas above the 1% AEP flood level to permit the car park sprinklered areas to be isolated if necessary, during flood events.</i></p>	<p>The response provided by Marline Newcastle Pty Ltd has adequately resolved this matter.¹⁴</p>	Yes																
15	<p><i>It is observed that the proposed restaurant and retail floor level at Level 3 which overhangs the Bultje Street footpath, will be constructed into the existing electrical powerlines present over such footpath. No explanation is provided as to how this conflict is intended to be resolved.</i></p>	<p>The response provided by Marline Newcastle Pty Ltd has adequately resolved this matter.¹⁵</p>	Yes																

12 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 12

13 Anthony Daintith Towing Planning, Letter dated 21 June 2012, Notes to Appendix 1, Point 13

14 Marline Newcastle Pty Ltd, Feasibility Study Building Services Report, dated 15 June 2012, Revision 2, Page 7

15 Marline Newcastle Pty Ltd, Feasibility Study Building Services Report, dated 15 June 2012, Revision 2, Page 5

MEMO

TABLE 1			
NO.	ISSUE	COMMENT	Resolved
16	<p><i>It is observed that the sprinkler and hydrant booster valve compartment is accessed from Macquarie Street. The submitted Level 3 floor plan shows the access doors to such compartment swinging out over the Macquarie Street footpath. Clause 21 of the Road Regulation 2008 prohibits doors encroaching upon a road, to wit-</i></p> <p><i>"21 Obstruction on footway or road A person must not erect, maintain or use a door or gate that opens outwards into a road."</i></p>	<p>The response provided by Marline Newcastle Pty Ltd has adequately resolved this matter.¹⁶</p>	Yes

Summation

In consideration of the above matters I inform that in lieu of recommending refusal of the application as a consequence of the proponent's continued failure to demonstrate an adequate means of providing emergency evacuation of residents from the residential accommodation levels (4 to 7) from the building when the Basement Level fire stairs are blocked by floodwaters; I have instead recommended the imposition of a condition requiring the provision of additional fire-isolated passageways to overcome the current deficiency in the development's design.

However, it will still be necessary for the Applicant to submit a development plan incorporating the missing BASIX Commitments before determination of the application.

RECOMMENDATION

Should the determination of the Development Unit on the subject application be a recommendation for approval, the following conditions and notations are submitted for imposition on the consent:

Approvals under the Local Government Act 1993 integrated with the Consent: Nil

CONDITIONS:

- (1) The water closet cistern installations shall not exceed a maximum 6 litre or 6/3 litre dual-flush suite.
{Reason: Statutory and Council requirement to conserve water}
- (2) Manually operated, sensor activated urinal cisterns or waterless urinal stalls shall be provided and installed.
{Reason: Council requirement to reduce water consumption and wastage}
- (3) Temporary closet accommodation shall be provided onsite before work on the proposed building is commenced.
{Reason: Council requirement to preserve public hygiene}
- (4) A hoarding shall be erected between the construction site and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works. If necessary, an awning sufficient to prevent any material from, or in connection with the work falling onto the public place is also to be erected.

¹⁶ Marline Newcastle Pty Ltd, Feasibility Study Building Services Report, dated 15 June 2012, Revision 2, Page 7

MEMO

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

Separate approval is required to be obtained from Council (as the relevant Roads Authority) if it is proposed to erect any hoarding upon and/or over a footpath or road under Council's control. Enquiries in this regard should be directed to Council's Technical Services Division on 6801 4000.

{Reason: Council requirement for the protection of the public}

- (5) The sanitary plumbing and drainage and water plumbing (including fire services associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council, and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.
{Reason: Statutory requirement of Local Government Act 1993}
- (6) A survey certificate indicating the position of the building's external walls and balconies in relation to the allotment boundaries adjoining roads, shall be submitted to the Principal Certifying Authority (PCA) and Council prior to issue of the building's occupation certificate.
{Reason: To ensure setbacks/clearances have been achieved as approved in the development consent}
- (7) The full width of Council's footpath (excluding any approved hoarding) shall be kept free of all refuse, building materials and unnecessary traffic disturbance. Any unauthorised material found upon Council's footpath may be impounded or removed without notice.
{Reason: Council requirement as the relevant road authority}
- (8) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Environmental Services Division on 6801 4612 and quote Council's reference number located in the top left hand corner of this page.
 - Internal and external sanitary plumbing and drainage under hydraulic test.
 - Water plumbing, including any proposed irrigation and lawn watering systems, under hydraulic test.
 - Fire services water plumbing under hydraulic test.
 - Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation/use.
 {Reason: Statutory provision and Council requirement being the water and sewerage authority}
- (9) A site rubbish container(s) shall be provided on the site for the period of the construction works prior to commencement of any such work. Such containers shall be emptied on a regular basis to ensure deposited material does not overflow the container.

MEMO

The subject rubbish container(s) shall be provided with a cover, whether as an integral lid to the container, or as a separate material (ie shade cloth) secured to the container, to prevent the escape of light-weight materials under windy conditions.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

- (10) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.
{Reason: Council requirement for protection of public}
- (11) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under EP&A Act}
- (12) If an excavation associated with the proposed building work extends below the surface level of an adjoining allotment of land and/or the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation; and
 - (b) Where necessary underpin the adjoining premises to prevent any such damage.

For the purposes of this condition, *allotment of land* includes a public road and any other public place. This condition does not apply if the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land has given consent in writing to this condition not applying.

{Reason: Prescribed condition pursuant to clause 98E of the EP&A Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places}

- (13) Prior to works commencing the applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:
 - (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
 - (b) The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
 - (c) Stating that unauthorised entry to the work site is prohibited.
 Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

Note: In respect of (a) above, where Council is engaged as the Certifying Authority and appointed PCA, the applicant can either prepare their own sign, or alternatively affix onsite the sticker that will be enclosed with the Council issued Construction Certificate. A larger sign in lieu of utilising the sticker is available upon request from Council's Civic Administration Building.

{Reason: Statutory condition imposed by the EP&A Act 1979, s98A}

MEMO

- (14) The person having the benefit of this Development Consent, if not carrying out the work as an owner-builder, must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act 1979}

- (15) All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation. In this regard, prior to the issue of the Occupation Certificate, the licensee is required to submit to Council a Certificate of Compliance for the stormwater work associated with the construction certificate to which the occupation certificate relates.

{Reason: Statutory and Council requirement}

- (16) The subject building shall be made more accessible for disabled persons by:

- (a) Provision of signage, both identification and directional, to indicate the location of the accessible facilities provided at the development. Such signage to be in conformity with AS 1428.1 and AS/NZS 2890.6;
- (b) To each commercial sole-occupancy unit, the provision of the customer and cashier counters, or a part thereof, at a height conforming with AS 1428.2 (ie 850 mm + or - 20 mm) such that it is accessible by a wheelchair bound person. Such requirement should be conveyed to prospective tenants to facilitate its incorporation into their fit-out designs; and
- (c) To each food and drink premise sole-occupancy unit (SOU) and common mall areas where food and/or drink is consumed, the provision of at least one (1) accessible table for patron use having a design and height conforming with AS 1428.2 for use by a wheelchair bound person. Where the number of tables provided in the SOU/mall area exceeds twenty (20), additional accessible tables shall be provided at the rate of one per twenty (1:20) or part thereof.

{Reason: Council requirement in consideration of section 79C of the EP&A Act, DCP G3.1 and the DDA 1992}

- (17) The proposed building shall be designed and constructed in conformity with the design criteria applicable under the BCA and the *Disability (Access to Premises — Buildings) Standards 2010* of the DDA.

In this regard the Developer shall submit with the Construction Certificate application a Schedule listing the development's compliance, exemption or non-applicability to the following clauses of the Access Code under the *Disability (Access to Premises — Buildings) Standards 2010*:

- (i) Clauses D3.1 – D3.12;
- (ii) Clause E3.6; and
- (iii) Clauses F2.2 and F2.4.

{Reason: Council requirement to ensure compliance with the Premises Standards under the DDA is demonstrated}

MEMO

- (18) To facilitate Council's inspection of the water plumbing and sanitary plumbing and drainage work associated with the proposed development, a copy of such building's final hydraulic and fire service drawing(s) and/or floor plan shall be submitted to Council's Environmental Service Division prior to such works commencing.

{Reason: Council requirement as the water & sewerage authority to permit the inspection and accurate plotting and subsequent drafting of the installed and inspected plumbing and drainage work}

- (19) The Applicant must forward to the Certifying Authority with the Construction Certificate application, specifications, drawings and hydraulic design calculations of the proposed fire services system, prepared by a practicing hydraulics engineer. Such details shall form part of the building's Construction Certificate.

The submitted design information must include relevant details relating to:

- (a) Pipe sizes, materials, bedding and cover requirements, thrust blocks;
- (b) Positions of any valves, hydrants, hose reels, pumps, booster valves, branch off-takes, storage tanks, meter and backflow devices;
- (c) Location and size of any connection to Council's water mains and proposed draw-off rate;
- (d) Diagrammatic design and elevation view of the meter stand assembly and fire brigade booster assemblies (hydrant & sprinkler), ensuring the direction of flow from the Council water main is clearly indicated;
- (e) Design calculations indicating:
 - (i) Residual outlet pressure achieved at the most disadvantaged fire hose reel as stipulated under AS 2441-2005;
 - (ii) Residual outlet pressure achieved during the simultaneous operation of the required number of most disadvantaged hydrants as stipulated under AS 2419.1-2005;
 - (iii) If applicable, the written advice of the NSW Fire & Rescue granting any reduction in the standard residual pressure they require to be achieved to meet their operational requirements;
 - (iv) Written advice of the water supply authority as to the minimum and maximum static pressures expected from its supply, as well as the pressures expected at fire flow rates;
- (f) Specifications/diagrams indicating design and installation information appropriate for:
 - (i) Type of hydrants and valves, provision of hydrant blanking caps, etc.; and
 - (ii) In relation to the fire brigade booster assemblies, the required notices, markings and system block plan stipulated by AS 2419.1-2005 and Clause 8.3 of AS 2118.1. In particular, a diagrammatic representation of the proposed system block plans are to be provided, together with the system's stated designed working pressure; and
- (g) Specifications/diagrams and calculations indicating the design and installation information for the proposed sprinkler system as detailed under Clause 2.1 of AS 2118.10.

{Reason: Council requirement as the water authority to ensure compliance with the BCA is demonstrated}

MEMO

- (20) The existing allotments being Lot: 10 DP: 475, Lot: 12 DP: 601633, Lot: 3 DP: 475, Lot: 4 DP: 475, Lot: 5 DP: 475, Lot: 74 DP: 736715, Lot: 6 DP: 475 No 1-11 Bultje Street Dubbo, shall be consolidated. Evidence of registration of the plan of consolidation or lodgement of such plan with Land and Property Management, shall be provided to Council prior to the issue of any Occupation Certificate.

{Reason: Council requirement to remove the fire source features posed by the multiple allotment boundaries to ensure BCA compliance}

- (21) In order to facilitate the emergency egress of occupants from the residential accommodation areas situated within the subject development from Levels 4 to 7 during flood events having a frequency approximately of 10% AEP and greater when the Basement Level exits are inundated, one of the following options shall be undertaken and incorporated into the development's design. Details of such are to be submitted to Council for appraisal and approval, prior to the issue of any Construction Certificate relating to the building above Level 3.

Option 1

Provide and install the following to the subject building:

- (a) Provide a fire-isolated passageway at Level 3a linking Fire Stairs FS3 and FS4 to Fire Stair FS5, which has access to Level 3, in order to provide egress to Macquarie Street; and
- (b) Provide a fire-isolated passageway at Level 3a from Fire Stair FS1 to link to a new fire stair to discharge at Level 3 in the vicinity of Retail Tenant 4, to provide egress to Macquarie Street;
Note: It is preferable that such new fire stair connect into the fire-isolated passageway proposed along the southern side of the building, as it provides direct and unobstructed afterhours egress to Macquarie Street for residents;
- (c) The provision of appropriate signage to the entry doors from fire stairs FS3, 4 and 1 into the above linkage fire-isolated passageways, indicating that such access routes are to be used principally during flood events. Additional measures to facilitate easier and quicker egress movements and limit occupant confusion arising from the alternative exit routes, may be incorporated into the building's Flood Management Plan, as conditioned separately in this consent.

Or,

Option 2

In lieu of the above requirements, Council is prepared to consider, and if acceptable to Council, approve a Building Solution Report prepared by an appropriate building/fire safety consultant addressing the provision of an alternative means of emergency egress from the residential accommodation floor levels to Macquarie Street, than utilising the fire-isolated stairways that discharge into the Basement Levels of the development which will be obstructed by a minor flood event.

{Reason: Council requirement for provision of adequate fire safety in the building for residents of the building's accommodation floor levels; in consideration of the NSW Government's Floodplain Development Manual, Clause 7.1(3)(a) & (b) of Dubbo LEP 2011 & DCP G2.2}

MEMO

- (22) A Flood Management Plan shall be developed for the subject development in relation to the following stages of the building-
- (a) An initial Plan for the first construction stage of the development comprising Basement Levels 1 and 2; and the Commercial premises on Levels 3a to 6; and
 - (b) A comprehensive Plan incorporating the first stage plus the residential accommodation on Levels 4 to 7.

Prior to any Occupation Certificate being issued for the Commercial Levels 3 to 7 of the development, the required Flood Management Plan shall have been prepared, submitted to and approved by Council.

