

CONDITIONS

- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans (as amended in red) detailed as follows except where modified by any of the following conditions:

Title/Plan No.: COVER PAGE / DA000
Issue/Dated: C / 2018.08.24
Drawn by: PBD ARCHITECTS

Title/Plan No.: DEMOLITION PLAN / DA003
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: BASIX Commitments / DA004
Issue/Dated: C / 2018.10.22
Drawn by: PBD ARCHITECTS

Title/Plan No.: LOWER GROUND FLOOR PLAN / DA100
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: MEZZANINE FLOOR PLAN / DA101
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: GROUND FLOOR PLAN / DA102
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: LEVEL 1 PLAN CARPARK / DA103
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: LEVEL 2 PLAN SERVICED APARTMENTS & FACILITIES / DA104
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: LEVEL 3 - 6 PLAN SERVICED APARTMENTS / DA105
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: LEVEL 7 - 10 PLAN RESIDENTIAL / DA106
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: LEVEL 11 PLAN RESIDENTIAL & COMMUNAL OPEN SPACE / DA107

Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: LEVEL 12 – 13 PLAN RESIDENTIAL / DA108
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: ROOF PLAN / DA109
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: NORTH ELEVATION (Church Street) / DA200
Issue/Dated: B / 2018.07.13
Drawn by: PBD ARCHITECTS

Title/Plan No.: WEST ELEVATION (Bligh Street) / DA201
Issue/Dated: B / 2018.07.13
Drawn by: PBD ARCHITECTS

Title/Plan No.: SOUTH ELEVATION / DA202
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: EAST ELEVATION / DA203
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: SECTION A / DA300
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: SECTION B / DA301
Issue/Dated: B / 2018.07.13
Drawn by: PBD ARCHITECTS

Title/Plan No.: MATERIAL SCHEDULE NORTH ELEVATION / DA400
Issue/Dated: B / 2018.07.13
Drawn by: PBD ARCHITECTS

Title/Plan No.: MATERIAL SCHEDULE WEST ELEVATION / DA401
Issue/Dated: B / 2018.07.13
Drawn by: PBD ARCHITECTS

Title/Plan No.: MATERIAL SCHEDULE SOUTH ELEVATION / DA402
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: MATERIAL SCHEDULE EAST ELEVATION / DA403
Issue/Dated: C / 2018.08.23
Drawn by: PBD ARCHITECTS

Title/Plan No.: ADAPTABLE UNIT TYPE A RESIDENTIAL UNIT 702, 802 / DA700
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: ADAPTABLE UNIT TYPE B RESIDENTIAL UNIT 706, 806, 906, 1006 /
DA701
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: ADAPTABLE UNIT TYPE C SERVICED APARTMENT UNIT 302, 402, 502,
602 / DA702
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: ADAPTABLE UNIT TYPE D SERVICED APARTMENT UNIT 309, 409, 509,
609 / DA703
Issue/Dated: B / 2018.07.16
Drawn by: PBD ARCHITECTS

Title/Plan No.: STRATUM SUBDIVISION OR LOT 22 / Sheets 1 to 7
Surveyor's Ref: 117187.04B.SP
Drawn by: WARREN R. SAUNDERS

Title/Plan No.: STRATUM SUBDIVISION OF LOT 1 / Sheets 1 to 7
Surveyor's Ref: 117187.08B.SP
Drawn by: WARREN R. SAUNDERS

Title/Plan No.: STRATA SUBDIVISION OF LOT 2 / Sheets 1 to 9
Surveyor's Ref: 117187.06B.SP
Drawn by: WARREN R. SAUNDERS

Title/Plan No.: STRATA SUBDIVISION OF LOT 4 / Sheets 1 to 10
Surveyor's Ref: 117187.07B.SP
Drawn by: WARREN R. SAUNDERS

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

- (2) Carspaces R28 and R29 as shown on LEVEL 1 PLAN CARPARK, DA103 Issue C dated 2018.08.23, are positioned in a stacked arrangement and as such the two (2) spaces shall be designated to a three (3) bedroom shoptop housing apartment.
{Reason: To ensure the orderly allocation of parking}
- (3) The Sewerage Services headworks contribution of \$372,911.30 (65.26 ETs), calculated on an equivalent tenement (ET) basis, 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, shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first.