Prior to any Occupation Certificate being issued for any residential accommodation areas contained within Levels 4 to Level 7, the comprehensive Flood Management Plan (incorporating the stage 1 provisions) shall have been prepared, submitted to and approved by Council.

The subject Flood Management Plan must include, but is not limited to, the following aspects as relevant to the development's staging-

Preparedness

Activation – detail the circumstances (river heights, level of flooding etc) upon which the Plan is activated, the authority to activate it and the organizations/persons (internal and external) that must be notified;

Warning – describe the warning arrangements to be provided to tenants, residents and relevant external agencies/persons;

Education – outline flood preparedness information to be provided to tenants operating in the basement levels;

Responsibilities – list responsibilities for various actions;

Preliminary Actions/Deployments – detail actions required to be implemented, resources to be notified, placed on stand-by, marshalled and deployed in advance of flooding.

Response

Control – detail who is in charge/in control of the development's flood response;

Operations Centre – nominate the location for the co-ordination of the development's response operations;

Liaison – detail person or persons responsible for maintaining contact with external agencies ie SES, Police, Council, media etc. Outline arrangements for recording tenant and resident evacuations and off-site/forwarding contact details;

Communications – detail any special requirements and any dedicated communication channels for internal and external use;

Information – detail arrangements for the passing of information to and from tenants/residents;

Actions/Deployments – list/detail critical flood heights/levels and required responses. Identify where, when and how infrastructure and services must be removed or shut-down and areas evacuated, including resources and likely time required to implement. Identify the critical level/point at which the development must be evacuated and closed down. Outline resources required to effect evacuations, having regard to the likely unavailability of significant resources from the emergency services; and list alternative accommodation locations. Note: it is preferable that

MEMO

critical levels be correlated to gauge heights at the Dubbo Pump Station gauge site, being the principal flood warning gauge for Dubbo;

Resupply Logistics – detail arrangements required to be implemented to facilitate loading and unloading of supplies to the development upon basement road access being unavailable;

Road Arrangements – detail arrangements with the local Roads Authority for alternative loading/unloading areas, vehicle parking, refuse collection etc upon basement road access becoming unavailable.

Recovery

Co-ordination – outline who is to co-ordinate the inspection, repairs and reinstatement of the development's services and infrastructure;

Cleaning – outline arrangements for removal of flood debris, damaged furnishings etc and cleaning/hosing down; list of recommended and specialist contractors;

Reinstatement of services – outline arrangements for inspection of services to determine damage, repairs and reinstatement; list of recommended and specialist contractors;

Repairs – outline arrangements for repairs, list of recommended and specialist contractors;

All-clear – outline arrangements for authorizing reoccupation/use of flood affected areas.

{Reason: Council requirement to ensure that the subject facility can effectively operate and maintain occupant health and safety during flood events by undertaking appropriate flood management planning}

- (23) Prior to each Occupation Certificate being issued, Council is to be given at least 48 hours notice for Council to carry out an inspection of the completed stormwater drainage, sanitary drainage and water plumbing installations associated with the area of work to which the occupation certificate relates.
{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed to the satisfaction of Council as the Water & Sewerage Authority}
- (24) Prior to the issue of any Occupation Certificate for the proposed building work, the development's external works, which includes landscaping, car park and hardstand areas, traffic signage and line marking, vehicular cross-overs, and any conditioned road/footpath upgrading must have been completed in conformity with this development consent; unless the deferment of such works in part or in stages, has been agreed to in writing by the Consent Authority.
{Reason: To ensure the development is completed prior to its occupation and use}
- (25) All electrical and mechanical equipment such as main power supply, heating/air conditioning units and the like shall be located above the Flood Planning Level, which for this site is RL 263.66 m AHD. All fittings below such level shall be designed to be flood compatible and of flood compatible materials having an order of preference of 'suitable' in accordance with Appendix A 'Dubbo Flood Proofing Guidelines' of Council's Development Control Plan G2.2 (refer to Table 10 of Appendix F in the Floodplain Development Manual 1986).
{Reason: Council requirement having regard to Council's DCP G2.2 to minimise property damage}
- (26) The structural details of the proposed commercial building shall be designed and certified by an appropriately qualified structural engineer familiar with the design of buildings on floodplain lands ensuring that the structure can withstand the likely buoyancy, velocity and debris impact forces that may result as a consequence of inundation during a flood event. The Certifying Authority shall satisfy itself that compliance with this condition has been

MEMO

met, prior to release of the Construction Certificate.

{Reason: Council requirement to ensure structural stability of the building on flood prone land}

- (27) The lower two storeys of the subject building, being Basement Levels 1 and 2, shall not subsequently be designed, used or converted for additional commercial purposes other than as approved on this consent, without prior development consent. Approval of this application shall not be construed as permitting the currently approved commercial premises on such Levels to be expanded, extended or changed to an alternative use. Those parts of the building situated below the Flood Planning Level of RL 263.66 m AHD which are not specifically nominated on the approved plans as commercial premises, are not approved for such purposes.

{Reason: Council requirement to limit property damage due to flood liability}

- (28) All utilities, services and infrastructure necessary to maintain and permit the continued safe and healthy occupation and operation of the development's commercial and residential storey Levels 3 to 7, shall be located above and/or flood-proofed to at least the Flood Planning Level, which for this site is RL 263.66 m AHD. Services associated with Basement Levels 1 and 2 whilst having to be flood compatible, must also be designed to be shut-down/disconnected/isolated in advance of inundation without detrimentally affecting the rest of the building's services.

Prior to any Occupation Certificate being issued for the building's Level 3 storey, each relevant service design engineer (ie electrical, hydraulic, mechanical, fire safety etc) shall provide a design statement to the effect that their respective service designs will in their opinion achieve compliance with the requirements of this condition.

{Reason: Council requirement to ensure the building is designed to be able to continue to function after flood inundation of its two basement levels}

NOTATIONS

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed building.
- (2) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
- A list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (3) Details of the disabled facilities (including accessways, signage, doorway and corridor widths, doorway luminance contrast, lifts, ramps and location of any tactile ground surface indicators, sanitary compartments) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the BCA and the Access Code to the *Disability (Access to Premises — Buildings) Standards 2010* (the Premises Standards) as adopted under the Disability Discrimination Act.

MEMO

In particular, the submitted details must address the applicable upgrading of the existing building which constitute the “affected parts” as defined under the Premises Standards. Reference should be made to the Premises Standards (particularly sections 2.1 and 3.2), the Access Code and AS 1428.1:2009 regarding specific legislative requirements and design parameters.

Note: The Premises Standards and Access Code and the Australian Human Rights Commission’s ‘*Guideline on the Application of the Premises Standards*’ can be viewed and download from the following website links-

- <http://www.comlaw.gov.au/Details/F2011C00214>
- http://www.humanrights.gov.au/disability_rights/standards/Access_to_premises/Premises%20Standards%20Guideline_Final_2.pdf

Note: The conditions of development consent should be checked as to whether any additional and/or higher requirements to that mentioned above, have been specified and must be incorporated into the development’s design.

- (4) Prior to occupation or use of the subject building, an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) appointed for the subject development.
- (5) On completion of the erection of the subject building, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate must be received by the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the PCA) and the Commissioner of Fire and Rescue NSW, and displayed within the subject building in a prominent position (if not otherwise stipulated by the PCA).

- (6) The subject land is flood liable, being completely inundated by a 1 % AEP event (1 in 100 years) to a depth of approximately 3.8 m. It is estimated that the building’s Basement Level 1, curtilage and surrounding access roads would be inundated by a flood event of approximately 1 in 10 years (10% AEP).

MEMO

The following Table K1 extracted from the NSW Government's Floodplain Development Manual April 2005, highlights the probability of a particular flood event occurring within a period of seventy (70) years.

Size of Flood (Chance of occurrence in any year) ARI/(AEP)	Probability of Experiencing the Given Flood in a Period of 70 Years	
	At least once (%)	At least twice (%)
1 in 10 (10%)	99.9	99.3
1 in 20 (5%)	97.0	86.4
1 in 50 (2%)	75.3	40.8
1 in 100 (1%)	50.3	15.6
1 in 200 (0.5%)	29.5	4.9

*TABLE K1 - Probabilities of Experiencing a Given
Size Flood Once or More in a Lifetime
(predicted by statistical theory for random events)*

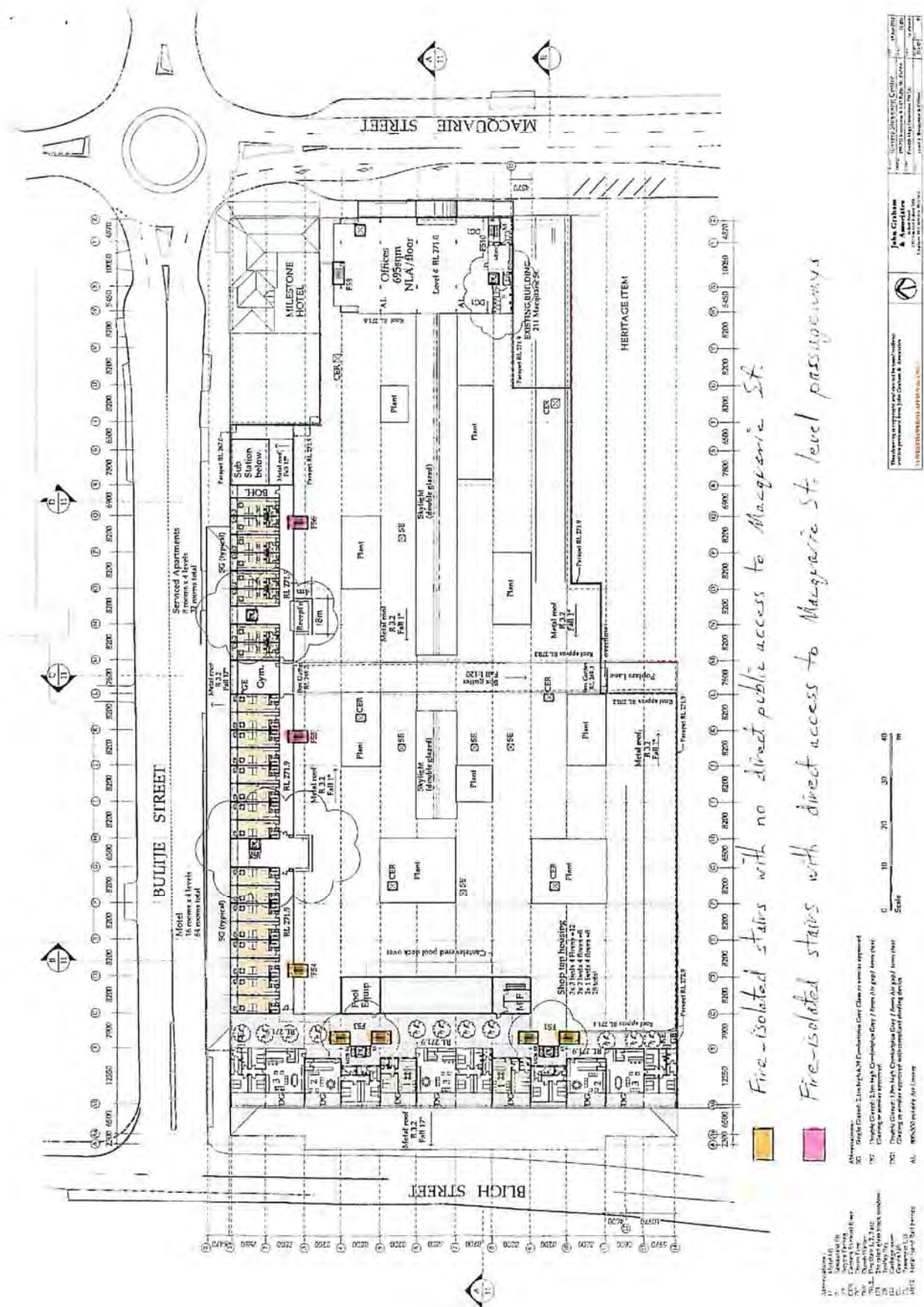
- (7) Owners and occupants of buildings erected on flood liable land need to be aware of and acknowledge the risks inherent with occupation on flood prone land. In this regard, floods can still occur at a magnitude greater than that for which the proposed building's Macquarie Street floor level is set to.

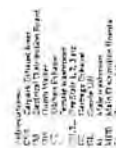
Depending of the characteristics of a particular flood event and the degree of involvement of the Macquarie Valley in such an event, the local emergency services cannot give assurances that resources will be available at a particular point in the future to assist individual occupants with evacuation and removal of contents. Therefore, owners/occupants need to have prepared in advance their own evacuation plan and procedures, and the sourcing of any required external assistance necessary to limit their own losses.

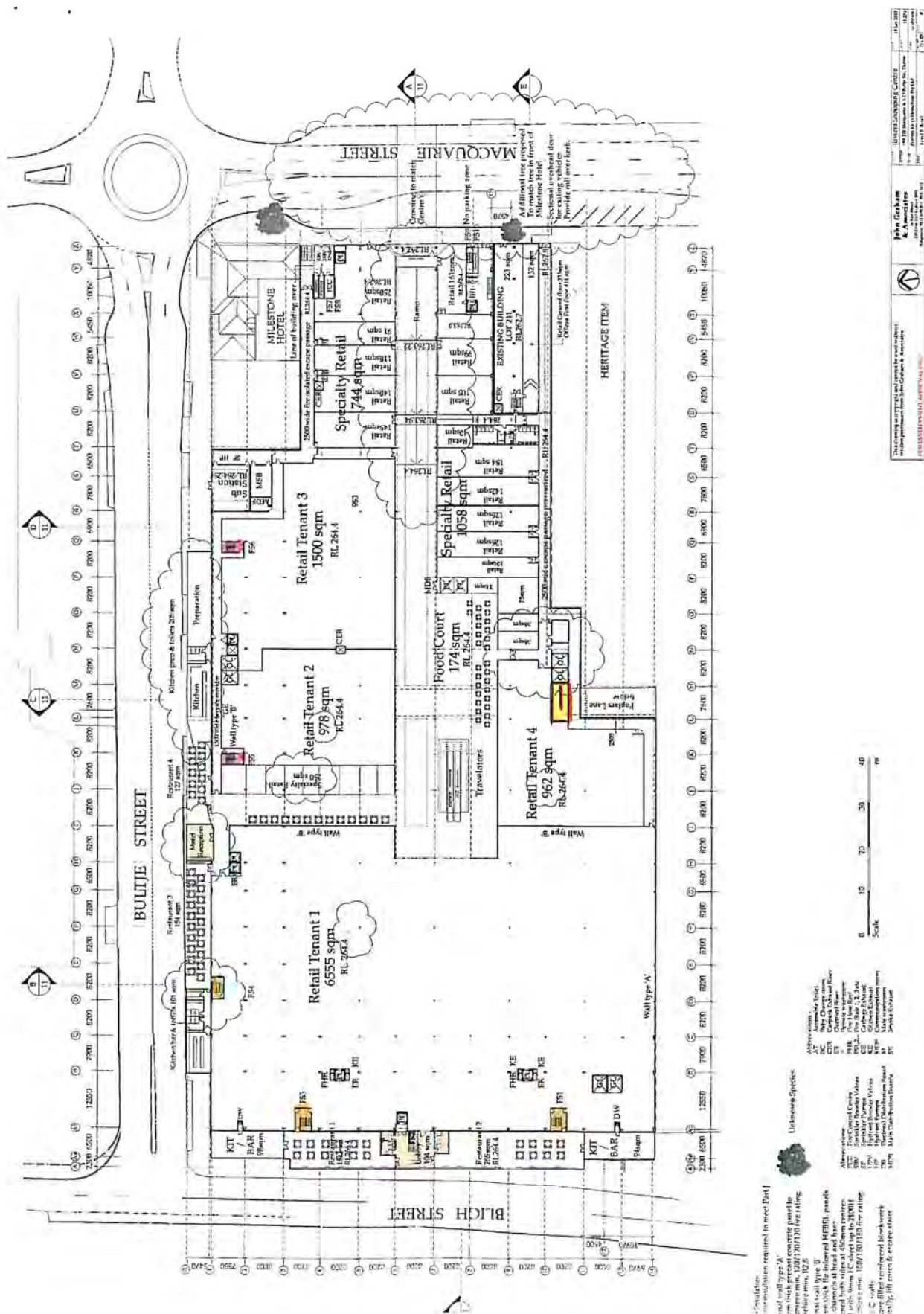
Further, it is emphasised that the extent of advance warning of an impending flood is largely determined by catchment characteristics, rainfall quantity and the distribution of such rainfall. Consequently, the warnings provided by the Bureau of Meteorology of a particular future flood event may or may not be sufficient to effect a complete evacuation of contents and equipment prior to inundation.

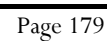
- (8) The development has been assessed with its principal retail floor space level being above Council's adopted Flood Planning Level of RL 263.66 m AHD (ie 1 in 100 year flood event level + 500 mm). However, the Flood Planning Level does not represent the maximum flood level or the maximum extent of potential flooding over the land.

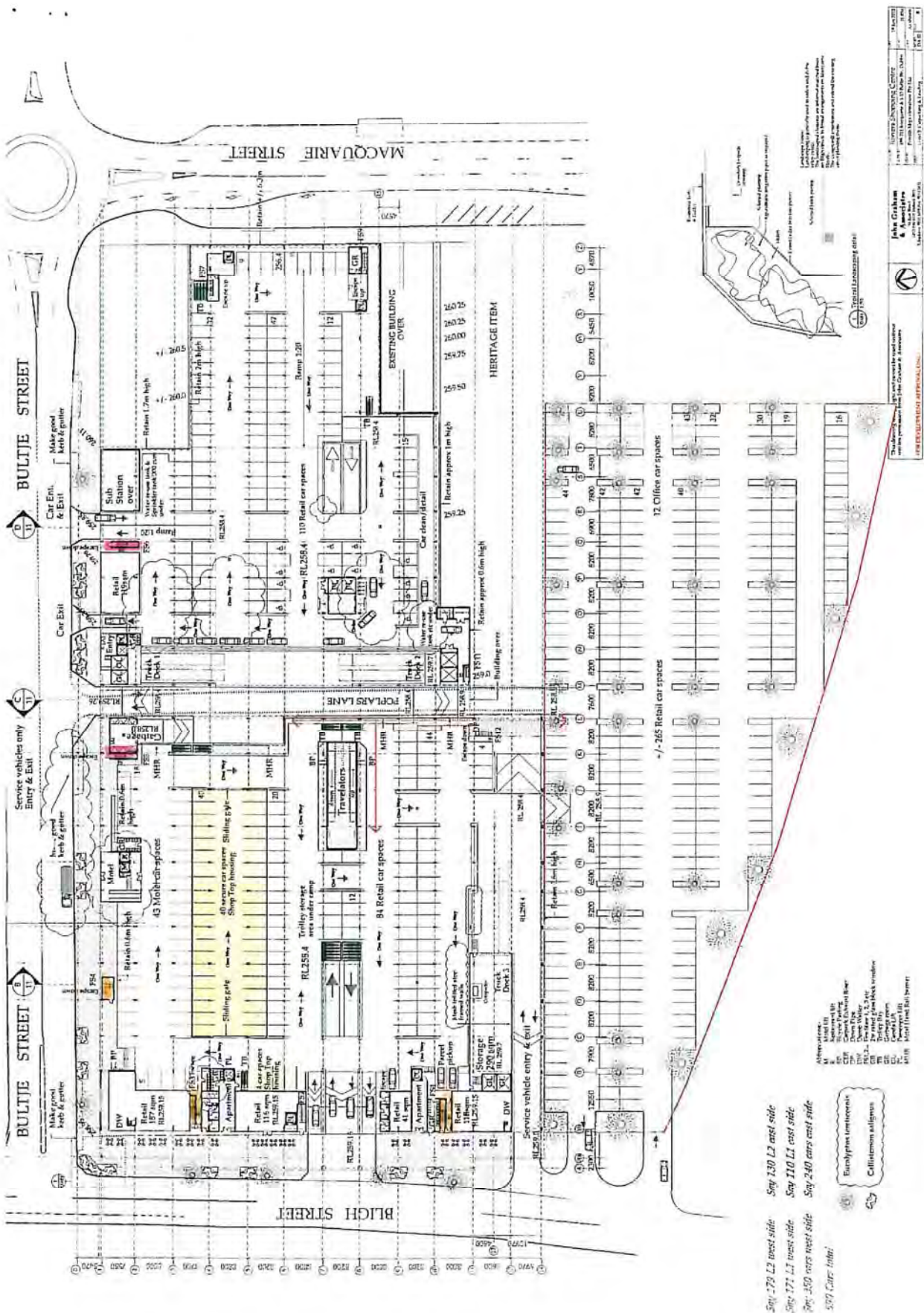
Peter Griffith
Building Services Supervisor











MEMO

SUBJECT: Proposed Development: Demolition, Earthworks, Commercial Premises, Shop-Top Housing, Serviced Apartments, Hotel or Motel Accommodation, Signage and Car Park
Premises: Lot: 10 DP: 475, Lot: 12 DP: 601633, Lot: 3 DP: 475, Lot: 4 DP: 475, Lot: 5 DP: 475, Lot: 74 DP: 736715, Lot: 6 DP: 475 No 1-11 Bultje Street Dubbo
Applicant: Penrith Mega Homebase Pty Ltd

TO: Responsible Officer – Mr S W Bell
FROM: Development Engineer
DATE: 16 July 2012
FILE: D2012-145 Part 1

SUMMARY OF RELEVANT DEVELOPMENT ENGINEERING ISSUES

In respect to the above Development Application I wish to comment as follows:

The subject land is located towards the southern end of the Dubbo CBD, between Macquarie, Bultje and Bligh Streets, Dubbo. The area of the subject land is 25,770m² approximately consisting of seven lots as shown below:

Lot	DP	Address	Owner	Existing Use
10	475	1-11 Bultje Street	Bawd Holdings Pt Ltd	Poplars Caravan Park
12	601633	13-15 Bultje Street	Josim Pty Ltd	Drive through Coffee Shop & Beauty Therapy
74	736715	211 Macquarie Street	Bawd Holdings Pt Ltd	Office and Retail Building
3	475	199 Macquarie Street	Bawd Holdings Pt Ltd	Vacant Land
4	475	199 Macquarie Street	Bawd Holdings Pt Ltd	Vacant Land
5	475	199 Macquarie Street	Bawd Holdings Pt Ltd	Vacant Land
6	475	199 Macquarie Street	Bawd Holdings Pt Ltd	Vacant Land
1	238053	Victoria Street	Roads and Maritime Services, NSW	Vacant Land

MEMO

The development proposal is for:

Stage 1

- Demolition
- Earthworks
- Commercial Premises (2551m2 Offices and 14650m2 Retail)
- Signage and
- Car Park (934 Nos.)

Stage 2

- Shop Top Housing (28 Units)

Stage 3

- Serviced Apartments (32 Nos)
- Motel Accommodation (64 Rooms)

ROADS AND ACCESS

The subject land has three (3) road 'frontages' - 56.865 metres to Macquarie Street, 155.45metres to Bultje Street and 127.625 metres to Bligh Street. Poplars Lane traverses the site off Bultje Street.

General vehicle access to the proposed on-site off-street carparking area is to be gained off both Bultje Street and Bligh Street. Delivery vehicles servicing the shopping centre will also get separate access off both Bultje Street and Bligh Street.

The Development Application was referred to Council's Traffic Development Committee on 11 May 2012. Minutes of these meeting are as follows:

Minutes of Traffic Development Committee Meeting held on 11 April 2008.

The Committee considered the proposed Commercial Premises, Shop Top Housing, Serviced Apartments by Penrith Mega Homebase Pty Ltd. discussing the proposal in detail.

As a result the Committee considered the following further information will be required from the applicant:

- *An independent peer review is to be undertaken of the Traffic and Parking Assessment Report prepared by M L Traffic Engineers.*
- *Further information is required on whether the traffic volumes include all vehicular types along the road network or that vehicles other than passenger vehicles were omitted from the traffic data collection and the dates on which the traffic data collection was undertake.*

MEMO

- *An analysis is to be undertaken of the Bultje, Bligh and Macquarie Streets fronting the development to assess the traffic impacts of the development on the existing traffic and parking environment taking into consideration traffic generation from access points to existing developments such as Centro Shopping Centre and Ian Drake Drive.*
- *The applicant is to provide a detailed traffic management plan of Blight Street south of Bultje Street to LH Ford Bridge on adjacent curves detailing the intersection of the traffic from the 3 access driveways to the development and the adjacent Ian Drake Drive.*
- *The applicant is to provide a traffic management plan of the car parking areas detailing the turning paths of vehicles entering and exiting the ramp locations including, traffic circulation through the car park level, priority and turn restrictions.*

As per decision of the Traffic Development Committee, the Traffic and Parking Assessment Report prepared by M L Traffic Engineer was sent to Fred Gennaoui of Gennaoui Consulting Pty Ltd for independent peer review. Further information were received from the applicant in the light of discussion held between Fred Gennaoui, Council and the Applicant. Fred Gennaoui recommended the following conditions of consents to be included in the Council's consent if approval is granted for the proposed mixed use development:

Traffic Conditions

- An assessment of critical intersections within CBD should be carried out including a background growth equivalent to the anticipated population growth in Dubbo over next 15 years.
- Following matters should be referred to the Regional Development Committee for their consideration:
 1. Banning kerbside parking in Bultje Street between Blight Street and Macquarie Street.
 2. Banning the right turning movement from Brisbane Street north into Mitchell Highway.
 3. A taxi stand and/or set down/ pick up zones for customers should be provided at a suitable location approved by the Local Traffic Committee.

Parking Conditions

- Provision of additional spaces to comply with Council requirements unless alternative arrangements are agreed with Council.
- The car parks should be designed in accordance with Council's requirements and the Australian Standards for parking of cars and heavy vehicles. More particularly:
 1. Provision of turning path of cars into and out of ramps to ensure that cars making 180 degree manoeuvre do so without conflict with parked cars, particularly at the landing of the ramp on the second level of the eastern car park where there appear not be enough manoeuvring area near the two spaces for disabled.
 2. Provision of swept path at internal junction and ramps for a B99 car to pass a B85 car noting each type of car

MEMO

3. The 2.9m wide entry lane from Bligh Street should be widened to a minimum of 3.0m in width.
- All access to and from the RMS rear car park should be restricted to Bligh Street. The proposed access from Poplars Lane and from the western car park and the RMS rear car park should be closed. Truck access to the loading docks will need to be undertaken outside of the hours if access to the RMS car park via Poplars Lane is required.
 - Consideration should be given to access the car park at the rear of the Restaurant on Macquarie Street via the RMS land.

Loading Conditions

- Provision of swept path for left turning trucks entering the new service road from Bligh Street.
- Provision of swept path for trucks accessing garbage area.