Such contribution rate per ET lot 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 2018/2019 financial year rate is \$5,714.24 per ET.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Occupation Certificate or Subdivision Certificate application.

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

- (4) The Water Supply headworks contribution of \$247,086.33 (43.24 ETs), calculated on an equivalent tenement (ET) basis, 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 shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first.

Such contribution rate per ET 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 2018/2019 financial year rate is \$5,714.30 per ET.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Occupation Certificate or Subdivision Certificate application.

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

- (5) The contribution by the developer of the sum of \$187,711.81 (134.6 persons) in accordance with Council's Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities – 2016-2026. Such contribution shall be paid to Council prior to the issue of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first.

Such contribution rate per ET is adjusted annually in accordance with Section 2.17 of the Contributions Plan becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$1,394.59 per person given the location of the development in the Central (south) planning unit.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Occupation Certificate or Subdivision Certificate application.

{Reason: Implementation of Council's Section 94 Development Contributions Plan for Dubbo Open Space and Recreation Facilities – 2016-2026}

- (6) The Urban Roads headworks contribution of \$199,046.60 (425.5 trips), calculated on a residential and commercial development land use basis, in accordance with Council's adopted amended Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first.

Such contribution rate, trip, is adjusted annually in accordance with Section 6.0 of the Section 7.11 Contributions Plan becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$600.35 (per residential trip) and \$401.40 (per commercial trip). The residential component generates 142 trips and the commercial component generates 283.5 trips.

Note 2: As the above contribution rate is reviewed annually, the current contribution rate is to be confirmed prior to payment.

Note 3: Should an applicant seek to utilise a bank guarantee or bond that has been agreed to by Council's Infrastructure and Operations Division, such shall be provided with the lodgement of the Occupation Certificate or Subdivision Certificate application.

{Reason: Implementation of Council's Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}

- (7) The Urban Roads headworks contribution of \$1,241,740.00 (47 spaces), calculated on the amount of carparking spaces not provided with the development, in accordance with Council's adopted amended Section 7.11 Contributions Plan - Roads, Traffic Management and Car Parking, operational 3 March 2016, shall be paid by the developer on the submission of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first.

Such contribution rate, trip, is adjusted annually in accordance with Section 6.0 of the Section 7.11 Contributions Plan becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2018/2019 financial year rate is \$26,420.00 (per carparking space).

Note 2: 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 7.11 Contributions Plan - Roads, Traffic Management and Car Parking dated 2016}

- (8) The development shall be landscaped generally in accordance with the Statement of Environmental Effects and stamped approved plans (as amended in red) detailed as follows except where modified by any of the following conditions:

Title/Plan No.: PROPOSED LANDSCAPE PLAN – COVER SHEET / L/00

Issue/Dated: B / 28/08/18

Drawn by: A Total Concept Landscape Architects

Title/Plan No.: PROPOSED LANDSCAPE PLAN – LOWER GROUND / L/01

Issue/Dated: A / 13/12/17

Drawn by: A Total Concept Landscape Architects

Title/Plan No.: PROPOSED LANDSCAPE PLAN – GROUND LEVEL / L/02

Issue/Dated: A / 13/12/17

Drawn by: A Total Concept Landscape Architects

Title/Plan No.: PROPOSED LANDSCAPE PLAN – LEVEL 2 / L/04

Issue/Dated: A / 13/12/17

Drawn by: A Total Concept Landscape Architects

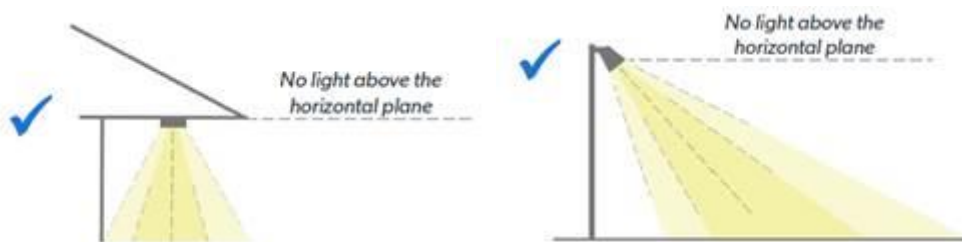
Title/Plan No.: PROPOSED LANDSCAPE PLAN – LEVEL 11 / L/05

Issue/Dated: B / 28/08/18

Drawn by: A Total Concept Landscape Architects

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

- (9) Any external light fittings for the subject development shall be shielded. This will include the facilities area proposed for Level 2 and the communal open space for Level 11. The shielded outside light fittings should also be automatic light fittings, where appropriate.



automatic light fitting means a light fitting that is activated by a sensor and switches off automatically after a period of time.

horizontal plane, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

outside light fitting means a light fitting that is attached or fixed outside, including on the exterior of a building.

shielded light fitting means a light fitting that does not permit light to shine above the horizontal plane.

{Reason: To limit light pollution and sky glow and to protect observation conditions at the Siding Spring Observatory}

- (10) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.

{Reason: Statutory and Council requirement}

- (11) The marking and signage to the disabled car park spaces shall be maintained in a trafficable and legible condition to the requirements of AS/NZS 2890.6. Such parking spaces shall have a continuous accessible path of travel provided between them and the passenger lifts servicing each floor of the building.

{Reason: Council requirement in consideration of section 4.15 of the EP&A Act and the DDA 1992}

- (12) The Applicant must forward to the Certifying Authority with the Construction Certificate application, specifications, drawings and hydraulic design calculations of the proposed fire hydrant and hose reel 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 assembly, 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;
 - (ii) Residual outlet pressure achieved during the simultaneous operation of the required number of most disadvantaged hydrants as stipulated under AS 2419.1;
 - (iii) 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 of at least 10, 20 and 30 l/s; and

- (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 assembly, the required notices, markings and system block plan stipulated by AS 2419.1. In particular, a diagrammatic representation of the proposed system block plan is to be provided, together with the system's stated designed working pressure.

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

- (13) The applicant must forward to the Certifying Authority with the Construction Certificate application, a detailed design of the development's and building's proposed stormwater drainage system, which shall include hydraulic design calculations, surface and invert levels, pipe sizes and grades. Such details shall form part of the building's Construction Certificate.

Such design must also facilitate the cleaning and disposal of accumulated sediment and impounded floodwaters from the Lower Ground floor and Mezzanine floor carpark levels following inundation by a flood event having a magnitude of up to the 1% AEP (i.e. RL 262.5m AHD).

In conjunction with the preparation with the above stormwater design as well as the building's architectural plans, the driveway entry from Bligh Street into the Lower Ground Floor Level, must be provided with a crest level of at least 200mm above the street kerb level (approximately 257.4m AHD) at the building's alignment, to reduce the frequency of stormwater entry from the road.

{Reason: Council requirements to demonstrate compliance with the BCA; provision of an adequate means of disposal of floodwater and sediment; and limit stormwater entry}

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

{Reason: Council requirement to preserve public hygiene}

- (15) Separate approval is required to be obtained from Council (as the relevant Roads Authority) if it is proposed to erect a hoarding upon Council's footpath. Enquiries in this regard should be directed to Council's Infrastructure and Operations Division.

{Reason: Statutory requirement of s138 Roads Act 1993}

- (16) The Applicant must comply with the following:

- (a) The Applicant/proponent must at its own expense:
 - (i) Prior to work commencing, engage suitably experienced contractor/s to carry out an inspection of the adjoining premises and prepare and submit to Council a 'dilapidation report' documenting the current condition of all buildings on each parcel adjoining No: 1 Church Street; and
 - (ii) Preserve and protect the adjoining buildings from damage during the excavation and demolition work; and

- (iii) If necessary, underpin and support the building(s) in an approved engineered manner in accordance with industry standards; and
- (b) The applicant must give the owners of the 'adjoining premises, at least fourteen (14) days written notice of the need for his representative/contractor to inspect the premises in order to prepare the 'dilapidation report' required above, before demolition or excavation work begins; and
- (c) Should an owner of an adjoining premises refuse access or fail to respond within the aforementioned timeframe, the contractor may proceed with the excavation works without further notice; and
- (d) The applicant and contractor must, at least seven (7) days before excavating below the level of the base of the footings of any building on the adjoining allotment(s), give notice of intention to do so to the owner of such adjoining allotment and furnish particulars to the owner of the proposed work; and
- (e) Within fourteen (14) days of the completion of the demolition, excavation and retaining wall construction work, the contractor who carried out the initial inspection and prepared the 'dilapidation report' shall carry out a re-inspection of each adjoining premises (if a report was prepared) to determine any changes in the condition of the premises that may be attributed to the demolition and excavation/retaining wall construction work.