Pedestrian Conditions

- Suitable plans showing the location and design of the proposed pedestrian crossing in Macquarie Street should be provided.
- Provision of safe pedestrian connection between the western car parking structures and the RMS land.

Others

The applicant's is to fund the following public transport improvements subject to Local Traffic Committee's approval:

- Provision of a bus stop and shelters in Macquarie Street.
- Provision of information of the public transport options on the shopping centre website.
- The shopping centre security patrols will include the bus area to ensure that public transport users can catch a bus in a safe environment.

Council's Traffic Engineer had reviewed the further information received from the applicant including the Fred Gennaoui recommendations in relation to Traffic, Parking, etc. and his recommendations are attached in Appendix 1.

MEMO

STRATUM OVER PUBLIC ROAD

It is noted that the proposed development includes:

- Building over the Council dedicated public road known as Poplars Lane from Bultje Street.
- A single level stratum restaurant over section of the footpath which is part of the dedicated Council road known as Bultje Street. Also another single level stratum restaurant over section of the footpath which is part of the dedicated Council road known as Bligh Street.

As the proposal is for the acquisition of benefit over public property, major legislative obligations include:

- Road Acts 1993 (Section 138, 139, 149 & 259)
- The Environmental Planning and Assessment Act 1979
- Real Property Act 1990
- Conveyancing Act 1919 (23F & 23G)

Therefore the applicant needs to apply to Council for Air Space Lease and Street Trading prior to issue of the Construction Certificate with all the details of the road, footpath & air space occupancy.

SEWER

An existing Council gravity sewerage main and junction connection out of an existing manhole is located along the eastern boundary of the subject land along Macquarie Street. Natural drainage of the sewer from the entire site to Council's sewer mains cannot be achieved. The applicant proposes that a sewer package pump station with dual macerator pumps be installed to pump the effluent to Council's sewer mains in Macquarie Street.

The conveyance of effluent from the proposed Development to Council's sewer constitutes a trade waste discharge. A Trade Waste application must be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), submitted to Council's Liquid Trade Waste Officer before the issue of the building's Construction Certificate.

As per Local Government Act 1993, any property that has four (4) or more activities generating trade waste must seek concurrence from the NSW Office of Water. The applicant needs to send all the details relating to trade waste for this development to the NSW Office of Water and submitted to Council concurrence from the NSW Office of Water before the issue of Construction Certificate.

MEMO

WATER RETICULATION

Existing Council town water supply reticulation mains are located along both the Macquarie Street and Bultje Street road frontages. Council's Water and Sewer Branch has advised that pumping from Council's water lines is not permitted for fire fighting purposes. So the capacity of the proposed water storage tanks may need to be amended to made adequate provisions.

STORMWATER DRAINAGE

The subject land is relatively flat and slopes gently from Macquarie Street down to Bligh Street. There are no waterways traversing the site and the site in the main is cleared of any vegetation with the exception of planted vegetation within the former Caravan Park.

Concept Stormwater Management Plan proposed by the applicant proposes that site drainage be connected to the existing street drainage system in Bultje Street. As the capacity and performance of the existing street systems are unknown, the applicant will do a detailed hydraulic analysis using a runoff routing model to fully assess the effect of the proposed development on the existing system (noting that design and construction shall be in accordance with Council's engineering guidelines and policies as well as Australian Rainfall and Runoff). This detailed hydraulic assessment would be undertaken at Construction Stage and will be submitted to Council for approval. Furthermore, the modeling would need to consider the drainage system within Poplars Lane and Bligh Street, as well as overland flow during major local events.

The existing Council Cobra Street bio-swale which intrudes into car park site is proposed to be removed and replaced with an on-grade carpark. The proposal is for runoff from the carpark to be directed as dispersed sheet flow across the carpark toward the south and discharged to a series of bio-swales. The carpark edge shall either be a flush kerb or an upright kerb and gutter with discrete sections of flush kerb to facilitate the sheet flow reaching the new swale system in a controlled manner. The increase in impervious area is likely to have significant consequences both to quantity and quality. There has been no detailed stormwater strategy developed to date for Council's consideration and will need to be developed and approved prior to the issue of the Construction Certificate. The reconfiguration of the bio-swale will require the design of bio-swale reconfiguration and its construction. It is felt that this cost should be borne by the developer.

FLOODING

The applicant had submitted a **Flood Impact Assessment** done by Cardno (NSW) Pty Ltd dated 27 March 2012 for the proposed Dubbo Mega Homebase development in Macquarie Street, Dubbo.

Cardno undertook a hydraulic modeling of the Macquaire River for pre and post development scenarios to determine the impact of the proposed development on flood level and velocities.

MEMO

Followings are the conclusion of Cardno's report:

- The proposed development has a negligible impact on the 100yr ARI flood levels.
- The planned development reduces the flow velocities through the site and slightly reduces the extent of higher velocities adjacent to several downstream properties.
- The planned development removes an island of lower velocity depths less than 0.6m²/s within the site and a section of Bultje Street under existing conditions.
- The planned development has no discernible impact on the extent of high hazard flooding in the vicinity of the site.

CONCLUSION

Having regards to the above, plus the information submitted with the Development Application, purely from a Development Engineering perspective no objections are raised to this development proposal.

RECOMMENDATION

Should the determination of the Development Unit on the subject application be a recommendation for approval, the following conditions and notations are submitted for imposition on the consent:

CONDITIONS:

- (1) A separate application will be required to be made to Council's Water Supply and Sewerage Client Services Coordinator (Technical Services Division) with the appropriate fee(s) being paid for a suitably sized metered water service connection for the proposed development.

Note: Council's Water and Sewer Branch has addressed that pumping from Council's water line is not permitted for fire fighting purposes. So the capacity of the proposed water storage tanks may need to be amended to make adequate provisions.

{Reason: Council policy in respect of industrial, commercial and residential developments}

- (2) Industrial standard concrete vehicular cross-overs, and kerb and gutter vehicle entrances, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the developer at the locations shown on the approved development plan.

MEMO

However, prior to any construction works being undertaken on these access driveways a detailed (fully dimensioned) site plan is to be lodged with and approved by Council. Each access driveway is to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that a Design Prime Mover or Semi Trailer, 19.0m in length (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of Bligh Street and Bultje Street without the need to cross over onto the wrong side of the road at any time.

Such works shall also include the reinstatement of the redundant kerb and gutter vehicle crossing back to 'upright' kerb and gutter at full cost to the developer, including the reinstatement of the kerb and guttering along Poplars Lane; this work is to also include restoration of the road shoulder following construction in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

Should Council's Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.
{Reason: Council policy in respect of industrial/commercial developments}

- (3) All road areas, driveways, hard stand areas and parking areas shall be drained to Council's satisfaction and in accordance with Section 6 of Council's adopted Policy Code No 1, noting that all stormwater drainage discharge from the proposed development shall be undertaken in accordance with the principles outlined in the submitted proposed Concept Stormwater Management Plan by NORTHROP dated 14th June 2012.

In this respect the developer must have approved by Council, prior to the issue of the building's Construction Certificate, full and detailed hydraulic design calculations and revised drawings of the proposed development's stormwater drainage system including the relocation of existing Council bio-swales.

Prior to the discharge into Council's system, the developer will be required to install at their own expense a "pollution control device(s)" which will collect all oil, sediment and litter from the development proposal.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (4) The construction by and at full cost to the developer of concrete paving block footpaths at the full frontage of the development onto Bultje Street, Bligh Street and Macquarie Street including the reconstruction of kerb & gutter as appropriate such to provide kerb and gutter along the whole of the Macquarie Street, Bultje Street and Bligh Street frontages of the development.

MEMO

Perambulator ramp(s) suitable for disabled access (and in accordance with Council's standard STD 5166) are to be located at each kerb and gutter / roadway crossing(s).

However, prior to any construction works being undertaken, a detailed (fully dimensioned) site plan is to be lodged with and approved by Council.

All construction works associated with this condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards and to Council's adopted standard drawing STD 5251.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of these footpaths, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Implementation of Council policy}

- (5) No buildings or structures of any standard (including advertising structures) shall be erected over Council's existing sewerage main(s) or are to be located within the existing 'easement(s) to drain sewage' other than in accordance with Council's adopted Policy "Building Over or Adjacent to Council's Sewerage Pipeline".

{Reason: Implementation of Council's adopted Policy "Building Over or Adjacent to Council's Sewerage Pipeline"}

- (6) **All vehicles** must enter and exit the subject land and proposed development in a forward direction. **No reversing** of vehicles onto the public roadway system will be permitted EXCEPT for delivery and service vehicles, up to a "Design Prime Mover and Semi Trailer" 19.0m in length, from Poplars Lane.

{Reason: To provide safety for the travelling public utilising the public roadways}

- (7) No advertising, advertising sign(s) or structure(s) of any standard will be permitted to be displayed within (or overhang onto) the road reserve area(s). Note: This area also includes the footpath reserve area.

If required by Council, a registered surveyor is to verify location of the proposed sign in relation to the allotment boundaries.

{Reason: To protect the amenity of the travelling public utilising the surrounding roadways}

MEMO

- (8) Under no circumstances are any construction works or activities to commence on or within the road reserve area (which includes the footpath area and air space) until such time as a 'Air Space Lease and Street Trading' application(s) has been lodged with and approved by Council. As part of the proposed works appears to encroach onto the Bligh Street, Bultje Street and Macquarie Street footpath (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) will be required to be made to Council's Technical Services Division, plus payment of any appropriate fee(s).
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}
- (9) The conveyance of the effluent from the proposed Development to Council's sewer constitutes a trade waste discharge. **In this regard a Trade Waste Application must be completed (accompanied with all required drainage, discharge and capacity details, pre-treatment devices and installation details), submitted to Council's Water Supply and Sewerage Client Services Coordinator before the issue of the Construction Certificate.** No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval has been obtained and all required pre-treatment devices have been installed and passed by Council.
{Reason: Statutory requirement of the Local Government (General) Regulation 2005}
- (10) Prior to the issue of the Construction Certificate, written correspondence confirming the concurrence from the NSW Office of Water shall be submitted to the satisfaction of Council for all activities generating liquid trade waste. All details provided to the NSW Office of Water shall also be provided to Council.
{Reason: Statutory requirement of the Local Government Act 1993, Concurrence Classifications outlined in the Liquid Trade Waste Regulation Guidelines (dated April 2009)}
- (11) The proposed 'advertising sign' (and any content contained thereon) are not to replicate or be of a similar content to any 'Traffic Regulatory Sign(s)'. The signage is not to flash, move or be objectionably glaring or luminous. The advertising signage must not be a distraction to drivers, in respect to dynamic displays, inappropriate advertising or excessive numbers of advertising sign(s).
{Reason: To maintain the integrity of Traffic Advisory/Regulatory Signage and to protect the amenity of the travelling public utilising the surrounding roadways}
- (12) All vehicles, plant and equipment involved in the proposed demolition activities must enter and exit the subject land in a forward direction, unless specified otherwise in an approved Traffic Control Plan which is being implemented under the direction of an authorised Traffic Controller.
{Reason: To provide safety for the travelling public utilising the public roadway system}
- (13) All loading and unloading of plant, machinery, plus all material(s) involved in the proposed demolition activities shall be undertaken within the confines of the allotment's boundary, unless specified otherwise in an approved Traffic Control Plan which is being implemented under the direction of an authorised Traffic Controller.
{Reason: Requirement of Council so as not to create adverse traffic conditions}

MEMO

- (14) No material(s), goods, plant or vehicles associated with the proposed demolition activities shall be stored, displayed or placed outside the allotment's boundary.
{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (15) Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).

{Reason: Implementation of Council policy}

- (16) Should any of the proposed demolition activity works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the Applicant/Developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) with Council's Technical Services Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Traffic Engineer, demonstrating that the proposed demolition works can be undertaken in a safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (17) Should any of the proposed demolition activity works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the Applicant is to ensure that any sub-contractor(s) working on the site have current public liability insurance policy(ies) to cover Council to an amount of not less than \$20 M in respect of any and all actions, costs and claims for damages that may be brought or made or claimed against Council in relation to the granting of this approval. Such policy shall note the interest of Council, which ensures that Council is indemnified against any possible action.