{Reason: To ensure support is maintained to neighbouring buildings and any detrimental effects of the approved works are able to be identified by comparison to a pre-development report}

- (17) A hoarding, barricade or fence shall be erected between the demolition/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.

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

- (18) The sanitary, water plumbing and drainage 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.

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 must be submitted to Council's Planning and Environment Division prior to such works commencing.

{Reason: Statutory requirement of Local Government Act 1993}

- (19) All sanitary plumbing and drainage and water plumbing work shall be carried out by a licensed plumber and drainer.

{Reason: Statutory requirement of Section 634 Local Government Act 1993}

- (20) 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. Such survey certificate shall also provide the finished floor levels of the lower and upper car park floors and the ground retail/commercial floor, relative to Australian Height Datum.

{Reason: To ensure setbacks/clearances have been achieved as approved in the development consent}

- (21) Council's footpath and adjoining car park and pedestrian access ways shall be kept free of all refuse, building materials and unnecessary traffic and disturbance. Any unauthorised material found upon Council's footpath or land may be impounded or removed without notice. Any proposed occupation of footpath and adjoining Council land must be approved by Council and/or be the subject of a Section 138 approval under the Roads Act.

{Reason: Council requirement as the relevant road authority and land owner}

- (22) The top of the building's overflow (relief) gully shall be a minimum 150 mm below the building's lowest sanitary fixture.

The building's overflow (relief) gully shall also:

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
- (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area; and
- (c) A minimum 150mm above the 1% AEP flood event level of RL 262.5 m AHD.

{Reason: Statutory requirement}

- (23) 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 quote Council's reference number **D2017-671 Part 1**.

Advanced notification for an inspection should be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Planning and Environment Division on 6801 4612.

- Internal and external sanitary plumbing and drainage including stackwork, under hydraulic test.
- Water plumbing, 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 delegated Regulatory Authority & water supply operator}

- (24) The hot water delivered to the outlets of all hand-basins, baths and showers shall not exceed 50°C, whilst similar ambulant and disabled fixtures shall not exceed 45° C.
{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}
- (25) All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard the licensee is required to submit to Council a Certificate of Compliance for the subject stormwater work within two days of completion.
{Reason: Statutory and Council requirement}
- (26) The applicant shall ensure that the responsible builder or contractor submits to Council, if Council is engaged to act as the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the building have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.
{Reason: To demonstrate the provision of an adequate moisture proofing system}
- (27) The building or part thereof shall not be occupied or used until the Principal Certifying Authority (PCA) has first issued an Occupation Certificate.
{Reason: Statutory requirement to ensure the building or is fit for occupation}
- (28) 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}
- (29) 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}
- (30) 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}

- (31) 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.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

- (32) Prior to the issuing of an Occupation Certificate for the Class 2 portions of the building, documentary evidence is to be provided to the Principal Certifying Authority (PCA) identifying that the commitments set out in the approved BASIX Certificate have been satisfied.

{Reason: To fulfil the statutory requirement of Environmental Planning and Assessment Regulation 2000}

- (33) If Council is engaged to act as the Principal Certifying Authority (PCA), the applicant shall ensure that the responsible builder and/or applicable contractors submit to Council documentary evidence identifying and confirming that their respective work was undertaken in conformity with the relevant Section J provisions of the BCA, as approved under the Construction Certificate. Such documentation must be provided prior to issue of the building's Occupation Certificate.

{Reason: To satisfy Council as the PCA that the applicable work has been undertaken in conformity with the BCA}

- (34) A Flood Management Plan shall be developed for the subject development prior to any Occupation Certificate being issued for the Lower Ground floor and Mezzanine floor car park levels and the Ground Floor commercial/car park level of the development (if staged construction), a copy of which shall be submitted to Council.