{Reason: Implementation of Council's policy}

MEMO

- (18) Prior to any demolition works commencing on the site, the following are required to be completed and carried out to Council's satisfaction:
- (a) The existing metered town water supply service connection(s) is required to be disconnected by Council. Council's Water Supply and Sewerage Client Services Coordinator must be contacted requesting removal of the disused water service and meter; and
 - (b) Disconnection of the sewer drainage and capping of Council's sewerage main junction. An inspection by Council's Development Engineer in regard to this condition is required prior to the "capped" sewerage junctions being backfilled.
{Reason: Requirements of Council to protect its Civil Infrastructure Assets}
- (19) Prior to the issue of the Construction Certificate and to the satisfaction of Council, the applicant is to provide a Traffic and Parking Management Plan of Bultje Street that addresses the turning, through traffic, pedestrian conflict, provision for cyclists and on street parking management that shall incorporate such facilities as a median turn lane, mid-block pedestrian refuge, single east/west traffic and parking lanes and parallel parking detailing the proposed on-street parking restrictions to both sides of the carriageway.
- Note: Traffic management needs to extend beyond the existing carriageway width (kerb to kerb). Road carriageway widening will be required on the Riviera Development side of Bultje Street to facilitate the proposed traffic management reducing of the building envelope in the airspace over the road reserve.
{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}
- (20) All vehicular exits from the development onto Bultje Street are to be permanently open.
{Reason: To enable full, free and unimpeded access to members of the public (clientele) utilising the business/commercial enterprise}
- (21) The retail coffee business and its exit access not be provided at the location proposed.
{Reason: To provide a satisfactory means of entry/exit to the proposed development}
- (22) All articulated goods service vehicles entering or leaving via the Bligh and Bultje Street goods service vehicle entry/exits do so directly via the Bultje Street/Bligh Street intersection from/to the Bligh Street/Newell Highway intersection respectively.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (23) Prior to the issue of the Construction Certificate and to the satisfaction of Council the applicant is to provide a plan detailing the intersection management that incorporates a roundabout, pedestrian facility and provides for cyclists movements at the intersection of Bligh Street and Bultje Street and that this be provided prior to the issue of any Occupation Certificate at no cost to Council.
{Reason: Implementation of Council policy}

MEMO

- (24) Prior to the issue of the Construction Certificate the applicant is to provide a Pedestrian Footpath Management Plan of the Bultje, Bligh and Macquarie Street road frontages detailing driveway crossover treatments to all development accesses with the exception of the Poplars Lane access in Bultje Street and the western Service Road access in Bligh Street that will be at surface level road access. Provision of these works are to be at no cost to Council.
{Reason: Implementation of Council policy}

- (25) The goods service delivery area including the carriageway used by goods delivery vehicles entering from Bligh Street and Bultje Street and travelling through the development including Poplars Lane, loading docks and similar is to exclude access to all pedestrians and customer vehicles.

Note: There are existing rights of access available to the owners of 217-219 Macquarie Street which will need to be accommodated. This provision voids the proposed raised goods vehicle/pedestrian zone and requires the applicant to provide alternative appropriate pedestrian access from the surface level carpark into the development.

{Reason: Implementation of Council policy}

- (26) Prior to the issue of the Construction Certificate and to the satisfaction of Council the applicant is to reach agreement as to the continuing use of Poplars Lane and the terms of compensation to Council for its proposed use, disposal, stratum easement or other.

Note: There are options for exclusive, partial, elevated easement and uses in public or private ownership to be resolved.

{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}

- (27) Prior to issue of the Construction Certificate that a Traffic Management Plan of the operations of the western vehicular ramp between level 1 and 2 in the vicinity of the Bligh Street under cover car park entry/exit which provides to Council's satisfaction for safe operations for users and for implementation.

Note: This will involve realigning of the ramp to reduce conflicts at the Bligh Street entrance, realigning to one exit lane and splaying the exit to incorporate left hand turning movement on exit.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (28) The proposed separated entry and exits to Bligh Street from the surface level car park on former RMS land are to be reversed to provide for more the conventional alignment of entry being to the left of the exit on entry.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

MEMO

- (29) Prior to any construction works commencing on the site, and in conjunction with lodgment of the relevant Construction Certificate(s), a Soil and Water Management Plan (SWMP), prepared by a suitably accredited person, shall be submitted for approved in accordance with Council's adopted Urban Stormwater Management Guidelines, Volume 2: Erosion and Sedimentation. Such plan shall then be implemented pre, during and after construction of the proposed development. The approved erosion and sediment control measures are to remain (and be maintained) in place until such time as all ground disturbed by the subdivision construction works have been stabilised, revegetated and rehabilitated so that they no longer act as a source of sediment.

{Reason: Implementation of Council's erosion and sedimentation guidelines}

- (30) A separate application is required to be made to Council's Water Supply and Sewerage Client Services Coordinator (Technical Services Division) with the appropriate fee(s) being paid for a suitably sized sewer connection to service the proposed development.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction, with detailed engineering plans being submitted to, and approved by Council prior to any construction works commencing.

Note: In accordance with Council's adopted policy requirements, any construction works required to be undertaken on 'live' sewerage main(s) must be undertaken by Council at full cost to the Developer.

{Reason: Implementation of Council Policy No 2}

- (31) All articulated service vehicles are to enter and exit Bultje Street and Poplars Lane on the correct side of the carriageway. Unimpeded simultaneous articulated goods vehicle entry/exit within Poplars Lane and Bultje Street is to be available.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (32) Prior to the issue of the Construction Certificate and to the satisfaction of Council the applicant is to provide a Traffic, Parking and Pedestrian Management Plan of Bligh Street that provides separate turning and through traffic lanes to all access points, addressing safe intersection site distance requirements and the interaction with the intersection of Ian Drake Drive and the Service Road and surface level car park entrance/exits. Widening of Bligh Street will be required to accommodate the traffic management, cyclist and pedestrian activity to and from the development including access to the River corridor.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (33) Following the Bligh Street entrance management design finalisation, the through traffic lanes need to comply with the Austroads standards for a 60kph design speed for horizontal alignment, stopping sight distance and intersection sight distance for all entrances and intersections.

MEMO

Note: To comply with this condition Bligh Street south of the development may require realignment and reconstruction to comply with the Austroads standards.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

- (34) All articulated goods service vehicles are to enter and exit Bligh Street and the Service Road on the correct side of the carriageway. Unimpeded simultaneous two way articulated goods vehicle entry/exit within the Service Road and Bligh Street is to be available.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (35) Eastern kerb alignment of Bligh Street fronting the development is to be continued on an appropriate alignment through the intersection of Bultje Street with the existing kerb line on the northern side of Bultje Street. Details to be clearly provided to the satisfaction of Council prior to issue of the Construction Certificate.
{Reason: Implementation of Council policy}
- (36) Prior to the issue of the Construction Certificate a 1 in 20 year flood event Traffic Management Plan is to be developed by the Developer for approval by Council. This will incorporate the full operational aspects of the ingress and egress activity across the Macquarie Street footpath and includes the functionality of businesses, residential apartments and motel accommodation including the serviceability by vehicles of such operations, the time of operations and the need for 24 hour access. The Traffic Control Plan also needs to complement pedestrian control and the existing or proposed parking and on road traffic facilities that will be provided as a consequence of the development at no cost to Council.
{Reason: To ensure appropriate traffic control measures are being implemented for the proposed '1 in 20 year flood event'}
- (37) A mid block pedestrian facility is to be provided in Macquarie Street between Bultje Street and the Mitchell Highway prior to issue of any Occupation Certificate. Prior to the issue of the Construction Certificate and to the satisfaction of Council a plan is to be provided for Council's consideration detailing a mid-block pedestrian facility that will only provide a single (in each direction) north and south bound carriageway in Macquarie Street. This will require carriageway narrowing and conversion of the carparking lane to angle parking whilst retaining an immediate two lane southbound approach to the Mitchell Highway traffic signals. A SIDRA (Signalised and unsignalised Intersection Design and Research Aid) analysis is to be undertaken of the requirement for a pedestrian phase at this location and to determine the vehicle storage que length required. These works are required to be undertaken prior to the issue of any Occupation Certificate.
{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

MEMO

- (38) In association with the mid block pedestrian facility in Macquarie Street between Bultje Street and Mitchell Highway, one additional angled disabled car parking space shall be provided prior to the issue of any Occupation Certificate on each of the western and eastern sides of Macquarie Street at no cost to Council.
{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}
- (39) Prior to the issue of the Construction Certificate and to the satisfaction of Council the applicant is to provide a Traffic and Parking Management Plan of Macquarie Street that takes into consideration the potential need for bus and taxi services to the development and the impacts of the emergency access requirements across the footpath and onto the carriageway including the provision of a mid block pedestrian facility and traffic lane reduction showing all the on street parking restrictions existing and proposed. The works arising from this plan are to be implemented prior to the issue of any Occupation Certificate at no cost to Council.
{Reason: Implementation of Council policy}
- (40) A no parking zone is to be provided on the western side Macquarie Street adjacent to the development immediately in front of the emergency flood access area to facilitate set down and pick up activities. These services are to be provided prior to the issue of any Occupation Certificate and without cost to Council.
{Reason: Implementation of Council policy}
- (41) Prior to the issue of the Construction Certificate and the satisfaction of Council, the applicant is to provide a fully dimensioned and detailed Traffic Management Plan of the car parking areas showing all regulatory traffic and advisory signage and line marking as proposed.
{Reason: Implementation of Council policy}
- (42) Prior to issue of the Construction Certificate an Operational Management Plan for the garbage area is to be provided to the satisfaction of Council for approval. The plan is to detail the safe and convenient access by tenants and the swept path required for the largest vehicles types to be used for garbage removal by contractors.
{Reason: Implementation of Council policy}
- (43) In the eastern level 1 car parking area immediately adjacent to and between the car cleaning/detail area and the vehicle ramp to level 2 the proposed one way traffic aisle that directs traffic into the car cleaning/detail operations is to be designated as two way with selected car clean/detail traffic only at the eastern end of that traffic aisle.
{Reason: Requirement of Council so as not to create adverse traffic conditions}

Musarrat Khan
Development Engineer

MEMO

APPENDIX 1

Traffic Engineer Recommendations for Riviera Development Dubbo

Overview

An assessment has been undertaken of the proposed development including responses in the revised M L Traffic Engineers, Consultants, Traffic and Parking Assessment Report June 2012 and associated plans and Gennaoui Consulting Peer Review and "Addendum Report" July 2012.

Overall, the response reports do not provide all of the additional information as requested, in particular to the traffic impacts on the local roads fronting the development of Macquarie, Bultje and Bligh Streets.

Responses were sought of network traffic analysis, external road environment management analysis and on street traffic and movement management. As a consequence Council has, where possible, identified proposed treatments and actions which should have been undertaken by the developer and their consultants.

The developers Consultants have given priority to the SIDRA intersection analysis and not an analysis of the traffic and pedestrian environment along the road frontages including the interaction with adjoining development and the road alignment in Bligh and Bultje Streets that proposes 3 new additional access points promoting traffic and pedestrian conflict in Bultje Street with the adjacent Centro development.

In Bligh Street three new accesses are proposed on a two lane carriageway that will provide access for articulated delivery vehicles and multiple car park entry points immediately north of a horizontal curve approach in the road from the south which since 1998 has been identified as a higher order CBD access road and an intersection with Ian Drake Drive.

The intersection of Bultje and Bligh Streets will experience a mix of traffic in the locality of both the existing and the proposed development that requires traffic management to provide for proposed active road frontage to the new development with increased traffic and pedestrian activity.

The report from ML Traffic Engineers predominantly focuses on the capacity of the road and intersection network rather than the management of Traffic and Pedestrians and the movement of vehicles to and from the development site and their interaction with adjacent development turning traffic. There is a generalisation in the report that the road network will operate satisfactorily. No allowances have been made for initial traffic growth in the locality.

MEMO

An assessment of this development has been undertaken on the assumption that the proposed carpark on the Roads and Maritime Services land on the southern boundary of the development will be acquired and be part of the development.

The Gennaoui Consulting Report highlights the shortfall of off-street car parking spaces provided relative to Council's code. At about 100 spaces, this is a significant number.

Council is acutely aware of the safety implications of the internal parking arrangements and the potential conflicts between users. In principle the greatest safety is achieved by the separation of pedestrians and customer cars from goods delivery operations. This is seen as an important primary operational objective particularly as stated by the developer that the goods delivery arrangements are critical and central to the level 1 layout which means there is little scope for change. Achieving this separation objective fails in 2 areas at this time.

To service the Video Easy and 2 Doors external site which have access entitlements via Poplars Lane, results in customer car parking/deliveries to the external sites mixing with the Riviera Development "closed" goods delivery area and secondly there is a pedestrian pathway which crosses the ostensibly "closed" goods delivery area to gain access to the customer car parking on the former Roads and Maritimes Services site. Both these issues are able to be addressed albeit at a cost.

To address the Video Easy/2 Doors issue requires the provision of an alternative legal access over the RMS car park to Bligh Street. To address the pedestrian link conflict would require the grade separation of the two activities by taking pedestrians over the top of the goods delivery area and accessing the retail development at level 2 or 3. Were Council to require the code level of parking being provided, it is likely that a second level of parking would be provided over part of the RMS land which would make it significantly easier to attain the separation objective which can be found at the end of the report.

This report is structured to consider individual review elements. A précis/overview will provide context to the issues relating to each element. There are 32 recommendations arising from this report. A notation will be made in each review element as to which recommendations at the rear of the report relate to the review element.

Road Network

a) Bultje Street

The Consultant has failed to identify the traffic/turning and queuing conflict that will occur in Bultje Street between the proposed development and adjacent Centro development. They did not identify the correct number of driveway accesses in a short distance of Bultje Street nor the on road parking environment. In not identifying the basics it raises and adds doubts as to the veracity of their report.

MEMO

Section 5.10 of the traffic report recommends “to minimise traffic conflicts on Bultje Street in the retail peak periods that the car park exit only lane is closed off during the main shopping periods while allowing the peak period for drive through coffee business (in the morning)”. Temporary closing of an exit on a daily basis is impractical. It will create confusion and potential driver frustration and increase circulating traffic throughout the carpark. Council’s Traffic Development Committee recommended that the coffee shop and exit driveway not be provided because of the concentration and number of driveways onto Bultje Street.