Prior to any Occupation Certificate being issued for any of the residential accommodation floor levels, a comprehensive Flood Management Plan (incorporating any initial plan provisions for the car park and retail levels) shall have been prepared and a copy submitted to Council.

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

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. Identify the maximum height and level to which

evacuation must be commenced to affect evacuation of the building before evacuation routes are cut by flood waters. References to flood warning heights to activate preparedness activities, evacuation commencement and completion need to be stipulated in both qualitative and quantitative terms, as provided by the Bureau of Meteorology's (BoM) flood warning service;

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 and residents operating in the car park levels;

Responsibilities – list responsibilities for various actions;

Preliminary Actions/Deployments – detail actions required to be implemented, resources to be notified, placed on stand-by, marshaled 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 and other occupants;

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 appropriate flood management planning is instigated to prevent occupants being trapped by floodwaters, minimise flood damage and facilitate earlier reoccupation}

- (35) The subject building shall be evacuated of all tenants, residents and occupants prior to the building's highest evacuation point (i.e. the Church Street vehicular crossing) being inundated by flood waters. As a consequence, the required Flood Management Plan must specify-

- (a) the actual or estimated height at which pedestrian access by that evacuation route becomes untenable, including relating such height to the Dubbo Pump Station;
- (b) the minimum time required to effect the complete evacuation of the building, including relating such height to the Dubbo Pump Station; as well as a factor of safety; and
- (c) the actual or estimated height at which evacuation must be instigated, related to the aforementioned evacuation time with a factor of safety, to effect evacuation of the building before the evacuation route becomes untenable.

{Reason: Council requirement to ensure that occupants of the subject building are not trapped by floodwaters and have to be subsequently rescued by emergency services, risking the lives of such personnel and the occupants}

- (36) All electrical and mechanical equipment such as main power supply, heating/air conditioning units and the like, where practicable, shall be located above the Flood Planning Level, which for this site is RL 263.0 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 Flood Prone-land Policy (refer to Table 10 of Appendix F in the Floodplain Development Manual 1986).

{Reason: Council requirement having regard to Council's Flood-prone Land Policy to minimise property damage}

- (37) The structural details of the proposed 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 applicable Construction Certificate.

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

- (38) All utilities, services and infrastructure necessary to maintain and permit the continued safe and healthy occupation and operation of the development's retail/commercial and residential storey levels, shall be located above and/or flood-proofed to at least the Flood Planning Level, which for this site is RL 263.0 m AHD, unless otherwise permitted under this condition. Services associated with the Lower Ground floor and Mezzanine floor car park levels 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.

As occupation of the subject building cannot be achieved up to the 1% AEP flood event level of 262.5m AHD due to an inability to sustain appropriate building services, safe and healthy conditions and evacuation measures up to that height, then the lowest height to which they can be maintained must be specified in the Flood Management Plan required by separate condition on this consent. Under these circumstances, the subject services must be flood-proofed and if not otherwise practicable to do so, be flood compatible to a height of 500mm above the level at which the building is required to have been evacuated and cleared of all occupants.

Prior to any Occupation Certificate being issued for the building's three lowest floor levels (i.e. Lower Ground, Mezzanine and Ground), 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}

- (39) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during earthmoving/construction works, the applicant and contractor shall ensure the appropriate Regulatory Authority (eg EPA, WorkCover Authority, Council, NSW Fire Brigade etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. (Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste).

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

- (40) Noise from the development (L_{Aeq}) shall not exceed the background (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residential premises.

{Reason: Council requirement to prevent the generation of a noise nuisance}

- (41) Prior to any Construction Certificate being issued by any Principal Certifying Authority a plant noise emission assessment demonstrating that the proposed mechanical services plant and equipment will comply with the Protection of the Environment Operations Act shall be submitted and approved by Council. It is noted that acoustic treatments could include acoustic barriers, lined ducting and attenuators on any intake or discharge louvers or openings, variable speed controllers and the like.