Recommendations 1 to 5 in Section 7 at the end of this report relate to this review element.

b) Bligh Street

The development proposes three (3) entry/exit driveways to Bligh Street immediately north of the LH Ford Bridge where there is a southern approach curve alignment in the vicinity of the intersection of Ian Drake Drive, on the western side of Bligh Street. The driveways provide access to a southern surface level car park with separate entry/exit, a service vehicle entry/exit and four lane entry/exit to the undercover and multi level car parking area. Bligh Street in this locality has a two lane carriageway. No consideration has been provided in the report on the impacts of these three driveways on the Bligh Street road environment or consideration of the adjacent intersection of Ian Drake Drive, the restricted sight distance south to the LH Ford Bridge and adjacent horizontal curve, and proximity of the Service Road access to the surface level car park exit. This arrangement is confusing to motorists given the reverse circulation of the entry/exit driveways of the car park. Nor has there been any consideration for cyclists.

Heavy vehicle access to the Bligh Street Service Vehicle Entry and exit is shown with articulated vehicles entering from the south in Bligh Street. At all times during pre lodgement the applicant has been advised that all articulated services vehicles access to the development is to enter in a south bound direction from the intersection of the Newell Highway and return. All access is to be undertaken on the correct side of the carriageway in Bligh Street and within the entry/exit service road and widened sufficiently to permit two articulated vehicles to pass simultaneously.

The four lane entry/exit proposed off Bligh Street to the internal and multi level car parking areas is considered unsatisfactory in promoting vehicle conflict and driver confusion with resultant irrational decision making as to which lane the driver should be in to access the Level 1 or Level 2 carpark ramp. There is minimal distance between the Bligh Street carriageway promoting an unreadable situation with resultant limited manoeuvrability on entry and exit into the traffic aisles within the car park. On exit vehicles from the Level 2 car park will conflict with traffic turning around the base of the ramps from adjoining traffic aisles, lane changing on entry and exit to Bligh Street and adjoining lanes where two vehicles side by side can potentially turn left or right into a single traffic lane. Directional turn lane restriction will exacerbate lane change conflict in a short distance. A change in ramp arrangements would seem appropriate.

Recommendations 6 to 9 in Section 7 at the end of this report relate to this review element.

MEMO

c) Macquarie Street

There is no direct access to Macquarie Street from the proposed development other than an operational access for a 1 in 20 year flood event that is proposed to be managed with traffic control that stops Macquarie Street traffic in both north and south bound directions when access is required. The access is intended to allow development operations above the flood level including business, residential, apartment and motel operations to continue functioning. The report is unclear as to how the ongoing development operations can be fully serviced particularly for deliveries and removal of waste and other access requirements. A typical flood event may last for several days that would require traffic control on a 24 hour basis to facilitate access to the residential apartment and motel functions of the development.

The report also recommends the provision of a mid-block pedestrian crossing facility in Macquarie Street. Whilst at this point there is no warrant/justification for such a facility, there is a considered benefit to this section of Macquarie Street which would provide a safer road crossing facility in harmony with existing mid block pedestrian facilities further north in Macquarie Street. This section of Macquarie Street encompasses 2 traffic lanes southbound and 1 northbound. Multi lane crossing facilities are not encouraged. Consideration is required of an appropriate pedestrian facility to this environment.

Recommendations 10 to 12 in Section 7 at the end of this report relate to this review element.

d) Intersection Bultje and Bligh Streets

The Report indicates a satisfactory level of service at the T intersection of Bultje and Bligh Streets but fails to recognise the increase in local road traffic in the medium periods following the opening of the development.

The intersection will facilitate a variable mix of traffic and pedestrian activity, including 19 metre articulated semi trailers, large rigid vehicles and variable sized service vehicles. No pedestrian road crossing facilities have been provided at the intersection and given the potential increased activity generated by the development that includes customers, diners, residents, cyclists and motel patrons and the adjacent river corridor as an attractor there is a requirement to provide a road safe environment for traffic and pedestrians at the intersection and across Bligh Street.

The intersection of Bligh and Bultje Street needs to be traffic managed to accommodate the interaction of variable vehicle types and pedestrian and cyclist activity.

Recommendations 13 to 14 in Section 7 at the end of this report relate to this review element.

MEMO

e) Poplars Lane

Earlier on in the pre-lodgement meetings with the applicant, concerns were raised with goods delivery, customer traffic and pedestrian interaction between the adjoining western and eastern public car parking areas and Poplars Lane being a two-way service road between Bultje and Bligh Streets. Poplars Lane is a 6 metre wide, narrowed carriageway where semi-trailer reversing movements are required from the lane (public road) to the delivery docks. Reversing movements will be undertaken to areas where pedestrians and vehicles enter and exit the laneway to the adjoining car parking areas. The need for separation of the loading and unloading activities from the general public access was an important objective to providing a safe road environment. The consultants have reviewed this matter and now propose to physically segregate Poplars Lane from the western and eastern car parks which now become independent car parking areas.

Additionally consideration has also been given to the closure of Poplars Lane at its southern boundary to prevent access into the southern surface level car park with access to private property (Nos 217-219 Macquarie Street) being made available through the carpark from Bligh Street.

There is a substantial need to provide secured access to the adjoining private property at the southern end of Poplars Lane. A preferred option is a right of way access through the car park from Bligh Street.

Poplars Lane and the extension west to Bligh Street will then facilitate service vehicles only with no interaction with the southern surface level car park. The revised plan details a complete segregation of the Service Road from the eastern and western undercover car parking areas. In this instance, a reassessment is to be undertaken of the traffic distribution to all accesses of the proposed development.

Poplars Lane is a public road where the developer has several options of leasing or purchasing the road subject to legal right of access to the existing properties Nos 217-219 Macquarie Street at the southern end of Poplars Lane. This matter requires further investigation and a subsequent application from the applicant for the use of Poplars Lane to facilitate the operational aspects of a service delivery road to the development.

Recommendations 15 to 19 in Section 7 at the end of this report relate to this review element.

Public Transport

Public transport is in close proximity to the development with the local commercial bus service utilising Bultje and Macquarie Streets from the east and south.

MEMO

The report indicates that to address the shortfall in parking spaces for the development a bus zone should be provided in Macquarie Street. There should be no reliance on Public Transport to offset the deficiencies in off street parking spaces. Appropriate off street car parking spaces within the development should be provided as required. The report provides no details of any discussions with Dubbo Bus Lines or Dubbo Radio Cabs or commitment with Dubbo Bus Lines on services to the proposed development. The majority of bus services to Macquarie Street enter via Bultje Street from the east as there is a “no right turn” restriction at the intersection of the Mitchell Highway and Macquarie Street west bound. Limited bus services enter Macquarie Street from the south and west via the intersection of the Mitchell Highway.

No provision or reference has been made in the report of any Taxi services proposed to the development.

Recommendations 20 to 22 in Section 7 at the end of this report relate to this review element.

Undercover Car Parking Areas

a) Level 1 Car Park

The “order/speaker” location of the drive through coffee business is located on a traffic aisle intersection adjacent to the pedestrian access to public lifts. Positioning of the ordering vehicle may impede and conflict with circulating vehicles and vehicles reversing from the disabled car parking spaces.

Regarding the car detailing facility there is a discrepancy in the report Sec 3 that refers to 8 queued vehicle spaces where as in Sec 4.6 reference is made to 5 vehicle spaces.

Recommendations 23 to 28 in Section 7 at the end of this report relate to this review element.

b) Level 2 Car Parking Area

As identified, there is a need to more appropriately manage movements at the Bligh Street undercover car park entry/exit. One means of achieving less conflict is to reverse the vehicular ramp so as not to ramp up/down immediately on entry but rather to have the rising level 1 ramp commence further to the east with the rise undertaken in a westbound direction.

Recommendation 29 in Section 7 at the end of this report relate to this review element.

MEMO

Surface Level Car Park off Bligh

The matter of the application of Council's parking requirements was raised in the overview of this report. Parking in the CBD is critical to the long term development of the CBD and its future survival. It is considered equitable that the development should meet its code requirements.

Similarly the overview raises the issue of grade separation of pedestrians from the surface level car park from activities in the goods delivery area. Again despite the cost it is responsible to provide this separation from a pedestrian safety perspective there can be turning two way movement of heavy vehicles as well as reverse parking manoeuvres.

Recommendations 30 to 32 in Section 7 at the end of this report relate to this review element.

Other Matters

It will be noted that in the M L Consultants report that Figure 30 is repeated twice. and Figure 31 should read Intersection layout of Bultje Street with covered car park.

Recommendations

- (40) Prior to the issue of the Construction Certificate and to the satisfaction of Council, the applicant is to provide a traffic and parking management plan of Bultje Street that addresses the turning, through traffic, pedestrian conflict, provision for cyclists and on street parking management that shall incorporate such facilities as a median turn lane, mid-block pedestrian refuge, single east/west traffic and parking lanes and parallel parking detailing the proposed on-street parking restrictions to both sides of the carriageway.

It is noted that the traffic management as recommended will extend beyond the existing carriageway width (kerb to kerb). Road carriageway widening will be required on the Riviera Development side of Bultje Street to facilitate the proposed traffic management that may require a reduction of the building envelope in the airspace over the road reserve.

- (41) That all exits from the development onto Bultje Street are to be permanently open.
- (42) That the retail coffee business and its exit access not be provided at the location proposed.
- (43) In the event the retail coffee business proceeds as proposed the exit only access to the retail coffee business be restricted to "left turn only on exit".

MEMO

- (44) All articulated service vehicles are to enter the Bultje Street Service Vehicle Entry and Exit in an east bound direction west from the intersection of Bligh Street and return on the correct side of the carriageway in Bultje Street and Poplars Lane entry/exit and widened sufficiently to permit two articulated vehicles to pass simultaneously.
- (45) Prior to the issue of the Construction Certificate and the to satisfaction of Council the applicant is to provide a traffic, parking and pedestrian management plan of Bligh Street that provides separate turning and through traffic lanes to all access points, addressing safe intersection site distance requirements and the interaction with the intersection of Ian Drake Drive and the Service Road and surface level car park. Widening of Bligh Street will be required to accommodate the traffic management, cyclist and pedestrian activity to and from the development including access to the River corridor.
- (46) That in Bligh Street all articulated service vehicles are to enter the Bligh Street service vehicle entry and exit in a south bound direction from the intersection of the Newell Highway and return.
- (47) All articulated service vehicles are to enter and exit Bligh Street and the Service Road on the correct side of the carriageway where two way vehicle entry/exit within the Service Road can be simultaneously undertaken.
- (48) That the eastern kerb alignment of Bligh Street fronting the development is to be continued on an appropriate alignment through the intersection of Bultje Street with the existing kerb line on the northern side of Bultje Street.
- (49) Prior to the issue of the Construction Certificate a 1 in 20 year flood event traffic management plan is to be developed that incorporates the full operational aspects of the ingress and egress activity across the Macquarie Street footpath and includes the functionality of businesses, residential apartments and motel accommodation including the serviceability by vehicles of such operations, the time of operations and the need for 24 hour access. The Traffic control plan needs to complement pedestrian control and the existing or proposed parking and on road traffic facilities that will be provided as a consequence of the development.
- (50) That a mid block pedestrian facility be provided in Macquarie Street between Bultje Street and the Mitchell Highway. Prior to the issue of the Construction Certificate and to the satisfaction of Council a plan is to be provided for Council's consideration detailing a mid-block pedestrian facility that will only provide a single north and south bound carriageway in Macquarie Street. This will require carriageway narrowing and consideration of the conversion of the eastern carparking lane to angled parking whilst retaining an immediate two lane southbound approach to the Mitchell Highway traffic signals. A Sidra analysis is to be undertaken of the requirement for a pedestrian phase at this location and end of the subsequent storage required.

MEMO

- (51) In association with the mid block pedestrian facility in Macquarie Street between Bultje Street and Mitchell Highway, one angled disabled car parking space shall be provided on the western and eastern sides of Macquarie Street.
- (52) Prior to the issue of the Construction Certificate and to the satisfaction of Council the applicant is to provide a plan detailing the intersection management that incorporates a roundabout, pedestrian facilities and provides for cyclists movements.
- (53) Prior to the issue of the Construction Certificate the applicant is to provide a pedestrian footpath management plan of the Bultje, Bligh and Macquarie Street road frontages detailing driveway crossover treatments to all development accesses with the exception of the Poplars Lane access in Bultje Street and the western Service Road access in Bligh Street that will be an at surface level road access.
- (54) Poplars Lane is to be closed at its southern intersection with the surface level car park area and to be facilitated only as a service vehicle access between Bultje Street and Bligh Street.
- (55) A further assessment of traffic distribution is to be undertaken of the accesses to the development given the closure of Poplars Lane to the southernmost surface level car park and segregation of the eastern and western undercover car parking areas.
- (56) Prior to the release of the Construction Certificate and to the satisfaction of Council and the owners to properties 217-219 Macquarie Street details are to be provided of the outcomes of a legal right of way over the Bligh Street surface level carpark for access to the properties.
- (57) Prior to the release of the Construction Certificate and to the satisfaction of Council the applicant is to submit to Council details of the outcomes for use of Poplars Lane, in consideration of its status as a public road under lease from Council or potential purchase as part of the development title.
- (58) That in the event that grade separated pedestrian facilities are not approved at the intersection of Poplars Lane at its southern point with the east/west extension of the service road to Bligh Street a shared pedestrian zone is to be provided that incorporates a raised intersection platform and duly signposted in accordance with the Australian Standards for a shared pedestrian zone with the addition of yellow flashing lights warning service vehicle traffic of the pedestrian/traffic shared zone. Suitable pedestrian transition is required from the southern surface car park to the internal pedestrian shared zone. The pathway extension north along the western side of Poplars Lane to the travelators is to be widened to minimum 2.4 metres.