{Reason: Council requirement to require compliance with the POEO Act}

- (42) Prior to any Construction Certificate being issued by any Principal Certifying Authority, details showing the construction of the proposed glazing elements, operable frames and acoustic seals to control external noise ingress as recommended by the Noise Impact Assessment prepared by Acoustic Logic (dated 14 December 2017) shall be submitted to and approved by Council.

In addition to complying with the minimum scheduled glazing thickness, the STC rating of the glazing fitted into openable frames and fixed into the building opening shall not be lower than the values recommended in the assessment. Where nominated, this will require the use of acoustic seals around the full perimeter of openable frames and the frame will need to be sealed into the building opening using a flexible sealant. It should be noted that mohair seals in windows and doors are not acceptable where acoustic seals are required.

Note: It may be necessary to provide alternative ventilation so that external windows and doors can be kept closed. In this way the indoor noise goals can be met while providing room ventilation that meets the Building Code of Australia. Any mechanical ventilation system that is installed should be acoustically designed such that acoustic performance of the recommended construction methods are not reduced by any duct or pipe penetrating the building fabric elements. Noise emission to the adjacent property boundaries by any ventilation system shall not create offensive noise.

The site is located in close proximity to a hotel that may generate elevated noise, especially late at night. Therefore, the use of double glazing or similar mitigation measures to habitable rooms may assist towards improving residents comfort and amenity.

(Reason: Council requirement to require compliance with the POEO Act)

(43) Prior to the release of any Construction Certificate the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to Council for assessment and approval. The CEMP shall detail acceptable methods for the adequate control and management of the following:

- Noise impacts – Detailing the implementation of noise mitigation measures to minimise noise and to limit the impact on adjoining development.
- Dust Suppression and Mitigation – Detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site.
- Erosion and Sedimentation Control Plan – Detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with demolition and construction activities.
- Waste Management Plan – Detailing the reuse or disposal of solid and liquid wastes to update the expected quantities of wastes likely to be created and where these wastes will be taken for appropriate disposal.

The CEMP shall be approved by Council prior to any works being commenced and shall be implemented at all times during the operation of this consent.

{Reason: Council requirement to ensure the amenity of the locality is protected}

- (44) 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}

- (45) The applicant shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere at the demolition site and from vehicles transporting material off-site.

{Reason: Council requirement to prevent dust nuisance and contravention of the POEO Act}

- (46) The demolition contractor shall be given a copy of Council's conditions of development consent.

{Reason: To facilitate compliance with Council's Approval by the demolition contractor}

- (47) 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) 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}

- (48) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority's 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, 1997.

{Reason: Council requirement to require compliance with the POEO Act, 1997}

- (49) Prior to occupation of the building or part thereof, 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}

- (50) Plans detailing the construction and fit-out of the food preparation areas shall be submitted and approved by Council prior to the relevant Construction Certificate being issued.

{Reason: To ascertain compliance with Food Act requirements}

- (51) Those portions of the building proposed to be used for the manufacturing, preparing, storing or handling of food shall be constructed and operated in accordance with the requirements of Food Act 2003, Food Regulations 2015 and the relevant Standards. At completion of all works, the premise occupier shall notify Council and a satisfactory inspection shall be completed by an Authorised Officer of Council.

{Reason: Statutory requirement of the Food Act, 2003}

- (52) All walls, floors, ceilings, shelves, fittings and furniture in the food preparation area shall be constructed of material that is durable, impervious and capable of being easily cleaned.

{Reason: Council requirement to achieve compliance with food safety standards}

- (53) Mechanical exhaust ventilation conforming to the Building Code of Australia (BCA) is to be provided to the food preparation cooking area. Such exhaust ventilation system shall discharge above roof level in accordance with AS 1668 Parts 1 and 2.

Details demonstrating compliance with AS 1668 Parts 1 and 2 are to be submitted to Council prior to the relevant Construction Certificate being issued by the Certifying Authority.

{Reason: Council requirement to prevent odour nuisance and ensure compliance with the POEO Act}

- (54) Prior to the issue of the relevant Occupation Certificate, the applicant must obtain and have submitted to the principal certifying authority, a certificate from a practising mechanical ventilation engineer, certifying that the building's air-handling system installation is in compliance with AS/NZS 3666.1:2011 and Clause 6 of the Public Health Regulation 2012.