MEMO

- (59) That prior to the issue of the Construction Certificate and to the satisfaction of Council the applicant is to provide a traffic and parking management plan of Macquarie Street that takes into consideration the potential need for bus and taxi services to the development and the impacts of the emergency access requirements across the footpath and onto the carriageway including the provision of a mid block pedestrian facility and traffic lane reduction showing all the on street parking restrictions existing and proposed.
- (60) The applicant is to consult with the Bus and Taxi public transport providers on service ability to the Macquarie Street frontage or any other options that may be considered with confirmation from the Manager Dubbo Bus Lines that a full bus service can be provided to this section of Macquarie Street.
- (61) A no parking zone is to be provided on the southern side Bultje Street adjacent to the development to facilitate set down and pick up activities.
- (62) The access opening on the northern divider wall between western undercover car parking area and Truck Dock 3 is to be closed.
- (63) Prior to the issue of the Construction Certificate and the satisfaction of Council, the applicant is to provide a fully dimensioned and detailed traffic management plan of the car parking areas showing all regulatory traffic and advisory signage and line marking as proposed.
- (64) Within the western area of level 1 car park there is no disabled car parking spaces provided, additionally there is no public lift. Further information is required as to compliance with Australian Standards regarding accessibility from this car park including the use of the travelators.
- (65) The Truck Dock 4 and Garbage area located on the western side of Poplars Lane south of Bultje Street appears isolated with no means of access except by stairs from the upper floors of the development to these locations. Further details are required of the functionality and internal access to Truck Dock 4 and the delivery of garbage to this locality.
- (66) There is a one way traffic aisle within the eastern level 1 car parking area immediately adjacent the car cleaning/detail area that directs traffic into the car cleaning/detail operations. This area needs to be designated as two way with selected car clean/detail traffic only at the eastern end of that traffic aisle.
- (67) It is recommended should the retail coffee business be provided as proposed that the order speaker for the drive through coffee business be relocated to the western wall located on a separation/island with associated information with circulating aisle traffic on the right side of the north/south traffic aisle. Adequate signposting is to be provided in advance of the traffic aisle intersection and speaker location.

MEMO

- (68) That the western vehicular ramp between Levels 1 and 2 be reversed to be aligned to rise in a westbound direction
- (69) That the pedestrian movement across the goods delivery area is provided by grade separation in accordance with the code and standards applicable.
- (70) That Council require the developer to provide for car parking without discount in accordance with Councils code.
- (71) Disabled car parking spaces are to be provided along the northern boundary of the level surface car park adjacent intersection of Poplars Lane and the proposed pedestrian shared zone noting that exact arrangements are dependent on adoption of recommendations 30 and 31.

Dennis Valantine
Traffic Engineer

MEMO

SUBJECT: Proposed Development: Demolition, Earthworks, Commercial Premises, Shop-Top Housing, Serviced Apartments, Hotel or Motel Accommodation, Signage and Car Park
Premises: Lot 10 DP 475, Lot 12 DP 601633, Lot 3 DP 475, Lot 4 DP 475, Lot 5 DP 475, Lot 74 DP 736715, Lot 6 DP 475 No 1-11
Bultje Street, Dubbo
Applicant: Penrith Mega Homebase Pty Ltd

TO: Responsible Officer
FROM: EHSS
DATE: 29 June 2012
FILE: D2012-145 Part 1

I refer to the above application and submit the following comments.

- **Contamination Issues/SEPP 55**

The proposed site is currently listed on Council's register of potentially contaminated land. A Preliminary Site Investigation has been carried out by GHD Consulting P/L dated February 2012 which found that the site is contaminated and recommendations have been included in relation to remediation prior to any construction works commencing. The following comments are taken from the report.

6.1 Historical Data

6.1.1 Area 1 – Caravan Park

The caravan park site has been identified as a former service station with the identification of at least one UST in the enclosed garage area (western portion) of the administration/residential building. A filled in inspection pit was also noted in this area. The current status, size and contents of the UST are unknown. The site appears to have been used as a caravan park sometime between 1959 and 1971 and continuing to the present day.

6.1.2 Area 2 – Former Service Station

This site was formerly part of "The Rookery" Japanese Gardens and prior to 1952 developed and used as a car and tractor service station. The site has been used for various businesses including a service station, motor showroom/car dealership, fruit shop/mixed business, dress shop, pet shop, car rental business and take away food outlets (mobile seafood and café).

Three USTs are located in the eastern portion of the site with unknown age or products. The status of the tanks has not been confirmed but they are believed to have been abandoned in situ. Fuel bowsers were removed, however it is unclear whether the

MEMO

associated fuel lines were also removed. GHD is not aware of any validation works associated with removal of the fuel bowzers. There is a potential for inspection pits, sumps and hoists within the building. The potential for additional tanks in other portions of the area cannot be discounted.

6.1.3 Area 3 – Macquarie Street

The former hotel/motel site was developed in the 1970's and remained in the same configuration until it burned down and was demolished sometime between 1995 and the present day. The adjacent retail/commercial premises appear to have been developed sometime between 1959 and 1971 and then potentially redeveloped between 1980 and 1988.

The recommendations of the report in relation to remediation and reporting are formalised in the recommended conditions below.

- **Noise Pollution and Vibration**

An Acoustic Assessment Report dated 6 March 2012, has been prepared by The Acoustic Group, Report No 42.498.R1:ZSC.

This report found that new residential developments in the subject area will not comply with the Infrastructure SEPP guidelines for internal noise levels (ie. 35dB(A) for bedrooms and 40dB(A) for habitable rooms) unless the windows and doors are closed. This means that the air conditioning system will need to reticulate fresh air into each unit.

The Building Services report prepared by Marline Newcastle Pty Ltd states that a mixture of roof mounted package systems and split systems will be located and screened to maintain visual amenity and comply with Council acoustic requirements.

Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012 which states that all residential units can be provided with a reticulated air conditioning system to supply fresh air when all windows and doors are closed. Details will be provided at Construction Certificate stage. Standard conditions are recommended.

- **Air Pollution**

Air pollution impacts have not been addressed in the SEE and are likely on this fine alluvial during the construction stage but can be controlled by routine mitigation measures. Standard notation recommended.

Air pollution impacts during the remediation stage will be addressed in the Remedial Action Plan (RAP) that is required prior to any remediation. Conditions will be recommended in this regard.

Air pollution impacts on the roof top residential units from the exhaust vents at the retail level are possible. These vents will need to be sited and constructed in accordance with AS 1668. Condition recommended in this regard.

MEMO

- ***'Greenhouse' Gas Emissions/Radiation Emissions***

Greenhouse' Gas Emissions have not been addressed however standard industry practices appear to be proposed.

EME from the sub-station located in the northeast corner has not been addressed however it is unlikely the World Health Org. limit for general exposure to magnetic radiation (1000 milliGuass) will be exceeded given the relatively high maximum. The proposed development will include sensitive receivers however the short term accommodation will provide a buffer to the dwelling units. No further investigations are therefore considered necessary.

- ***Waterways/Stormwater Quality/Erosion and Sediment Control***

The proposed development has a relatively large footprint and extensive earthworks are proposed which will pose a significant potential threat of contamination to the Macquarie River located approx 200 metres to the west. Standard erosion and sediment control measures as proposed should however be adequate on this relatively flat site which should only be exposed for a short time during remediation and initial construction works.

Surface water from the proposed undercover carpark drains directly to the river via the existing stormwater system. Wastewater from the car cleaning/detailing area located at ground level will need to be treated and discharged to Councils sewer system similar to the wash-down water from the garbage storage room.

Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012 which states that tanks for recycling, settlement, etc have been added to the drawings of Level 1. Given that this is a technical issue and depends on specific finalised details a condition requiring the details to be submitted prior to the Construction Certificate being issued is recommended.

- ***Groundwater Vulnerability/Salinity***

Clause 7.5 of Dubbo Local Environmental Plan 2011 applies to this proposal as the land has been included on the Natural Resource – Groundwater Vulnerability Map with high and moderately high groundwater vulnerability.

Proposed development on this highly developed site which has been used for various commercial purposes for many years will not further impact on the quality or quantity of infiltration to groundwater. The proposed remediation will remove potential sources of soil and water contamination while existing rates of infiltration will be reduced by the reuse and discharge of stormwater.

The proposed development is therefore considered to be designed, sited and capable of being managed to avoid any significant adverse environmental impact.

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- ***Environmentally Sensitive Areas***

Clause 7.4 of the Dubbo Local Environmental Plan 2011 does not apply to this proposal as the land is not situated within 40 metres of a waterway and has not been included on the Natural Resource – Water Map showing environmentally sensitive areas.

- ***Native Vegetation Removal/Wildlife Habitats/Threatened Species/Biodiversity***

Clause 7.2 of the Dubbo Local Environmental Plan 2011 does not apply to this proposal as the land has not been included on the Natural Resource – Biodiversity Map showing areas of high and moderate biodiversity.

No impacts on any other native vegetation or fauna are likely on this mostly cleared and highly disturbed site which has been used for commercial and caravan park purposes for many years. Some minor groundcovers and landscape plantings will be removed.

- ***Aboriginal Archaeological***

The submitted SEE does not include any indigenous heritage surveys or any due diligence assessments.

Possible impacts on aboriginal archaeological sites by the proposed development have been addressed by referring to a search of the AHIMS database which found no aboriginal sites were listed within 200 metres of the development site. This approach would not be acceptable on undisturbed land.

However despite being located in a highly sensitive area no aboriginal sites are likely to be found on this fully developed and highly disturbed site. Standard condition recommended.

- ***Waste Generation and Disposal***

Some solid wastes will be produced after occupation and have been addressed in the SEE. The SEE has not however addressed solid wastes generated during demolition, remediation and construction works. Contaminated material is likely and will need to be assessed, classified and disposed of in an appropriate manner.

The standard condition is therefore recommended requiring a Waste Management Plan to be submitted to Council for approval prior to the Construction Certificate being issued.

- ***Public Health***

Any warm-water systems and air conditioning systems will need to comply with Public Health (Microbial Control) Regulation 2000. Standard condition recommended.

The swimming pool will need to comply with the Public Health (Swimming Pools and Spa Pools) Regulation 2000 particularly in regards to being continually disinfected with an automatic dosing system and the keeping of records.

Clause 22 of the Public Health (General) Regulation 2002 will apply to the Class 3

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residential units. This Clause states as follows:

22 Sleeping rooms

(1) The occupier of premises must not allow any room or cubicle within the premises to be used for the purposes of sleeping accommodation unless:

(a) the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case), or

(b) the room or cubicle has been exempted by the Minister under subclause (2) and complies with any conditions attached to the exemption, or

(c) the premises are private domestic premises.

Maximum penalty: 5 penalty units.

(2) The Minister may, by order in writing, exempt an occupier in relation to any room or cubicle from the requirements of subclause (1), either conditionally or unconditionally, if satisfied that the exemption will not result in any adverse effect on the health of persons sleeping in the room or cubicle.

(3) In this clause, a reference to long-term sleeping accommodation is a reference to accommodation that is in fact provided to the same person or persons for a period of more than 28 consecutive days, or that is the subject of an agreement for its provision to the same person or persons for a period of more than 28 consecutive days.

The bedrooms will be at least 16 square metres in area which will be sufficient on a long-term basis and for short-term visitors. The bedrooms will therefore comply with Public Health (General) Regulation 2002

Part 1 of Schedule 2 to the Local Government (General) Regulation 2005 (standards for places of shared accommodation) also applies to the Class 3 residential units and can be enforced by Council if necessary.

This regulation is discretionary and is normally enforced by Council on a reactionary basis in response to complaints. MEC has advised that this will continue for this premises so a notation is therefore recommended.

- ***Food Service***

The SEE states that a dining room will be provided for motel and serviced apartments guests however no area has been shown on the floor plans. Clarification is required as to whether the motel will be a Bed & Breakfast or will any room service, or any breakfast be offered to guests.

Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012 which states that Restaurant 3 is designed to cater for motel and serviced apartment guests, as well as for the general public.

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It is intended that there will also be a number of food premises located on Level 1 within the development, as well as proposing alfresco dining on the Bligh Street footpath. The service area for each of these food premises will be located on Level 1 and the food preparation on Level 3.

The letter also states that it is intended that the retail food shops on Level 1 will only sell food that can be prepared or stored in equipment that can be easily removed in time of flood. Food that needs to be prepared in permanently located equipment will be prepared in the Level 3 portion of the restaurants and transported down to Level 1 in the dumb waiters. Restaurant 3 is designed to cater for motel and serviced apartment guests, as well as for the general public.

Construction details for the food handling areas have not been provided which means that the first occupancy Development Applications for retail food premises will be required to demonstrate that it is feasible to comply with the NSW Food Regulations and the relevant Australian Standards prior to the Consent being issued.

- ***Other Environmental***

Any areas to be used for hairdressing or skin penetration procedures need to be fitted out in accordance with the minimum requirements of Schedule 2 under the Local Government (Order) Regulation, 1999 for Hairdressing Salons and the Public Health Regulations. This effectively means the provision of smooth impervious surfaces and the provision of a hand basin in the room and access to a washup sink. Inclusion of these requirements in a notation will be recommended.

SUMMARY OF ISSUES

The principal issues relevant to the proposed development are summarised as follows:

A Preliminary Site Investigation has been carried out by GHD Consulting P/L dated February 2012 which found that the site is contaminated and recommendations have been included in relation to remediation prior to any construction works commencing. The recommendations of the report in relation to remediation and reporting are formalised in the recommended conditions below.