{Reason: To demonstrate compliance with statutory provisions has been achieved}

- (55) Any proposed air-handling system, hot-water system (>60C), warm-water system (20C - 60C), 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 Regulation 2012.

{Reason: Statutory requirement of Public Health Act}

- (56) Proposed swimming pool used by the guests 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 pool is in use and all results recorded in a log book kept onsite.

{Reason: To preserve and protect human health and comply with Public Health Regulation 2012}

- (57) Prior to any Occupation Certificate being issued by any Principal Certifying Authority, the applicant shall have offset plantings completed to replace the three (3) large River Red Gums (*Eucalyptus camaldulensis*) that will be removed through this proposal. Replacement trees shall be of the same species, *Eucalyptus camaldulensis*, and the plantings shall be carried out at a 5:1 ratio, with a total of 15 trees to be planted.

Such offset plantings shall be planted within the riverine corridor by Council's Community and Recreation Division at full cost to the developer. The replacement trees shall be

advanced specimens sourced and planted by Council in agreement with Council's Manager Recreation and Open Space.

{Reason: Council requirement to mitigate flora and fauna impacts}

- (58) Should the existing town water supply service connection(s) not be suitably located and/or of a suitable size to accommodate the proposed development, then a separate application will be required to be made to Council, with the appropriate fee(s) being paid.

Note: As Council is the local water authority, separate metered connections will be required in respect to the provision of a suitable size domestic water meter and separate fire service meter to the development site.

{Reason: Council policy in respect of commercial developments}

- (59) Commercial 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 location shown on the approved development plan.

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

The 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 service vehicle (8.8m in length) can (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 Church Street and Bligh Street without the need to cross over onto the wrong side of the road at any time.

Such works shall also include reconstruction of the footpath for the full frontage of the development and the reinstatement of the redundant kerb and gutter vehicle crossing back to 'upright' kerb and gutter at full cost to the developer; 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 Senior 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 commercial developments}

- (60) No vehicles larger than a 'Service Vehicle' 8.8m in length, (utilising the Austroads design templates), are permitted to access the proposed development off Bligh Street.

{Reason: The internal manoeuvrability and access to this area will only facilitate service vehicles 8.8m in length or vehicles of lesser dimensions at this location}

(61) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that all stormwater drainage discharge from the proposed development shall be discharge at the corner of Church Street and Bligh Street stormwater pit without impact on adjacent private property including following:

- The incorporation of the minimum height of 100mm above the adjacent top of kerb level must be ensured;
- A drainage pit with a small pump shall be installed at lower ground floor carpark to remove any trapped water or water that may be brought into the carpark by vehicles during rainfall events etc.;
- The discharge from the drainage pump will be directed to the main stormwater drainage discharge from the building ensuring that the disposal of stormwater from the pump system is via the GPT prior to connecting to Council's underground stormwater system.

Note: Stormwater discharge to the gutter is limited to an amount that can be safely conveyed within the gutter, and that overall gutter flows within the street are within Auspec guidelines for gutter flow width and depth.

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.

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}

(62) The construction by and at full cost to the Developer of two (2) pedestrian refuges in Bligh Street, located on the northern and southern sides of the Church and Bligh streets intersection, including line marking and signage generally in accordance with 'Bligh Street and Church Street Road Configuration' Geolyse Project No. 117187, sheet C003, C004 & C005 of C011, set 09B, dated 24.08.2018.

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 drawings STD 5235 and 5251.

Should Council's Senior 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}

- (63) No buildings or structures (including advertising structures) shall be erected or overhang over Council's road reserve or footpath area.

{Reason: Implementation of Council policy}

- (64) Should any of the proposed 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 Infrastructure and Operations 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 Senior 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.

Prior to the issue of the Occupation Certificate for the proposed development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required Section 138 Application was lodged with Council and that any relevant condition(s) have been complied with.

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

- (65) 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}

- (66) 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.

{Reason: To provide safety for the travelling public utilising the public roadways}

- (67) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

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

- (68) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.