The Acoustic Assessment Report found that new residential developments in the subject area will not comply with the Infrastructure SEPP guidelines for internal noise levels (ie. 35dB(A) for bedrooms and 40dB(A) for habitable rooms) unless the windows and doors are closed. This means that the air conditioning system will need to reticulate fresh air into each unit. Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012 which states that all residential units can be provided with a reticulated air conditioning system to supply fresh air when all windows and doors are closed. Details will be provided at Construction Certificate stage. Standard conditions are recommended.

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Air pollution impacts have not been addressed in the SEE and are likely on this fine alluvial during the construction stage but can be controlled by routine mitigation measures. Standard notation recommended. Air pollution impacts during the remediation stage will be addressed in the Remedial Action Plan (RAP) that is required prior to any remediation. Conditions will be recommended in this regard. Air pollution impacts on the roof top residential units from the exhaust vents at the retail level are possible. These vents will need to be sited and constructed in accordance with AS 1668. Condition recommended in this regard.

The submitted SEE does not include any indigenous heritage surveys or any due diligence assessments. However despite being located in a highly sensitive area no aboriginal sites are likely to be found on this fully developed and highly disturbed site. Standard condition recommended.

The SEE has not addressed solid wastes generated during demolition, remediation and construction works. Contaminated material is likely and will need to be assessed, classified and disposed of in an appropriate manner. The standard condition is therefore recommended requiring a Waste Management Plan to be submitted to Council for approval prior to the Construction Certificate being issued.

Surface water from the proposed undercover carpark drains directly to the river via the existing stormwater system. Wastewater from the car cleaning/detailing area located at ground level will need to be treated and discharged to Councils sewer system similar to the wash-down water from the garbage storage room. Further details have now been provided in the letter from Anthony Daintith Town Planning Pty Ltd dated 21 June 2012 which states that tanks for recycling, settlement, etc have been added to the drawings of Level 1. Given that this is a technical issue and depends on specific finalised details a condition requiring the details to be submitted prior to the Construction Certificate being issued is recommended.

Any warm-water systems and air conditioning systems will need to comply with Public Health (Microbial Control) Regulation 2000. Standard condition recommended.

The swimming pool will need to comply with the Public Health (Swimming Pools and Spa Pools) Regulation 2000 particularly in regards to being continually disinfected with an automatic dosing system and the keeping of records.

Part 1 of Schedule 2 to the Local Government (General) Regulation 2005 (standards for places of shared accommodation) also applies to the Class 3 residential units and can be enforced by Council if necessary. This regulation is discretionary and is normally enforced by Council on a reactionary basis in response to complaints. MEC has advised that this will continue for this premises so a notation is therefore recommended.

Construction details for the food handling areas have not been provided which means that the first occupancy Development Applications for retail food premises will be required to demonstrate that it is feasible to comply with the NSW Food Regulations and the relevant Australian Standards prior to the Consent being issued.

Any areas to be used for hairdressing or skin penetration procedures need to be fitted out in accordance with the minimum requirements of Schedule 2 under the Local Government (Order) Regulation, 1999 for Hairdressing Salons and the Public Health Regulations.

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Inclusion of these requirements in a notation will be recommended.

RECOMMENDATION

Should the determination of the Development Unit on the subject application be a recommendation for approval, the following conditions and notations are submitted for imposition on the consent:

Related Files: *

CONDITIONS:

- (1) The demolition of the existing building is required to be undertaken in conformity with AS 2601-1991. A requirement of clause 1.7.1 of such standard is that the applicant and/or its contractor must prepare a Work Plan and submit such plan to Council prior to any demolition work commencing.
In particular, such Work Plan must include proposed measures to address dust generation; protection of the public; assessment, removal and disposal of hazardous materials and conditions (especially asbestos sheeting, lead-based paint and any organochlorine contaminated soil); noise control and protection of Council's services (including the capping of proposed abandoned sewer junction connections).
{Reason: Council requirement to prevent environmental contamination and creation of public nuisances arising from demolition works}
- (2) Prior to any demolition works commencing the following matters/works must be undertaken and completed:
 - (a) The town water supply to the premises is to be disconnected. Note: If the water meter is to be removed it must be undertaken only by Council officers. Contact should be made with Council's Technical Services Division to arrange a meter's removal;
 - (b) The electricity supply is to be disconnected to the satisfaction of Essential Energy; and
 - (c) The erection and maintenance of a suitable fence, to prevent public access to the site and/or building.
{Reason: Council requirement to protect public utilities and the public}
- (3) Remediation and validation of the contamination status of the soil at the subject premises shall be undertaken after the demolition is completed and prior to construction of the new building commencing. Such remediation and validation shall be undertaken in accordance with State Environmental Planning Policy 55 (SEPP55) and any applicable Environment Protection Authority (EPA) guidelines, taking into consideration the due risk of exposure to

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contaminants. Upon completion of the remediation and prior to any construction works commencing, a Validation Report or Site Audit Statement shall be submitted to Council for approval, certifying the contamination status of the land and include a clear statement from the appropriately qualified contaminated land consultant or Accredited Site Auditor that the site is suitable for its intended residential use.

{Reason: Council requirement for protection of the environment }

- (4) Prior to any remedial work being commenced, a suitable Remedial Action Plan(RAP) shall be prepared in accordance with State Environmental Planning Policy 55 (SEPP55) and any applicable Environment Protection Authority (EPA) guidelines, taking into consideration the due risk of exposure to contaminants. Such plan shall be prepared in accordance with the recommendations made in the report titled “*Dubbo Mega Homebase Project- Phase 1 Preliminary Site Investigation*” prepared by GHD Pty Ltd dated February 2012. A copy of the RAP shall be submitted to and approved by Council prior to commencement of any remediation works.

{Reason: Council requirement to prevent the contamination of the environment }

- (5) Noise from the development ($L_{A10}/L_{eq,T}$) shall not exceed the background (L_{A90}) by more than 5 dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.(Please note that occupants of the proposed apartments may in certain circumstances be considered as the most affected residents when assessing the impacts of the proposed shopping centre.)

{Reason: Council requirement to prevent the generation of a noise nuisance}

- (6) **Prior to any Construction Certificate being issued** certification for the proposed mechanical ventilation and exhaust systems demonstrating compliance with AS 1668 Parts 1 & 2 shall be submitted to and approved by Council. Such certification shall be prepared by an appropriately qualified person.

Under the Infrastructure SEPP requirements the apartments will require mechanical ventilation to the sleeping areas so as to permit the doors and windows associated with sleeping areas to be closed to comply with internal noise requirements.

Noise mitigation measures may also be required for the mechanical plant under the noise provisions of the Protection of the Environment Operations Act 1997.

{Reason: Council requirement to prevent the pollution of the local environment }

- (7) Construction work shall only be carried out within the following time:

Monday to Friday:	7.00 am to 6.00 pm
Saturday:	7.00 am to 1.00 pm if inaudible on residential premises otherwise 8.00 am to 1.00 pm

Sunday and Public Holidays: No construction work permitted

The above restrictions will be subject to review and variation by Council upon assessment of the level of annoyance that may arise.

{Reason: Council requirement to reduce likelihood of noise nuisance}

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- (8) No surface water from the proposed car cleaning and detailing area on Level 1 shall drain to the stormwater system. All wash down water from the proposed car cleaning and detailing business shall be treated and either reused or pumped to Council's sewer in accordance with the Trade Waste approval. Construction details for the proposed recycling and effluent disposal system shall be submitted to and approved by Council **prior to the Construction Certificate being issued.**
{Reason: Council requirement to prevent the pollution of the local environment }
- (9) No surface water from the proposed garbage storage room on Level 1 shall drain to the stormwater system. All wash-down water from the proposed garbage storage room shall be pumped to Council's sewer in accordance with a Trade Waste approval. Construction and drainage details for the proposed garbage storage room shall be submitted to and approved by Council **prior to the Construction Certificate being issued.**
{Reason: Council requirement to prevent the pollution of the local environment }
- (10) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage(OEH) shall be notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
{Reason: Council and statutory requirement to protect Aboriginal heritage}
- (11) Prior to the commencement of the development the applicant shall prepare and submit to Council for approval a Waste Management Plan. Such Plan shall be approved by Council prior to commencement of the development and shall include, but not be limited to, the following:
- (a) Assessment of types of waste;
 - (b) Classification of each type of waste;
 - (c) Volume of each type of waste;
 - (d) Management and storage of waste onsite:
 - Method of waste disposal and disposal sites;
 - Method of waste transport and disposal sites; and
 - (e) Record keeping.
- {Reason: Council requirement to require compliance with the POEO Act}
- (12) Prior to occupation of the proposed development, copies of all weighbridge or receipt dockets from the licensed Waste Disposal Depot shall be provided to Council.
{Reason: Council requirement to require compliance with the POEO Act}
- (13) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Environmental Protection Authority Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes*. Whilst recycling and reuse are preferable to landfill disposal, all disposal

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options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.

{Reason: Council requirement to require compliance with the POEO Act}

- (14) Any proposed air handling systems, hot-water systems (>60°C), warm-water systems (20°C-60°C), or water-cooling system proposed to be installed in the subject building, shall be installed, operated and maintained in accordance with the requirements of the Public Health (Microbial Control) Regulation 2000.
{Reason: Statutory requirement of Public Health Act}
- (15) Proposed swimming pool used by the public shall be continuously disinfected in accordance with the NSW Health Department's guidelines for Disinfecting Public Swimming Pools and Spa Pools. Water in all pools shall be tested at least every four hours when the pools are in use and all results recorded in a log book kept onsite.
{Reason: To preserve and protect human health and comply with Public Health Regulations 1991}
- (16) Should the building contain a water-cooling system or warm-water system (20°C-60°C), the system must be registered with Council's Environmental Services Division within one month of the building's completion.
{Reason: Statutory requirement of Public Health Act}

NOTES:

- (1) Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
- (2) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development. Please note that occupants of the proposed apartments may in certain circumstances be considered as the most affected residents when assessing the impacts of the proposed shopping centre.
- (3) Please note that first occupancy Development Applications for retail food premises will be required to demonstrate that it is feasible to comply with the NSW Food Regulations and the relevant Australian Standards prior to the Consent being issued.
- (4) Please note that those portions of buildings used for the manufacturing, preparing, storing or handling of food need to be constructed and operated in accordance with the requirements of Food Act 2003, Food Regulations 2010 and the Food Safety Standards.
- (5) It should be noted that drop-in panel ceilings in food preparation areas do not comply with the food regulations and it is recommended that the developer discuss the construction standards and materials of the food preparation areas with Council's Environmental Services Division prior to fit-out commencing.

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- (6) Please note that exhaust air discharges from retail food premises located in the Level 3 Food Court will need to comply with Australian Standards AS 1668 Parts 1 & 2 and may in some instances need to discharge above Level 8 roof top.

- (7) *EXTRACT OF:*

PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005

CLAUSE 42 - SPECIAL REQUIREMENTS RELATING TO ASBESTOS WASTE

- (1) *This clause applies to any activity that involves the transportation, disposal, re-use or recycling of any type of asbestos waste, regardless of whether the activity is required to be licensed.*
- (2) *A person who carries on an activity to which this clause applies must comply with the requirements specified in this clause in relation to the activity concerned.
Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.*
- (3) *The requirements relating to the transportation of asbestos waste are as follows:*
 - (a) *bonded asbestos material must be securely packaged at all times,*
 - (b) *friable asbestos material must be kept in a sealed container,*
 - (c) *asbestos-contaminated soils must be wetted down,*
 - (d) *all asbestos waste must be transported in a covered, leak-proof vehicle.*
- (4) *The requirements relating to the off site disposal of asbestos waste are as follows:*
 - (a) *asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste,*
 - (b) *when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos,*
 - (c) *when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust,*
 - (d) *asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence:*
 - (i) *initially (at the time of disposal), to a depth of at least 0.15 metre, and*
 - (ii) *at the end of each day's operation, to a depth of at least 0.5 metre, and*
 - (iii) *finally, to a depth of at least 1 metre (in the case of bonded asbestos waste or asbestos-contaminated soils) or 3 metres (in*

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the case of friable asbestos material) beneath the final land surface of the landfill site.

- (5) *A person must not cause or permit asbestos waste in any form to be re-used or recycled.*
- (6) *In this clause:*
***bonded asbestos material** means any material (other than friable asbestos material) that contains asbestos.*
***friable asbestos material** means any material that contains asbestos and is in the form of a powder or can be crumbled, pulverised or reduced to powder by hand pressure when dry.*
- (8) Please note that the swimming pool will need to comply with the Public Health Act 2010 and the Public Health (Swimming Pools and Spa Pools) Regulation 2000 particularly in regards to being continually disinfected with an automatic dosing system and the keeping of records. Regular inspections will be carried out by Council Officers in this regard.
- (9) The applicant is advised that Part 1 of Schedule 2 to the Local Government (General) Regulation 2005 (standards for places of shared accommodation) applies to the extensions and can be enforced by Council if necessary.
- (10) Please note that any areas to be used for hairdressing or skin penetration procedures need to be fitted out in accordance with the minimum requirements of Schedule 2 under the Local Government (Order) Regulation, 1999 for Hairdressing Salons and the Public Health Regulations.
- (11) Please note that consideration of this application involved no assessment of compliance with the provisions of the Smoke-free Environment Act and the applicant is advised to obtain their own expert advice in this respect.
 Regulatory responsibility for the Smoke-free Environment Act 2000 and the Smoke-free Environment Amendment (Enclosed Places) Regulation 2006 lies with NSW Health and its associated enforcement officers situated in Public Health Units throughout NSW.

Ray Doyle
EHSS