{Reason: Implementation of Council's Policy Codes}

- (69) 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}

- (70) The conveyance of effluent from the proposed development to Council's sewer constitutes a trade waste discharge therefore a Trade Waste Application must be completed. The completed application, along with the appropriate application fee, all required details covering drainage, discharge and capacity, pre-treatment devices and installation must be submitted to Council's Water Supply and Sewerage Client Services Coordinator and approved by Council prior to issuing the building's 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}

- (71) No parking is allowed along the Bligh Street road frontage of the proposed development between the proposed driveway (porte-cochere) and the entry/exit and for lower ground and mezzanine floors, vehicular entry and exit shall be left in and left out only.

{Reason: Implementation of Council's policy}

- (72) The 'easement(s) to drain sewage' created under DP 230028 over the subject land shall remain in force with this current Development Application to subdivide land.

{Reason: Implementation of Council policy}

- (73) Evidence shall be provided to Council prior to the issue of the relevant Occupation Certificate that the Royal Australian Air Force has been informed of the proposed development, being a structure that is more than 30 metres above ground level—within 30 km of an aerodrome.

{Reason: Compliance with Civil Aviation Safety Authority circular 'Reporting tall structures and hazardous plume sources' dated March 2018}

- (74) The applicant shall prepare and submit for the approval of Council Officers plans detailing architectural treatment or public art solutions to ameliorate the visual impact of the blank facades on the southern elevation (to Level 6) and eastern elevation (to Level 1). The plans are to be submitted and approved prior to the issue of a Construction Certificate.

{Reason: To ensure the streetscape of the locality is not detrimentally impacted}

NOTES

- (1) The house numbering for the strata lots will be issued at the Subdivision Certificate stage, please contact Council's LIS & E-Services Coordinator, 6801 4000 prior to lodging the application.
- (2) The development shall be carried out in accordance with Essential Energy's correspondence dated 5 January 2018 (copy attached).
- (3) 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 and associated works.
- (4) 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.
- (5) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (6) 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(s) must be submitted to 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 appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.
- (7) The owner of the building is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of the Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being: afss@fire.nsw.gov.au

- (8) The proposed fire service comprising sprinklers, hydrants, hose reels and fire brigade booster assembly, must be connected to a separately dedicated metered water service. Council Policy requires all new fire services to be connected to a separately dedicated metered water service. No domestic water services are permitted to be branched off from the fire service pipeline and vice versa.

Enquiries concerning specific requirements of the policy, and the provision of a new fire service connection to the subject property, should be referred to Council's Water Supply and Sewerage Branch.

- (9) The sanitary, water plumbing and stormwater drainage associated with the proposed building work requires the issue of a separate approval from Council prior to being installed, and includes plumbing work associated with the building's fire services. 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.

This approval does not negate the statutory requirement for the plumbing and drainage licensee to provide to Council as the delegated Plumbing Regulator, the Notice of Work (NoW), Certificate of Compliance (CoC) and Sewerage Service Diagram (SSD) as prescribed under the Plumbing and Drainage Act 2011, for the proposed sanitary drainage/plumbing and domestic water plumbing works. It should be noted that the NoW does not include plumbing work associated with fire services and work of stormwater.

- (10) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

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.

- (11) In the unlikely event that objects are encountered that are suspected to be of Aboriginal origin (including skeletal material), the *Unanticipated Finds Protocol* must be followed.
- (12) Depending on the outcome of the Council's Water and Sewer Branch investigation for water pressure at Church Street and Macquarie Street, the applicant may require to upgrade water main at no cost to Council to comply with the water pressure for the proposed development.

- (13) The Council Section 64/7.11 (formerly 94) Contribution Plans referred to in the conditions of this consent, may be reviewed by the public without charge, at Council's Administration Building, Church Street, Dubbo between the hours of 9:00am and 5:00pm, Monday to Friday. Copies are also available online www.dubbo.nsw.gov.au.
- (14) Fees and contributions in respect of this application will be those applicable at the date of release of the Occupation Certificate or Subdivision Certificate.
- (15) Following compliance with all relevant conditions of this Development Consent the applicant should apply to Council, with lodgement of the Subdivision Certificate Application and payment of the prescribed fee, for release of the Linen Plan(s) of subdivision, which will be duly released.

RIGHT OF REVIEW

Section 8.2 and 8.3 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six (6) months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

RIGHT OF APPEAL

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.